

DIVORCE WITH MINOR CHILDREN

For Petitioner Only

(When Parties **DO NOT AGREE** to all terms of the Divorce)



PINAL COUNTY

NON-COVENANT MARRIAGE

**TO FILE FOR DISSOLUTION (DIVORCE)
OF MARRIAGE WITH CHILDREN**

STEP 1

(Please complete step one before proceeding to the next step)

INSTRUCTIONS AND FORMS

Provided as a Public Service by

REBECCA PADILLA

Clerk of the Superior Court

DIVORCE WITH MINOR CHILDREN

This packet contains general information and instructional forms for filing a divorce petition for a non- covenant marriage and other court papers when there are minor children. Be sure this packet contains the following documents:

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***NO COPIES REQUIRED.** File original only. Do not serve on other party.

You have permission to use these documents for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

REPRESENTING YOURSELF IN FAMILY COURT

This brief guide provides some very basic information to help you understand the proceedings. It does not tell you everything about family law or family court, and it is no substitute for understanding Title 25 of the Arizona Revised Statutes, the Arizona Rules of Family Law Procedure, and the Arizona Rules of Evidence. For more information, you should go to the Pinal County Superior Court website (www.pinalcountyz.gov/Departments/JudicialBranch/) or consult a lawyer.

Proceedings in Family Court

Proceedings in Family Court follow the *Arizona Rules of Family Law Procedure*.

In a divorce or paternity case, you may be referred to an Expedited Differentiated Case Management Conference, Mediation, Family Assessment, or a Settlement Conference (sometimes called an Alternative Dispute Resolution or “ADR”). These proceedings are designed to help the parties reach agreement on all or some of their disputes. They generally are not conducted by your assigned Judge.

You may also have to appear before the Judge for a pretrial hearing. The most common pretrial hearings are (1) a ***Resolution Management Conference***, which helps the Judge manage the case by, among other things, setting deadlines and a trial date; and (2) a ***Temporary Orders Hearing***, at which the Judge may issue temporary orders to govern the case until the trial.

If you do not reach a settlement of all issues, there will be a ***trial***. This is the single hearing where the Judge will hear your evidence and make final decisions on disputed issues.

Disclosure and Discovery

To help parties prepare for the trial, the Arizona Rules of Family Law Procedure have ***disclosure*** and ***discovery*** requirements.

Disclosure requirements are in Rule 49. Each party must voluntarily provide certain information to the other party. You have an obligation to disclose such information to the other party, and you have a right to insist that the other party disclose such information to you. Failure to disclose as required may result in sanctions, including being barred from offering evidence that was not timely disclosed.

If you need information that is not voluntarily disclosed, you may engage in ***discovery***, such as requesting documents from a party or subpoenaing documents from non-parties. Rules 51 through 65 of the Arizona Rules of Family Court discuss the requirements for discovery.

What is a Trial?

A trial is the time for you and for the other party to present ***evidence*** on disputed issues.

General Issues If Children Are Involved in Your Case:

- Legal decision-making (authority over major matters concerning the children).

- Parenting time (what time each parent will spend with the children).
- Child support.

Additional Issues If Your Case Involves a Divorce:

- Spousal maintenance.
- Division of community property and allocation of debts.

The Judge will decide these issues based on the evidence presented during the trial. ***Only evidence you bring to the trial will be considered.***

After the trial, the Judge may issue a ruling in open court or may take the case “under advisement,” which means that the Judge will issue a written ruling at a later time.

The judge’s ruling may be a signed ***decree*** or ***judgment***, which officially concludes the case. If the judge chooses, the judge may decide disputed issues and then require one or both of the parties to submit a decree for the judge’s signature.

Preparing for The Trial

When preparing for the trial, it is critical that you read the judge’s minute entries carefully. The minute entries typically contain the Judge’s requirements for the trial. These requirements may include:

(1) Submitting a ***pretrial statement*** that describes the issues in the case and lists your witnesses and exhibits; and (2) Giving copies of your ***exhibits*** to the Clerk and to the other party before the trial.

Many Judges impose ***time limits*** at the trial. It is your responsibility to make sure you present all your evidence in the time allotted.

What Happens During the Trial?

The main thing that happens during the trial is the presentation of ***evidence***. The Judge will make decision based on the evidence presented during the trial. Evidence is generally of two kinds: (1) Witness testimony and (2) Documents.

When you call a ***witness*** to testify, you must ask the witness questions. A witness may only answer questions that are asked. When the party who called a witness is done with questioning, the other party may “cross-examine” the witness by asking additional questions.

A party may testify as a witness on his or her own behalf. However, while a witness is on the stand, the parties may only ask questions. Arguing with a witness or commenting on the answers is not allowed.

Documents may be evidence at the trial, but you must follow the proper procedure. Before the trial (usually 5 days before), you must give documents that you want to use to the Clerk of the Court to

be “marked” with an exhibit number. However, marking an exhibit does not mean it is evidence. Rather, during the trial, you must “offer” the exhibit by asking the judge to admit it into evidence. The judge then decides whether to admit the evidence. The judge will consider only evidence that is ***admitted***.

Proper Court Behavior

Although family cases are often emotional, it is important that everyone act in an orderly and respectful way in court. Here are some “Do’s and Don’ts:”

- Do dress appropriately. Don’t wear hats, sunglasses, tank tops, shorts, or flip-flops.
- Do wait your turn to speak. Don’t interrupt while someone else is talking.
- Do treat others with respect. Don’t curse, make faces, or engage in confrontational behavior.
- Do be honest and candid with the judge.
- Do make sure that friends and family who accompany you sit quietly. They are not allowed to speak unless called as a witness, and then only when they are testifying.

For Additional Information

This guide presents very basic information. For additional information, read the applicable statutes and rules, visit the Pinal County Superior Court website (www.pinalcountyz.gov/Departments/Judicial Branch) and if necessary, consult a lawyer.

PROCEDURES

How to File Papers with the Court for Dissolution of a Non-Covenant Marriage (Divorce) – With Minor Children

STEP 1: COMPLETE FORMS – *TYPE OR PRINT IN BLACK INK*

PLEASE DO NOT LEAVE ANY QUESTIONS BLACK

- Please answer all questions.
- If a question does not apply to your case mark “N/A” next to the question. By marking “N/A” next to the question this informs the Judge or court that a question was “not applicable” and did not apply to your case or situation.
- If there is a question that is not known to you, please indicate “unknown to me”.

STEP 2: SIGN, DATE AND NOTARIZE DOCUMENTS

- Documents must be signed and dated in front of ANY Notary Public.
- Please look over your documents to ensure all questions have been answered prior to having your documents notarized.
- Please make sure you have a US issued photo ID or driver’s license with you when having your documents notarized.

STEP 3: MAKE COPIES OF DOCUMENTS

- **AFTER** your documents have been signed, dated and notarized make two (2) copies of the following documents:
 - ✓ Summons
 - ✓ Notice Regarding Creditors
 - ✓ Notice of Right to Convert Health Insurance
 - ✓ Parents Worksheet for Child Support Amount
 - ✓ Parenting Plan
 - ✓ Order to Attend Parent Education Class
 - ✓ Affidavit Regarding Minor Children
 - ✓ Preliminary Injunction
 - ✓ Petition for Dissolution of Non-Covenant Marriage with Minor Children

- Separate your documents into three (3) sets in the following order:

Set 1: ORIGINAL DOCUMENTS

1. Summons
2. Notice Regarding Creditors
3. Notice of Right to Convert Health Insurance
4. Parents Worksheet for Child Support Amount
5. Parenting Plan

6. Order to Attend Parent Education Class
7. Affidavit Regarding Minor Children
8. Preliminary Injunction
9. Sensitive Data Sheet
10. Family Court Cover Sheet
11. Petition for Dissolution of Non-Covenant Marriage with Minor Children

Set 2: COPIES FOR YOU THE PETITIONER

1. Summons
2. Notice Regarding Creditors
3. Notice of Right to Convert Health Insurance
4. Parents Worksheet for Child Support Amount
5. Parenting Plan
6. Order to Attend Parent Education Class
7. Affidavit Regarding Minor Children
8. Preliminary Injunction
9. Petition for Dissolution of Non-Covenant Marriage with Minor Children

Set 3: COPIES FOR YOUR SPOUSE THE RESPONDENT

1. Summons
2. Notice Regarding Creditors
3. Notice of Right to Convert Health Insurance
4. Parents Worksheet for Child Support
5. Parenting Plan
6. Order to Attend Parent Education Class
7. Affidavit Regarding Minor Children
8. Preliminary Injunction
9. Petition for Dissolution of Non-Covenant Marriage with Minor Children

STEP 4: FILING FEES

There is a filing fee to file the Petition for Dissolution of Non-Covenant Marriage with Minor Children and there may be other charges associated with this case. Please check online in our current Filing Fees section to determine your fee.

DEFERRAL OR WAIVER OF FILING FEES: If you cannot pay these fees, you may qualify for a deferral or waiver of fees. If you are seeking a deferral or waiver of fees, please have the Application for Deferral or Waiver of Fees completed and submitted with your forms.

ONE of the following is required to be attached to the completed and notarized Application for Deferral or Waiver of Fees:

- A copy of your last two (2) paycheck stubs.
- A notarized statement of non-employment. Any persons you are living with at this time who is assisting you financially may sign a notarized document stating they are supporting you at this time.

- If you receive Food Stamps, SSI, Unemployment or any governmental assistance we will need a copy or your letter of assignment/award or verification of the amount of assistance you receive each month.

NOTE: At the time of filing your documents through a deferral, the Clerk can only defer your filing fees to a later date; **THEY ARE NOT WAIVED.** Only the Judge can waive your filing fees.

STEP 5: FILE THE PAPERS WITH THE CLERK OF SUPERIOR COURT

FILING LOCATIONS / FILING IN PERSON / FILING BY MAIL

You may file your documents at any of the Clerk of the Superior Court Locations:

Florence (Main Office) 971 Jason Lopez Circle Bldg. A, Florence, AZ 85132
Open Mon-Fri 8:00 to 5:00

Casa Grande 820 E. Cottonwood Ln Bldg. B, Casa Grande, AZ 85122
Open Mon-Fri 8:00 to 5:00 CLOSING 12:00 to 1:00 for lunch
(Documents requiring a filing fee are not accepted after 4:30)

Apache Junction 575 N. Idaho Rd. Ste. 109, Apache Junction, AZ 85119
Open Mon-Fri 8:00 to 5:00 CLOSING 12:00 to 1:00 for lunch
(Documents requiring a filing fee are not accepted after 4:30)

FILING IN PERSON

To submit the Petition for Dissolution of Non-Covenant Marriage with Minor Children you should arrive at least (2) hours before the court closes.

The following must be handed to the Clerk at the Filing Counter:

- ✓ Original plus (2) copies of:
 - Summons
 - Notice Regarding Creditors
 - Notice of Right to Convert Health Insurance
 - Parents Worksheet for Child Support Amount
 - Parenting Plan
 - Order to Attend Parent Education Class
 - Affidavit Regarding Minor Children
 - Preliminary Injunction
 - Sensitive Date Sheet (*original only*)

- Family Court Cover Sheet (*original only*)
 - Petition for Dissolution of Non-Covenant Marriage with Minor Children
- ✓ Required Filing Fee (or) a completed Application for Deferral or Waiver of Filing Fees with **ONE** of the following attached to the application:
- A copy of your last two (2) paycheck stubs.
 - A notarized statement of non-employment. Any persons you are living with at this time who is assisting you financially may sign a notarized document stating they are supporting you at this time.
 - If you receive Food Stamps, SSI, Unemployment or any governmental assistance we will need a copy or your letter of assignment/award or verification of the amount of assistance you receive each month.

FILING BY MAIL

If you are filing by mail your documents must be mailed to:

**Clerk of the Superior Court
P.O. Box 2730
Florence, AZ 85132**

To file the Petition for Dissolution of Non-Covenant Marriage with Minor Children by mail, please mail the following documents:

- ✓ Original plus two (2) copies of:
- Summons
 - Notice Regarding Creditors
 - Notice of Right to Convert Health Insurance
 - Parents Worksheet for Child Support Amount
 - Parenting Plan
 - Order to Attend Parent Education Class
 - Affidavit Regarding Minor Children
 - Preliminary Injunction
 - Sensitive Date Sheet (*original only*)
 - Family Court Cover Sheet (*original only*)
 - Petition for Dissolution of Non-Covenant Marriage with Minor Children
- ✓ Required Filing Fee (or) a completed Application for Deferral or Waiver of Filing Fees with **ONE** of the following attached to the application:
- A copy of your last two (2) paycheck stubs.
 - A notarized statement of non-employment. Any persons you are living with at this time who is assisting you financially may sign a notarized document stating they are supporting you at this time.

- If you receive Food Stamps, SSI, Unemployment or any governmental assistance we will need a copy or your letter of assignment/award or verification of the amount of assistance you receive each month.
- ✓ One appropriate sized self-addressed ***stamped*** envelope for the return of your conformed/stamped copies.

STEP 6: SERVING YOUR SPOUSE (THE RESPONDENT)

- Service means giving legal notice to the other party (the Respondent) that you have filed court papers.
- You must provide proof of service to the Court.
- There are different ways to serve the other party (the Respondent) you may read through the different methods of service listed below to help determine which method of service is right for your case:

ACCEPTANCE OF SERVICE: the other party must be willing to sign the “Acceptance of Service” form in front of a Notary Public and return it to you. The other party cannot sign the “Acceptance of Service” until after you have filed the court papers with the court. The other party’s signature on the “Acceptance of Service” does not mean that he/she agrees with the court papers. It means that the other party admits receiving the papers, without being served in person by the sheriff or a process server.

SERVICE BY CERTIFIED MAIL: This method of service allows you to give notice by a special type of mail. You can send the court papers by giving the post office copies of the court papers in an envelope, postage prepaid, to be sent to the other party by any form of mail requiring a signed and returned receipt. This is often called *Certified Mail, Restricted Delivery* by the post office. This means that the other party must sign for the papers. The Post Office will then return to you a Green Return Receipt containing the other party’s signature. The Green Return Receipt will then need to be attached to the completed *Affidavit of Service by Certified Mail*. The *Affidavit of Service by Certified Mail* form must be completed/filled out in full and signed in front of a Notary Public. You will then submit to the Court the original *Affidavit of Service by Certified Mail*

SERVICE BY REGISTERED PROCESS SERVER: This method required you to hire, and pay, a registered qualified process server to serve the other party with court papers. A process server is a person who will give the papers to the other party at home, work, or other location. The registered process server will give the court a sworn *Affidavit of Service* and/or *Certificate of Service* stating that the person was served. This method of service costs more than service by acceptance and requires the process server to find the other party. Service is complete at the time the process server hands the other party the court papers. If you decide to use this method, and the other party resides outside of Arizona, you would need to find a registered process server in the state where the other party lives.

SERVICE BY SHERIFF: This method requires you to contact the Sheriff’s Office in the county where the other party lives to arrange for a Sheriff’s Deputy to give the other party the court papers. This method requires you to pay a fee to the Sheriff’s Office. The Sheriff’s Office will give the Court a Sworn Affidavit of Service stating that the person was served.

WHEN YOU CANNOT FIND THE OTHER PARTY: Service by Publication may only be used if you do not know where the other party lives or cannot find the other party. Please consider the following information prior to serving by publication:

- You may only Service by Publication if you do not know where the other party lives or cannot find the other party.
- Before the Court will accept “Service by Publication,” you must have made every reasonable effort to find the Respondent and to give actual notice of this case by personal service of the required documents. You will be required to state, under penalty or perjury, the steps you have taken to try to locate the Respondent and if the Court is not satisfied that you have taken all reasonable steps, your case may be delayed until the Court is satisfied all such steps have been taken.
- Before you begin Service by Publication, you must first complete and file the ***“Declaration of Due Diligence and Request for Alternate Means of Service (Publication)”***.
- Service by Publication may only be completed if the Judge has approved the Request for Alternate Means of Service.
- If you are serving by publication, you must read the Service of Court Papers packet for the entire procedure to ensure you have completed service by publication properly.

For more detailed information and forms on service, please refer to our **SERVICE OF COURT PAPERS** packet on our website.

STEP 7: WAITING PERIOD

Once you have served the court documents on the other party (the Respondent) and filed the appropriate proof of service with the Clerk's office, you now have to give the other party time to review the documents before moving on to the next step.

TIMEFRAME FOR WAITING

- Service by Acceptance - 21 Days if located in Arizona, 31 Days if located out of State
- Service by Certified Mail - 21 Days if located in Arizona, 31 Days if located out of State
- Service by Registered Process Server - 21 Days if located in Arizona, 31 Days if located out of State
- Service by Sheriff - 21 Days if located in Arizona, 31 Days if located out of State
- Service by Publication - 61 Days from first day of publication if located in or out of Arizona

STEP 8: FINALIZING YOUR CASE

There are different ways a case may finalize in the Court. Here are four different scenarios to help determine your next step:

- **SCENARIO 1:** If you (the Petitioner) and your spouse (the Respondent) both agree to all terms of the divorce, you may submit a Consent Decree. The Consent Decree is the final document both parties will sign in front of a Notary Public agreeing to all terms of the divorce.

A Consent Decree may be submitted if sixty-one (61) days from the date of service has passed. A Consent Decree with children will require additional documents to be attached to the Consent Decree. Additional orders are also required if spousal support or child support is being ordered.

When submitting a Consent Decree, you are required to submit the original plus two copies of all documents and orders along with two (2) self-addressed stamped envelopes. Please refer to our Consent Decree with Children packet on our website for more detailed information and instructions.

- **SCENARIO 2:** If the Other Party (the Respondent) has been served and proof of service is filed with the Court and the Other Party (the Respondent) has not filed a response with the court within the allotted time frame (waiting period), you may apply for Default. Please go to our website to view and/or print the default packet. At the time you submit your Application and Affidavit for Default to the Court, the Clerk will provide to you a Decree Assistance Project Screening Checklist. The checklist will instruct you to contact the Family Services of the Conciliation Court. You will contact the Conciliation Court ten (10) Court business days after the mailing of the Application and Affidavit for Default to the Responding party.
- **SCENARIO 3:** If the Other Party (the Respondent) files a response with the court, your case will be scheduled for an Early Resolution Conference (Hearing). You will be contacted by the Conciliation Court with your hearing date. If you do not hear from the Conciliation Court within a few weeks of a response being filed, please contact them at: 520.866.7349. If you miss your hearing date you will be charged \$166 for not showing.
- **SCENARIO 4:** If both you (the Petitioner) and the Other Party (the Respondent) do not take any type of action within 120 days of filing the Petition; your case could be dismissed due to inactivity.

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

SUPERIOR COURT OF ARIZONA
PINAL COUNTY

Name of Petitioner

CASE NUMBER: S1100DO2

SUMMONS

Name of Respondent

HONORABLE: _____

WARNING: This is an official document from the court that affects your rights. Read this carefully. If you do not understand it, contact a lawyer for help.

FROM THE STATE OF ARIZONA TO _____
Name of Respondent

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers are served on you with this ***“Summons.”***
2. If you do **not** want a judgment or order taken against you without your input, you must file an ***“Answer”*** or a ***“Response”*** in writing with the court, and pay the filing fee. If you do **not** file an ***“Answer”*** or ***“Response”*** the other party may be given the relief requested in his/her Petition or Complaint. To file your ***“Answer”*** or ***“Response”*** take, or send, the ***“Answer”*** or ***“Response”*** to the Office of the Clerk of the Superior Court, 971 Jason Lopez Circle Bldg A , Florence, Arizona 85132 or PO Box 2730, Florence, Arizona 85132-2730; or any satellite office. Mail a copy of your ***“Response”*** or ***“Answer”*** to the other party at the address listed on the top of this Summons.
3. If this ***“Summons”*** and the other court papers were served on you by a registered process server or the Sheriff, **within** the State of Arizona, your ***“Response”*** or ***“Answer”*** must be

filed within TWENTY **(20)** CALENDAR DAYS from the date you were served, **not counting the day you were served**. If this ***“Summons”*** and the other papers were served on you by a registered process server or the Sheriff **outside** the State of Arizona, your Response must be filed within THIRTY **(30)** CALENDAR DAYS from the date you were served, **not counting the day you were served**. Service by a registered process server or the Sheriff is complete when made. Service by Publication is complete thirty **(30)** days after the date of the first publication.

4. You can get a copy of the court papers filed in this case from the Petitioner at the address at the top of this paper, or from the Clerk of the Superior Court at the address listed in Paragraph 2 above.
5. If this is an action for dissolution (divorce), legal separation or annulment, either or both spouses may file a Petition for Conciliation for the purpose of determining whether there is any mutual interest in preserving the marriage or for Mediation to attempt to settle disputes concerning Legal Decision-Making and parenting time issues regarding minor children.
6. Requests for reasonable accommodation for persons with disabilities must be made to the office of the judge or commissioner assigned to the case, at least five **(5)** days before your scheduled court date.

GIVEN UNDER MY HAND AND SEAL OF THE COURT

Date

Rebecca Padilla
Clerk of the Superior Court

By _____
Deputy Clerk

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: S1100DO2

NOTICE REGARDING CREDITORS

Name of Respondent

HONORABLE: _____

ARIZONA LAW REQUIRES all actions for **DIVORCE** or **LEGAL SEPARATION** to include this **NOTICE** and for the person filing for Divorce or Legal Separation to **SERVE** this **NOTICE** on the other party. (ARS 25-318(F)).

YOU AND YOUR SPOUSE ARE RESPONSIBLE FOR COMMUNITY DEBTS. The court usually requires/orders one spouse or the other to pay certain community debts in, or through, the Decree of Dissolution or Legal Separation. A court order that does this is binding on the spouses **only, not the creditors**. You and your spouse are legally responsible for these community debts whether you are married, divorced, or legally separated. These debts are matters of contract between **both of you** and your creditors (such as banks, credit unions, credit card companies, utility companies, medical providers and retailers). On request, the court may impose a lien against the separate property of a spouse to secure payment of certain community debts.

CONTACT CREDITORS: You may want to contact your creditors to discuss the debts and the effects of your divorce/legal separation 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. The credit report will help you identify accounts, account numbers and account balances. In addition, within thirty **(30)** days after receipt of a request from a spouse who is party to a divorce or legal separation, which includes the court and

cause number of the action, creditors are required, by law, to provide information as to the balance and account status of any debts for which you or your spouse may be liable to the creditor.

WARNING: If you do not understand this notice, you should contact an attorney for advice about your legal rights and obligations.

The following page contains a sample form you *may* choose to mail to creditors to get information about debts owed by you or your spouse. It is not a required form.

REQUEST FOR ACCOUNT INFORMATION FROM CREDITORS

You may use this form to request information about debt owed by you or your spouse.
If so, send to the creditor. **DO NOT FILE THIS PAGE WITH THE COURT.**

DATE: _____

CREDITOR'S NAME: _____

CREDITOR'S ADDRESS: _____

Regarding:

Superior Court of Arizona in Pinal County

Case Name: _____

Case Number: S1100DO2

Pursuant to Arizona State Law (ARS 25-318), this letter requests the balance and account status of any debt for which the following individuals may be liable to you. (Arizona law requires that you provide this information within thirty (30) days of receipt of this letter.)

INFORMATION ABOUT DEBTORS/SPOUSES:

Your Name: _____

Your Address: _____

Your Phone Number: _____

Your Spouse's Name: _____

Your Spouse's Address: _____

INFORMATION ABOUT THE ACCOUNT:

Account Number(s): _____

If you have any questions or if I can be of further assistance, please feel free to contact me.

Sincerely,

Your Name: _____

Your Signature: _____

SUPERIOR COURT OF ARIZONA
PINAL COUNTY

Name of Petitioner

CASE NUMBER: S1100DO2

**NOTICE OF YOUR RIGHTS ABOUT
HEALTH INSURANCE COVERAGE
WHEN A PETITION FOR
DISSOLUTION (DIVORCE) IS FILED
(A.R.S. 20-1377 AND 20-1408)**

Name of Respondent

HONORABLE: _____

WARNING: THIS IS AN IMPORTANT LEGAL NOTICE. YOUR RIGHTS TO HEALTH INSURANCE COVERAGE COULD BE AFFECTED AFTER YOUR DIVORCE IS FINAL. READ THIS NOTICE CAREFULLY. IF YOU DO NOT UNDERSTAND THIS NOTICE, YOU SHOULD CALL AN ATTORNEY FOR ADVICE ABOUT YOUR LEGAL RIGHTS AND OBLIGATIONS.

IMPORTANT INFORMATION IF YOU ARE ON YOUR SPOUSE'S INSURANCE PLAN: When a Petition for Dissolution of Marriage (papers for a divorce decree) is filed, you and/or your children may continue to be covered under your spouse's health insurance policy. Arizona law allows the dependent spouse and/or children to continue to be covered, but you must take some steps to protect your rights.

WHAT INSURANCE COVERAGE APPLIES TO YOU, AND HOW TO GET IT: If you are covered by your spouse's health insurance, and you want to continue to be covered after the divorce is final, you **must** contact the insurance company as soon as possible, and you **must** start to pay the monthly insurance premium within 31 days of the date the insurance would otherwise stop.

If you decide you want to be covered, the insurer can choose whether to continue coverage under the current policy, or to change the policy to your name. If the policy is changed to your name, it is called a "converted"; policy. If the policy is converted by the insurer, the insurer must provide you the same or the most similar level of coverage available, unless you ask for a lower level of coverage.

WHAT COVERAGE APPLIES TO YOUR CHILDREN: If you choose to continue coverage as a dependent spouse, you can also choose to continue coverage for your dependent children if you are responsible for their care or support.

PREEXISTING CONDITIONS OR EXCLUSIONS FROM INSURANCE COVERAGE: Whether the insurance is continued or converted, the insurance must be provided to you without proof of insurability and without exclusions for coverage other than what was previously excluded before the insurance was continued or converted.

LIMITS ON RIGHTS TO INSURANCE COVERAGE FOR YOU AND YOUR CHILDREN: You may **not** be entitled to continued or converted coverage if you are eligible for Medicare or for coverage by other similar types of insurance which together with the continued coverage would make you over-insured. However, dependent children of a person who is eligible for Medicare may be covered by a continuance or a conversion. If you have questions about coverage, check with the insurer and/or the spouse's employer.

WARNING TO THE SPOUSE FILING THE PETITION FOR DISSOLUTION (DIVORCE): This Notice must be served on your spouse together with the Petition for Dissolution, the Summons, and the Preliminary Injunction.

ARIZONA SUPERIOR COURT, PINAL COUNTY

ORDER TO PARENT EDUCATION CLASS

THIS IS AN OFFICIAL ORDER. IF YOU DISOBEY THIS ORDER, THE COURT MAY FIND YOU IN CONTEMPT.

CASE NUMBER DO2

Pursuant to A.R.S. 25-352, **IT IS ORDERED** you must attend and complete a parent education course within the following time limits:

1. **Petitioner:** You must complete the course within 45 days from the filing of the petition.
2. **Respondent:** You must complete the course within 45 days of being served with or accepting service of the petition. The Respondent must complete the course whether or not a response to the action is filed.
3. **Paternity Proceeding:** If paternity has been established, you must complete the class as described above. If paternity has not been established, you are welcome to complete the class at your earliest convenience. However, you are not required to complete the class until paternity has been established by the court.
4. **Compliance:** A.R.S. 25-353. Failure to comply - if a party fails to complete the educational program as ordered pursuant to section 25-352, the court may deny relief in favor of that party, hold that party in contempt of court or impose any other sanction reasonable under the circumstances. The court will be notified if you fail to complete the class. ***Exceptions: If you have completed the class within less than 1 year or the court excuses a party's participation.***
5. **Class Fee:** Each party shall pay the \$40.00 fee to, or obtain a valid fee deferral from, the Clerk of the Superior Court (see attached *Notice* for fee payment instructions).
6. **Disability:** If, due to a disability, you need special accommodations for your attendance such as auxiliary aids, or materials in alternative formats, please contact Family Services of the Conciliation Court as soon as you receive this notice.
7. **Information:** Additional information about Parent Education is available at [Parent Education Class Q & A | Pinal County Superior Court, AZ \(pinalcourtsaz.gov\)](http://pinalcourtsaz.gov/parent-education-class-q-a)
8. **Registration:** You may register for the course online at [Parent Education Class | Pinal County Superior Court, AZ \(pinalcourtsaz.gov\)](http://pinalcourtsaz.gov/parent-education-class) or by phone at 520-866-5760.

Patrick K. Gard

Honorable Patrick K. Gard
Presiding Judge, Family Court

Date

PARENT EDUCATION CLASS NOTICE

You have been ordered to attend a Parent Education Class. The Parent Education Class is taught by counselors from Family Services of Conciliation Court. You are required to complete the entire class to receive a copy of the *Notice of Completion and Certificate* that will be filed with the court. If you fail to comply, the Court may deny relief, hold you in contempt of court, or impose any other sanction reasonable under the circumstances. (A.R.S. 25-352)

The court will be notified if you fail to attend the class.

THIS IS A 3 STEP PROCESS:

1. **PAY** FOR THE CLASS WITH CLERK OF SUPERIOR COURT
2. **REGISTER** FOR THE CLASS WITH FAMILY SERVICES OF CONCILIATION COURT
3. **ATTEND** the 4 HOUR CLASS IN FLORENCE WITH PROOF OF PAYMENT

1. Use one of the following methods to pay for the Class: The cost is \$40.00 per person.

- **ONLINE:** <https://client.pointandpay.net/web/PinalCountySuperiorCourtAZ>
- **PHONE:** Call 800.487.4567.
- **MAIL:** Mail personal checks, cashier's check, or money order for \$40.00 payable to Clerk of the Superior Court at the following address:

Clerk of the Superior Court
P.O. Box 2730
Florence, AZ 85132-2730

Write your court case number and "*Parent Education Class*" on the cashier's check, money order or personal check. IMPORTANT: You MUST enclose a self-addressed stamped envelope, so the clerk's office will mail your receipt to you.

- **IN PERSON:** Pay by personal check, cashier's check, money order, cash or credit card at any of the Clerk of the Superior Court Offices listed below:

Florence - 971 Jason Lopez Cir., Building A,

Apache Junction - 575 N. Idaho, Ste. 109 (Closed 12:00 to 1:00 pm)

Casa Grande - 820 E. Cottonwood Ln., # B (Closed 12:00 to 1:00 pm)

[Office Information | Pinal County COSC, AZ \(coscpinalcountyaz.gov\)](http://coscpinalcountyaz.gov)

For information about obtaining a *fee deferral*, contact any clerk's office.

Contact Information for all Offices

Toll Free: 888.431.1311

• Fax: 520.866.5320

• Local 520.509.3555

2. **Register for the Class with Family Services of Conciliation Court:** Sign up online at <https://www.pinalcourtsaz.gov/250/Parent-Education-Class>, or by phone at 520-866-5760.

3. **Attend the Class:** Bring photo I.D. and proof of payment or fee deferral to the class. Please arrive 15 minutes early.

Justice Complex (Highway 79)
Pinal County Superior Courthouse
971 Jason Lopez Cir, Bldg. A, Florence, AZ 85132

No children are allowed in class

If you reside outside of Pinal County, you are still required to complete a parent education class (A.R.S. 25-352).

***CHILD SUPPORT CALCULATOR for
Parent's Worksheet to determine Child Support Amount***



The Court Self Help website offers a Free Child Support Calculator and Fillable Forms.

Simple • Quick • Accurate

If you have a personal computer with Internet access,
you can access the Child Support Calculator at:

<http://www.azcourts.gov/familylaw>

You may also visit the Law Library at the
Pinal County Superior Court House for access and further assistance.

Calculate Support for Parent's Worksheet

Your computer must be connected to a printer. Begin by selecting which Child Support Calculator applies to you, 2005 or 2011, and then press the Tab button on your keyboard to move through the form, or click on each field with your mouse.

Enter the appropriate information in each blank field. Not every blank field needs to be completed in every case. If you are not sure whether you should complete a blank field, click on the question mark (?) next to the blank field. You will receive additional information in accordance with the Arizona Child Support Guidelines.

When you have completed the Entry Form, click the "Print Worksheet" button to receive an estimate of the amount of child support the non- custodial parent may have to pay to the custodial parent for the support of their child(ren).

After clicking on "Print Worksheet" the form will automatically be filled in with the information from the Entry Form. Print the form and bring it with you at the time of filing your initial paperwork.

The Court Self Help website also offers the following fillable forms required to set up Child Support, select the "Forms" tab to make your selection:

- Child Support Order
- Post Paternity Establishment of Child Support Order
- Paternity Judgment Child Support Order

To have the Child Support amount automatically deducted from payroll, either of the below forms must be submitted:

- Income Withholding Order – May be completed by either party
- Current Employer Information – To be completed by the non-custodial parent/obligor/payer only

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable): _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

_____ Name of Petitioner	CASE NUMBER: <u>S1100DO2</u> PARENTING PLAN FOR: <input type="checkbox"/> JOINT LEGAL DECISION-MAKING OR <input type="checkbox"/> SOLE LEGAL DECISION-MAKING <input type="checkbox"/> TO PETITIONER <input type="checkbox"/> TO RESPONDENT
_____ Name of Respondent	HONORABLE: _____

GENERAL INFORMATION

A. MINOR CHILDREN This Plan concerns the following children common to the parents:

Name	Birth Date
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

B. LEGAL DECISION-MAKING: *Select One.* If you select sole legal decision-making, you have the option of also selecting restrictions on the parenting time of the other parent.

☐ **SOLE LEGAL DECISION-MAKING**

Sole legal decision-making should be granted to

☐ **Petitioner** or

☐ **Respondent**

☐ **JOINT LEGAL DECISION-MAKING**

☐ Both parents will make major **educational** decisions together.

☐ Optional: If the parents do not agree, ***select one***

☐ the final decision will be with Petitioner

☐ the final decision will be with Respondent

☐ the decision will be addressed as follows:

☐ Both parents will make major **religious** decisions together.

☐ Optional: If the parents do not agree, ***select one***

☐ the final decision will be with Petitioner

☐ the final decision will be with Respondent

☐ the decision will be addressed as follows:

☐ Both parents will make major **medical** decisions together.

☐ Optional: If the parents do not agree, ***select one***

☐ the final decision will be with Petitioner

☐ the final decision will be with Respondent

☐ the decision will be addressed as follows:

☐ Both parents will make major **personal care** decisions together.

☐ Optional: If the parents do not agree, ***select one***

☐ the final decision will be with Petitioner

☐ the final decision will be with Respondent

☐ the decision will be addressed as follows:

C. PARENTING TIME Write your detailed parenting plan below. Include specific times, locations, and details regarding transportation. You will have the opportunity to request supervised parenting time or no parenting time, later in this document.

1. Regular Parenting Time:

2. Summer Months:

3. School Breaks Longer Than 4 Days:

4. Three Day Weekends:(for example, Labor Day, Columbus Day, Martin Luther King, Jr. Day, Presidents' Day and Memorial Day)

☐ The parents agree that whichever of them has the child(ren) for the weekend occurring nearer in time to the holiday will spend time with the child(ren) for the holiday, OR

☐ **Explain your request:**

5. Transportation: Write your procedure for exchanges of the child(ren) including location and responsibility for transportation.

6. Holiday, Birthday and Special Occasion Schedule Use the table below or the blank space to write your schedule.

Event	Even Years		Odd Years	
New Year's Eve	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
New Year's Day	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Easter	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
4 th of July	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Halloween	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Veteran's Day	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Thanksgiving	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Christmas Eve	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Christmas Day	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Child(ren)'s Birthday	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Mother's Day	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Father's Day	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Petitioner's Birthday	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Respondent's Birthday	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent

7. Telephone Contact with Children

☐ Each parent may have telephone contact with the child(ren) during the child(ren)'s normal waking hours, OR

☐ Explain your request:

8. Travel with Child(ren) *(all of the following are optional)*

☐ Each parent is entitled to _____ consecutive days of vacation time per year with the child(ren). Each parent will give the other parent ____ days notice prior to the vacation.

☐ Should either parent travel out of the area with the minor child(ren), each parent will keep the other parent informed of travel plans, address(es), and telephone numbers at which that parent and the minor child(ren) can be reached.

☐ Neither parent shall travel with the minor child(ren) outside of Arizona for longer than _____ days without the prior written consent of the other parent or order of the court.

☐ **SUPERVISED PARENTING TIME**

Supervised parenting time is in the best interest of the minor child(ren) because:

Name of the agency or person who will supervise:

☐ **NO PARENTING TIME BETWEEN CHILD(REN) AND**

☐ **PETITIONER**

OR

☐ **RESPONDENT**

No parenting time is in the best interest of the minor child(ren) because:

D. Medical and Dental Arrangements

☐ Both parents have the right to authorize emergency medical treatment, if needed, and the right to consult with physicians and other medical practitioners. Both parents agree to advise the other parent with physicians and other medical practitioners. Both parents agree to advise the other parent immediately of any emergency medical/dental care sought for the minor children, to cooperate on health matters concerning the children and to keep one another reasonably informed. Both parents agree to keep each other informed as to names, addresses and telephone numbers of all medical/dental care providers.

E. Other Arrangements

☐ Each parent will inform the other parent of any change of address and/or phone number in advance OR within _____ days of the change.

☐ Both parents will promptly inform the other parent of any emergency or other important event that involves the minor children.

☐ Both parents will consult and agree with the other parent regarding any extra activity that affects the minor children's access to the other parent.

☐ Each parent will consider the other parent as care-provider for the minor children before making other arrangements.

☐ Each parent will keep all communication regarding the minor child(ren) between the parents and will not use the minor child(ren) to convey information or to set up parenting time changes.

☐ Each parent will encourage love and respect between the minor child(ren) and the other parent and neither parent shall do anything that may hurt the other parent's relationship with the minor children.

☐ Both parents will exert their best efforts to work cooperatively in future plans consistent with the best interests of the minor children and to amicably resolve such disputes as may arise.

☐ If either parent is unable to follow through with the time-sharing arrangements involving the minor child(ren), that parent will notify the other parent as soon as possible.

☐ Both parents agree that if either parent moves out of the area and returns later, they will use the most recent "Parenting Plan/Access Agreement" in place before the move.

☐ If the parents are unable to reach a mutual agreement regarding a legal change to their parenting orders, they will request mediation through the court or a private mediator of their choice.

Obtain Written Consent or Court Order Before Moving: Notice required by ARS 25-408 shall be made by certified mail, return receipt requested, or pursuant to the Arizona rules of family law procedure. The court shall sanction a parent who, without good cause, does not comply with the notification requirements of this law. The court may impose a sanction that will affect the legal decision-making or parenting time only in accordance with the child's best interests.

Parental Access to Records and Information Pursuant to Arizona law, 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 minor child(ren)'s education and physical, mental, moral and emotional health including medical, school, police, court and other records. A person who does not comply with a reasonable request for these records shall reimburse the requesting parent for court costs and attorney fees incurred by that parent to make the other parent obey this request. A parent who attempts to restrict the release of documents or information by the custodian of the records without prior court order is subject to legal sanctions.

Notice: Do not deviate from Parenting Plan until dispute is resolved. Both parents are advised that while a dispute is being resolved, neither parent shall deviate from this Parenting Plan or act in a way that is inconsistent with the terms of this agreement.

Once this plan has been made an order of the Court, if either parent disobeys the court order related to parenting time with the children, the other parent may submit court papers to request enforcement.

SIGNATURE OF ONE OR BOTH PARENTS

Signature of Petitioner: _____ Date: _____

Signature of Respondent: _____ Date: _____

IF YOU ARE REQUESTING SOLE LEGAL DECISION MAKING, THE FORM IS COMPLETE. DO NOT SIGN SECTION F OR G.

F. STATEMENT REGARDING CONTACT WITH SEX OFFENDERS AND PERSONS CONVICTED OF DANGEROUS CRIMES AGAINST CHILDREN.

According to A.R.S. §25-403.05, a child's parent or custodian must immediately notify the other parent or custodian if the person knows that a convicted or registered sex offender or someone who has been convicted of a dangerous crime against children may have access to the child.

According to A.R.S. §13-705 (P) (1), "Dangerous crime against children" means any of the following that is committed against a minor who is under fifteen years of age:

- (a) Second degree murder.
- (b) Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibit on of a deadly weapon or dangerous instrument.
- (c) Sexual assault.
- (d) Molestation of a child.
- (e) Sexual conduct with a minor.
- (f) Commercial sexual exploitation of a minor.
- (g) Sexual exploitation of a minor.
- (h) Child abuse as prescribed in section 13-3623, subsection A, paragraph 1.
- (i) Kidnapping.
- (j) Sexual abuse.
- (k) Taking a child for the purpose of prostitution as prescribed in section 13-3212.
- (l) Child prostitution as prescribed in section 13-3212.
- (m) Involving or using minors in drug offenses.
- (n) Continuous sexual abuse of a child.
- (o) Attempted first-degree murder.
- (p) Sex trafficking.
- (q) Manufacturing methamphetamine under circumstances that causes physical injury to a minor.
- (r) Bestiality as prescribed in section 13-1411, subsection A, paragraph 2.
- (s) Luring a minor for sexual exploitation.
- (t) Aggravated luring a minor for sexual exploitation.
- (u) Unlawful age misrepresentation.

The parent or custodian must provide notice by first class mail, return receipt requested, by electronic means to an electronic mail address that the recipient provided to the parent or custodian for notification purposes or by another form of communication accepted by the court.

I/We have read, understand, and agree to abide by the requirements of A.R.S. §25-403.05(B) concerning notification of other parent or custodian if someone convicted of dangerous crime against children may have access to the child.

Signature of Petitioner: _____

Date: _____

Signature of Respondent: _____

Date: _____

G. JOINT LEGAL DECISION-MAKING: If requested or agreed to by the parties, the following will apply, subject to approval by the Judge:

1. **DOMESTIC VIOLENCE:** Arizona Law (A.R.S. §25-403.03) states that joint Legal Decision-Making shall NOT be awarded if there has been “a history of significant domestic violence”.

☐ Domestic Violence has **not** occurred between the parties, **OR**

☐ Domestic Violence **has** occurred but it has not been “significant” or has been committed by both parties.* **Complete Section 3 below.**

2. DUI or DRUG CONVICTIONS:

☐ Neither party has been convicted of driving under the influence or a drug offense within the past 12 months, **OR**

☐ One of the parties **HAS** been convicted of driving under the influence or a drug offense within the past 12 months, but the parties feel Joint Legal Decision-Making is in the best interest of the children. * **Complete Section 3 below.**

3. * IF THERE HAS BEEN DOMESTIC VIOLENCE OR A DUI OR DRUG CONVICTION:

Explain why Joint Legal Decision-Making is still in the best interests of the children:

4. **REVIEW:** The parents agree to review the terms of the / this agreement and make any necessary or desired changes every _____ months from the date of this document.
5. **CRITERIA.** Our joint Legal Decision-Making agreement meets the criteria required by Arizona law A.R.S. §25-403.02, as listed below:
- a. The best interest of the minor children are served;
 - b. Each parent's rights and responsibilities for personal care of the minor children and for decisions in education, health care and religious training are designated in this Plan;
 - c. A schedule of the physical residence of the minor children, including holidays and school vacations is included in the Plan;
 - d. The Plan includes a procedure for periodic review;
 - e. The Plan includes a procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved;
 - f. A procedure for communicating with each other about the child, including methods and frequency.

SIGNATURE OF PARENT(S) REQUESTING JOINT LEGAL DECISION-MAKING

Signature of Petitioner: _____ Date: _____

Signature of Respondent: _____ Date: _____

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: S1100DO2

**AFFIDAVIT REGARDING
MINOR CHILDREN**

Name of Respondent

HONORABLE: _____

NOTICE: This *"Affidavit Regarding Minor Children"* is required for all legal decision-making cases. You must fill out this Affidavit completely, and provide accurate information. Use additional paper if necessary. You must give copies of this Affidavit and all other required documents to the other party, and to the judge.

1. **CHILDREN OF THE PARTIES WHO ARE UNDER 18 YEARS OLD.** The following child(ren) are under age 18 and were born to, or adopted by, me and the other party:

Name: _____
Birth Date: _____ Age: _____
Name: _____
Birth Date: _____ Age: _____

Name: _____
Birth Date: _____ Age: _____
Name: _____
Birth Date: _____ Age: _____

2. **INFORMATION REGARDING WHERE THE CHILDREN UNDER 18 YEARS OLD HAVE LIVED FOR THE LAST 5 YEARS:** (Attach additional pages if necessary)

Child's Name: _____
Address: _____

Dates: From _____ To _____
Lived with: _____

City, State: _____
Child's Name: _____
Address: _____
City, State: _____
Child's Name: _____
Address: _____
City, State: _____

Relationship to Child: _____
Dates: From _____ To _____
Lived with: _____
Relationship to Child: _____
Dates: From _____ To _____
Lived with: _____
Relationship to Child: _____

3. **COURT CASES IN WHICH I HAVE BEEN A PARTY/WITNESS THAT INVOLVED THE LEGAL DECISION-MAKING PARENTING TIME OF THE CHILD(REN):** (Check one box)

☐ I have or ☐ I have not been a party/witness in court in this state or in any other state that involved the legal decision-making parenting time of the child(ren) named above. (If so, explain on separate paper. If not, go on.)

Name of each child: _____
Name of Court: _____ Court Location: _____
Court Case Number: _____ Current Status: _____
How the child is involved: _____
Summary of any Court Order: _____

4. **INFORMATION REGARDING PENDING COURT CASES RELATED TO THE LEGAL DECISION-MAKING OF THE CHILD(REN):** (Check one box)

☐ I do have or ☐ I do not have information about a legal decision-making parenting time court case relating to any of the children named above that is pending in this state or in any other state. (If so, explain. If not, go on.)

Name of each child: _____
Name of Court: _____ Court Location: _____
Court Case Number: _____ Current Status: _____
How the child is involved: _____
Summary of any Court Order: _____

5. **LEGAL DECISION-MAKING OR PARENTING TIME CLAIMS OF ANY PERSON:** (Check one box)

☐ I do know or ☐ I do not know a person other than the Petitioner or the Respondent who has physical legal decision-making or who claims legal decision-making or parenting time rights to any of the children named in this Affidavit.
(If so, explain below. If not, go on.)

Name of each child: _____

Name of person with the claim: _____

Address of person with the claim: _____

Nature of the claim: _____

OATH OR AFFIRMATION AND VERIFICATION:

I swear or affirm that the information on this document is true and correct under penalty of perjury.

Date

Signature

State of Arizona)
)
County of)

Subscribed and sworn (or affirmed) before me this _____ day of _____, 20____
(Day) (Month) (Year)

by _____
(Name of Signer)

(Affix notary seal here)

Notary Public (Notary's Signature)

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

SUPERIOR COURT OF ARIZONA
PINAL COUNTY

Name of Petitioner

CASE NUMBER: S1100DO2

PRELIMINARY INJUNCTION

Name of Respondent

HONORABLE: _____

WARNING: This is an official Order from the court. It affects your rights. Read this Order 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 Pinal County. This Order has the same force and effect as any order signed by the judge. You and your spouse **must** obey this Order. This Order 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 provided this explanation. Read the explanation and then read 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) or ***"Petition for Annulment"*** or ***"Petition for Legal Separation"*** is filed with the court, until the judge signs the Decree, or until further order of the court, both the Petitioner and the Respondent **shall not** do any of the following things:
 - ✓ You may **not** hide earnings or community property from your spouse, **AND**
 - ✓ You may **not** take out a loan on the community property, **AND**
 - ✓ You may **not** sell the community property or give it away to someone, **UNLESS** you have

- ✓ the written permission of your spouse or written permission from the court. The law allows for situations in which you may need to transfer joint or community property as part of the everyday running of a business, or if the sale of community property is necessary to meet necessities of life, such as food, shelter, or clothing, or court fees and attorney fees associated with this action. If this applies to you, you should see a lawyer for help, **AND**
- ✓ Do **not** harass or bother your spouse or the children, **AND**
- ✓ Do **not** physically abuse or threaten your spouse or the children, **AND**
- ✓ Do **not** take the minor children, common to your marriage, out of the State of Arizona for any reasons, without a written agreement between you and your spouse or a Court Order, **before** you take the minor children out of the State.

Do **not** remove, or cause to be removed, the other party or the minor children of the parties 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.

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

- 1(a). **RESTRICTIONS ON PROPERTY OF THE MARRIAGE:** That both parties are enjoined from transferring, encumbering, concealing, selling, or otherwise disposing of any of the joint, common or community property of the parties, **except** if 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 written consent of the parties or the permission of the court.
- 1(b). **REQUIREMENTS OF BEHAVIOR:** That both parties are enjoined from molesting, harassing, disturbing the peace, or committing an assault or battery on, the person of the other party or any natural or adopted child of the parties.
- 1(c). **RESTRICTIONS ABOUT YOUR MINOR CHILDREN:** That both parties are enjoined from removing any natural or adopted minor child(ren) of the parties, then residing in Arizona, from the jurisdiction of the court without the prior written consent of the parties or the permission of the court.
- 1(d). **RESTRICTIONS ABOUT INSURANCE:** That both parties are enjoined from removing, or causing to be removed, the other party or the minor children of the parties 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 person who filed for divorce, annulment, or legal separation (the Petitioner) when the Petition was filed with the court. It is effective against the other party (the Respondent) when it is served on the other party, or on actual notice of the Order, whichever is sooner. This Order shall remain in effect until further order of the court, or the entry of a Decree of Dissolution, Annulment, or Legal Separation.
3. **ORDER TO PETITIONER:** You **must** serve a copy of this Order upon the Respondent, along with a copy of the Petition for Dissolution, Annulment or Legal Separation, the Summons, and other required court papers.
4. **WARNING:** This is an official Court Order. If you disobey this Order, 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 by 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 the Court that issues this Order. If any changes are made to this Order and you have filed a certified copy of this Order with your local law enforcement agency, you **must** notify them of the changes.

6. **DESCRIPTION OF THE PARTIES:**

Petitioner:

Name: _____

Height: _____

Date of Birth: _____

Gender: ☐ Male ☐ Female

Weight: _____

Respondent:

Name: _____

Height: _____

Date of Birth: _____

Gender: ☐ Male ☐ Female

Weight: _____

GIVEN UNDER MY HAND AND SEAL OF THE COURT

Date

Rebecca Padilla
Clerk of the Superior Court

By _____

Deputy Clerk

Name of Person Filing: _____
 Telephone Number: _____
 Email Address: _____
 ATLAS Number (if applicable) _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
 If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
 PINAL COUNTY**

_____ CASE NUMBER: S1100DO2
 Name of Petitioner
 SENSITIVE DATA SHEET
 (CONFIDENTIAL RECORD)

 Name of Respondent HONORABLE: _____

Fill out. File with Clerk of Court. Social Security Numbers should appear on this form only and should be omitted from other court forms. Access Confidential pursuant to A.R.F.L.P. 43(G)(1).

A.	Personal Information:	Petitioner	Respondent
	Name	_____	_____
	Gender	<input type="checkbox"/> Male or <input type="checkbox"/> Female	<input type="checkbox"/> Male or <input type="checkbox"/> Female
	Date of Birth (Month/Day/Year)	_____	_____
	Social Security Number	_____	_____
	Driver's License Number	_____	_____

**WARNING: DO NOT INCLUDE MAILING ADDRESS ON THIS FORM IF
 REQUESTING ADDRESS PROTECTION**

Mailing Address	_____	_____
City, State, Zip Code	_____	_____
Contact Phone	_____	_____
Email Address	_____	_____
Current Employer Name	_____	_____
Employer Address	_____	_____
Employer City, State, Zip Code	_____	_____

Employer Telephone Number _____
Employer Fax Number _____

B. Child(ren) Information:			
Child Name	Gender	Child Social Security Number	Child Date of Birth

Clerk of Court Issued:

***For Court Use Only. NOT Public Record.**

Do NOT Provide a Copy of This Document to The Other Party.

CASE NUMBER S1100DO2	Judge _____
ATLAS NUMBER(S) _____	

ACTION REQUESTED: Check Only One
Box

- ☐ Legal Separation
- ☐ Paternity/Maternity
- ☐ Annulment
- ☐ Legal Decision-Making

- ☐ Order of Protection
- ☐ Foreign Judgment
- ☐ Domesticated Decree
- ☐ Foreign Judgment for Legal Decision-Making
- ☐ Establish Support
- ☐ Habeas Corpus
- ☐ Visitation
- ☐ Emergency Order of Protection
- ☐ Other _____

(Specify)

I receive or have received public assistance which may include AFDC, TANF, or AHCCS for my child(ren) or me.

☐ Yes ☐ No

I have a case with the Division of Child Support Enforcement.

☐ Yes ☐ No

If yes, list the case number(s)

Do you currently have ANY other Pinal County Superior Court cases?

☐ Yes ☐ No

If yes, list the case number(s)

Have you ever had ANY other Pinal County Superior Court cases?

☐ Yes ☐ No

If yes, list the case number(s)

**PETITIONER'S DECLARATION OF INFORMATION FOR
CONCILIATION COURT**

The wife is pregnant: ☐ Yes ☐ No

The respondent is being served by publication: ☐ Yes ☐ No

Please enter the number of children under the age of 18 of either or both parties who are in Legal

Decision-Making of either or both parties: _____

**NAMES OF MINOR CHILDREN &
DATE OF BIRTH:**

**NAMES OF MINOR CHILDREN &
DATE OF BIRTH:**

There is an agreement as to the parenting arrangements of the minor children:

☐ Yes ☐ No

To the best of my knowledge, all information is true and correct.

Attorney / Pro Per Signature *(If no attorney, your signature is required)*

NOTICE

Effective September 8, 1992 and pursuant to Superior Court (Pinal County), Administrative Order No. 92-15, the Superior Court requires that a "Cover Sheet", which categorizes the cause of action, accompany any new action filed with the Superior Court in Pinal County. **PLEASE DO NOT INCLUDE THIS FORM WITH CASES THAT HAVE ALREADY BEEN FILED.** This form can only be processed **at the time of filing** New Complaints and Petitions.

Revised 6/22/09

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable): _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

_____ Name of Petitioner	CASE NUMBER: S1100 _____ (Leave Blank) PETITION FOR DISSOLUTION OF A NON-COVENANT MARRIAGE (DIVORCE) WITH MINOR CHILDREN
_____ Name of Respondent	HONORABLE: _____ (Leave Blank)

SERVICE BY PUBLICATION:

If Respondent is served by publication and is not personally served, this Court may be unable to make a legal order with respect to issues of child support, medical and dental insurance, payments, expenses for the minor child(ren), community property or debt, or spousal maintenance/support. The Court reserves jurisdiction until personal service is made upon Respondent to consider the maintenance/support of either spouse, the disposition of community property or debts, child support, and any other relief requested in the Petition or orders deemed necessary by the court.

GENERAL INFORMATION

Information about me, the Petitioner:

Name: _____
Address: _____
Date of Birth: _____
Job Title: _____
How long you have lived in Arizona: _____

Information about my spouse, the Respondent:

Name: _____

Address: _____

Date of Birth: _____

Job Title: _____

How long the Respondent has lived in Arizona: _____

Information about my marriage:

Date of Marriage: _____

Location of Marriage: _____

**THIS IS A PETITION FOR A FINAL
“DECREE OF DISSOLUTION OF MARRIAGE WITH MINOR CHILDREN.”**

This Court has jurisdiction over the parties under the law, and the provisions of this Petition are fair and reasonable under the circumstances and are in the best interests of the minor child(ren) as to legal decision-making, parenting time, and support.

***These statements (1-3) must be true and the boxes must be checked for your case to proceed using this paperwork.**

1. *90 Day Requirement

☐ At the time this action is filed, the Petitioner and/or the Respondent has lived in Arizona for more than 90 days, or had been stationed in Arizona while a member of the United States Armed Forces for more than 90 days.

2. *Conciliation Court

You may request a free meeting with yourself, the other party and a counselor to determine if divorce is the right decision for you. You do not need the other party's consent to request this meeting. Please contact Family Services of Conciliation Court at 520.866.7349 for more information.

☐ We have tried to resolve our problems through Conciliation Services OR going to Conciliation Services would not work.

3. *Irretrievably Broken

☐ The marriage is irretrievably broken and there is no hope of reconciliation.

4. Covenant Marriage

☐ The marriage is **NOT** a covenant marriage.

☐ The marriage is a covenant marriage. (See Arizona Revised Statutes 25-901 and following).

5. **Pregnancy**

- ☐ Neither spouse is pregnant.
- ☐ Wife is pregnant and the other party **is** the natural father of the child.
- ☐ Wife is pregnant and the other party **is not** the natural father of the child.

6. **Paternity**

INSTRUCTIONS: If any of the minor children, common to the parties, were born **BEFORE** your marriage, check the box and list the name(s) and date of birth(s) of those children. If all of your children were born during the marriage, skip this question and continue to #7.

☐ Husband is the natural father of the following child(ren) born to the parties **BEFORE** the marriage:

Name(s)	Date of Birth(s)
_____	_____
_____	_____
_____	_____
_____	_____

7. **Domestic Violence**

INSTRUCTIONS: Domestic violence may affect a request for legal decision-making. Check the relevant box below.

- ☐ Domestic violence has not occurred during this marriage.
- ☐ Significant domestic violence occurred during this marriage.
- ☐ Domestic violence has occurred during this marriage. Even though domestic violence has occurred, it was not significant or committed by both parties and joint legal decision-making is in the best interest of the minor child(ren) because:

8. **Substance Abuse**

INSTRUCTION: Substance abuse may affect a request for legal decision-making. Check the relevant boxes below.

- ☐ Neither party has abused drugs or alcohol or has been convicted of a drug offense or drug violation within the twelve months before the Petition was filed.
- ☐ Petitioner has abused drugs or alcohol or has been convicted of a drug offense or drug violation within the twelve months before the Petition was filed.
- ☐ Respondent has abused drugs or alcohol or has been convicted of a drug offense or drug violation within the twelve months before the Petition was filed.

9. Minor Children

INSTRUCTIONS: List **all** children under the age of 18 that are common to you and the other party. Here, it does not matter whether they were born before or during the marriage. List all addresses where the child(ren) have lived within the past six months. Use and attach additional pages if necessary.

Child's Name: _____ **Birth Date:** _____

Addresses for the last 6 months:

Address: _____ Length of time at address _____

Address: _____ Length of time at address _____

Child's Name: _____ **Birth Date:** _____

Addresses for the last 6 months:

Address: _____ Length of time at address _____

Address: _____ Length of time at address _____

Child's Name: _____ **Birth Date:** _____

Addresses for the last 6 months:

Address: _____ Length of time at address _____

Address: _____ Length of time at address _____

Child's Name: _____ **Birth Date:** _____

Addresses for the last 6 months:

Address: _____ Length of time at address _____

Address: _____ Length of time at address _____

10. Spousal Maintenance: Money paid from one spouse to the other spouse after the divorce, also known as alimony.

INSTRUCTIONS: Check the box if you do not want either spouse to receive spousal maintenance.

- ☐ Neither party is entitled to spousal maintenance

INSTRUCTIONS: If you want the other party to pay you spousal maintenance, check the box that says “Petitioner”. If you want to pay the other party spousal maintenance, check the box that says “Respondent”.

☐ **Petitioner OR** ☐ **Respondent** is entitled to spousal maintenance because s/he

INSTRUCTIONS: You must also check at least one of the following four boxes explaining why spousal maintenance is appropriate.

☐ Lacks sufficient property, including given to him or her as part of this divorce, to provide for his or her reasonable needs.

☐ Is unable to be self-sufficient through appropriate employment or is the custodian of a child whose age or condition is such that the custodian should not be required to seek employment outside the home or lacks earning ability in the labor market adequate to be self-sufficient.

☐ Contributed to the educational opportunities of the other spouse.

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

11. Child Support Deviation

INSTRUCTIONS: Within this packet you will find a child support calculator form for the Parent's Worksheet. You must fill out the child support calculator entry form online; there are instructions in this packet. **Fill this section out ONLY if you want a different amount of child support than is given on the child support calculator.**

- First, fill in the amount the child support calculator gives.
- Second, give reasons why the amount of child support should be different.
- Third, fill in the amount of child support that should be ordered.

The amount of child support based on the Parent’s Worksheet for Child Support is \$_____, however, this amount is inappropriate or unjust and not in the best interest of the child(ren) because

The amount of child support should be \$_____.

REQUESTS THE COURT TO ORDER

1. Marriage is Dissolved

☐ The marriage of the parties is dissolved and the parties are restored to the legal status of single persons.

2. Parenting Plan

☐ There is a parenting plan filed with this Petition, which addresses parenting time and legal decision-making.

3. Name Change *Optional*

INSTRUCTIONS: Check this box only if you want to use your maiden or former name. If you check the box, also check the box next to whoever is changing his or her name, either Petitioner or Respondent. In the first blank, write out the complete married name, including the middle name. In the second blank, write out the complete maiden name/former name.

☐ The name of the ☐ Petitioner **OR** ☐ Respondent, whose complete married name is:

is restored to: (List the complete legal name or maiden name as before the marriage)

Children's Names *Optional*

INSTRUCTIONS: If you are requesting to change your child(ren)'s last name(s), list each child's current legal name and the new name you are requesting.

The names of one or more of the minor children shall be changed as follows:

Current Legal Name

New Name

4. Financial Information Exchanges

INSTRUCTIONS: Under Arizona law it is REQUIRED that parties with minor children exchange financial information every 24 months.

The parties shall exchange financial information (tax returns, spousal affidavits, earning statements and/or other related financial statements) every twenty-four months.

5. Child Support

☐ Neither party shall pay child support until further Order of the court.

☐ There **is an Order** for Child Support dated _____ (date) from _____.

☐ To my knowledge **there is no child support order** for the minor child(ren) and the court should order child support in this case along with legal decision making (custody), and parenting time.

INSTRUCTIONS: Tell the court who should pay child support by checking either Petitioner or Respondent. On the space provided, enter the amount calculated on the Parent's Worksheet for Child Support OR the amount previously requested. Choose whether you want the child support payments to begin the month after the Decree is signed by a judge or on a previous date.

☐ Petitioner **OR** ☐ Respondent shall pay child support to the other party in the amount of \$_____ per month, beginning

☐ the month following the date the Decree is signed by the judge

OR

☐ _____ (date)

until further Order of the court. Child Support is based on the information in the Parent's Worksheet for Child Support calculated pursuant to the Arizona Child Support Guidelines. All child support payments shall be made by wage assignment (if applicable) through the Support Payment Clearinghouse (P.O. Box 52107, Phoenix, AZ 85072-2107), and must include the statutory fee by the Income Withholding Order or the Order of Assignment.

Past Support

☐ There is a request for past support. ☐ There is not a request for past support.

☐ Petitioner **OR** ☐ Respondent made **voluntary/direct support payments** that need to be taken into account if past support is requested.

☐ Petitioner **OR** ☐ Respondent owes past support for the period between:

☐ the **date this petition was filed** and the date current child support is ordered.

OR

☐ the **date the parties started living apart**, but not more than three years before the date this petition was filed and the date current child support is ordered

6. Medical, Dental, and Vision Insurance for Minor Children

INSTRUCTIONS: Tell the court who should be paying for medical, dental, and vision insurance for the children.

Petitioner is responsible for providing:

☐ Medical ☐ Dental ☐ Vision

Respondent is responsible for providing:

☐ Medical ☐ Dental ☐ Vision

☐ The child(ren) are on AHCCCS. Both parents are responsible for providing medical insurance for the minor children as soon as it becomes accessible and available at a reasonable cost, as neither parent currently has the ability to obtain such insurance.

The party ordered to pay must keep the other party informed of the insurance company name, address and telephone number, and must give the other party the documents necessary to submit insurance claims.

7. Uncovered Medical, Dental, and Vision Expenses

INSTRUCTIONS: Tell the court who will pay for medically necessary (as defined by Internal Revenue Service Publication 502) uncovered medical, dental, and vision expenses such as co-pays. You can request that each party pays a percentage of any uncovered medical expenses or that you each pay in proportion to your respective incomes.

All reasonable uncovered and/or uninsured medical, dental, vision care, prescription and other health care charges for the minor child(ren), including co-payments shall be allocated as follows:

☐ Petitioner and Respondent are to pay in proportion to their respective incomes according to the child support calculator.

OR

☐ **Petitioner** to pay _____%

☐ **Respondent** to pay _____%

8. Tax Exemptions

INSTRUCTIONS: The child support calculator provides guidelines regarding who should claim the child(ren) as tax exemptions each year. If you wish to deviate from these guidelines check the “other” box and write in what you are requesting.

The parents shall claim the child(ren) as income tax dependency exemptions on federal and state tax returns as follows:

☐ Petitioner OR ☐ Respondent will claim the children every year.

☐ Petitioner OR ☐ Respondent will claim the children every odd year.

☐ Petitioner OR ☐ Respondent will claim the children every even year.

☐ Other:

☐ The parent required to pay child support is only entitled to claim the child(ren) as an income tax dependency exemption if that parent has paid all of the child support due and owing for the year.

9. Spousal Maintenance

INSTRUCTIONS: Earlier in the Petition you told the court whether or not one of the parties should receive spousal maintenance from the other party. Here, you tell the court how much per month and for how long that spouse should receive spousal maintenance or if neither party should pay spousal maintenance to the other party.

☐ Neither party to pay spousal maintenance to the other party.

OR

☐ Petitioner shall receive spousal maintenance from Respondent in the amount of \$_____ per month and the payments to continue until the receiving party is remarried or deceased.

OR

☐ Petitioner shall receive spousal maintenance from Respondent in the amount of \$_____ per month and the payments to continue until the receiving party is remarried or deceased or for _____ months, whichever comes first.

OR

☐ Respondent shall receive spousal maintenance from Petitioner in the amount of \$_____ per month and the payments to continue until the receiving party is remarried or deceased.

OR

☐ Respondent shall receive spousal maintenance from Petitioner in the amount of \$_____ per month and the payments to continue until the receiving party is remarried or deceased or for _____ months, whichever comes first.

INSTRUCTIONS: Do you want either the other party or yourself to be able to modify spousal maintenance in the future? If so, check the first box. If not, check the second box.

☐ Spousal maintenance shall be modified in accordance with Arizona law.

☐ Spousal maintenance shall NOT be modifiable for any reason.

10. Debt

INSTRUCTIONS: You must identify all of your debt as either community debt or separate debt. **Community debts** are debts that you or the other party incurred during the marriage. **Separate debts** are debts that you or the other party incurred before the marriage.

- a. Community Debt:** Community debts are debts incurred by either party during the marriage. You should see a lawyer about how to divide secured and unsecured debts. Community debts shall be divided as follows:

INSTRUCTIONS: Check this box if you do not have any community debt.

☐ My spouse and I do not have any community debts.

INSTRUCTIONS: Check this box if you have community debt. List all community debts, the total owed, and the amount OR percentage to be paid by each party. If you need more space attach an additional sheet of paper and check the box "The list continues on attached page."

☐ My spouse and I have community debts which shall be divided as follows:

Creditor Name	Amount Owed	Amount or Percent to be paid by Petitioner	Amount or Percent to be paid by Respondent
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- ☐ The list continues on attached page.
- ☐ Petitioner is ordered to pay all debts unknown to Respondent.
- ☐ Respondent is ordered to pay all debts unknown to Petitioner.
- ☐ Each party is ordered to pay his or her debts incurred since (date) _____.
- ☐ Any debts or obligations incurred by either party before the date of separation, that are not identified in the list above or attached, shall be paid by the party who incurred the debt or obligation and that party shall indemnify and hold the other party harmless from such debts.

- b. Separate Debt:** Separate debts are debts incurred before the marriage. Check ONLY one of the three boxes. If you check the last box, list your separate debts, the total owed, and the amount or percentage to be paid by each party. Separate debts shall be divided as follows:

- ☐ Neither my spouse nor I have any separate debt.
- ☐ My spouse and/or I have separate debts and Husband must pay his separate debt and Wife must pay her separate debt.
- ☐ My spouse and/or I have separate debts and they shall be divided as follows:

Creditor Name	Amount Owed	Amount or Percent to be paid by Petitioner	Amount or Percent to be paid by Respondent
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

11. Property

IMPORTANT: If there is a piece of property with a debt attached such as a car with a loan, you must list the property under “Property” and the debt under “Debt”.

INSTRUCTIONS: You must identify all of your property as either community property or separate property. **Community property** is property that you acquired during the marriage, but was not gifted to either you or the other party and that was not inherited. **Separate property** is property that you acquired before the marriage, property that was gifted to either you or the other party, or that was inherited.

- a. Community Property:** Community Property is property that was acquired during the marriage, which was not gifted to one party or inherited. Community Property shall be divided as follows:

☐ My spouse and I did not acquire any community property during the marriage.

OR

☐ My spouse and I acquired community property during the marriage and it should be divided as follows: *Include vehicles on this list.*

Description of Property	Awarded to Petitioner	Awarded to Respondent	Value
	<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"/>	\$ _____
	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

☐ This list continues on attached page

b. Separate Property: Separate property is property acquired before the marriage, property that was gifted to one party, or that was inherited. Separate Property to be divided as follows:

- ☐ My spouse and I do not have separate property.
- ☐ My spouse and/or I have separate property and each party shall be awarded his or her own separate property.
- ☐ My spouse and/or I have separate property, which shall be divided as follows:

Description of Property	Awarded to Petitioner	Awarded to Respondent	Value
	<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"/>	\$ _____
	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

- c. Real Property:** Real property is the house and land you own. You can ask the court to give you the home, to give the home to the other party, or to sell the home and divide any loss or proceeds. Write the complete address of the property under “real property located at”. Most property has a legal description such as “LOT 77, PINE TREE ACRES, according to Book 111 of Maps” which appears on your deed papers. You should use this description. A cemetery plot is considered real property.

☐ My spouse and I do not have real property.

☐ My spouse and I have real property located at: _____
valued at approximately \$_____. The legal description of the property is (this information is needed prior to an order being entered regarding real property):

- ☐ The real property shall be sold and any loss or proceeds divided with Petitioner being awarded _____% and Respondent being awarded _____%.
- ☐ The real property shall be awarded to Petitioner.
- ☐ The real property shall be awarded to Respondent.
- ☐ The party being awarded the real property will refinance the real property solely in his or her name on or before _____ (insert date). If unsuccessful, the real property will be
-

INSTRUCTIONS: Complete only if there is a second property.

☐ My spouse and I do not have additional real property.

☐ My spouse and I have additional real property located at: _____
valued at approximately \$_____. The legal description of the property is (this information is needed prior to an order being entered regarding real property):

- ☐ The real property shall be sold and any loss proceeds divided with Petitioner being awarded _____% and Respondent being awarded _____%.
- ☐ The real property shall be awarded to Petitioner.
- ☐ The real property shall be awarded to Respondent.
- ☐ The party being awarded the real property will refinance the real property solely in his or her name on or before _____ (insert date). If unsuccessful, the real property will be
-

d. Retirement:

WARNING: You should see a lawyer about your retirement accounts. If you do not see a lawyer regarding these assets, you risk losing any interest you have in these plans and/or benefits. There are certain documents the plan administrator must have. It is recommended that you consult with a lawyer to help you prepare these documents.

INSTRUCTIONS: A retirement account is considered property. Any part of the retirement that grew during the marriage is community property. Any part of the retirement that existed before the marriage, is separate property. You do not need to list the retirement under “Property” if you list it here.

IMPORTANT: If you want to divide the retirement account(s) you must see an attorney about a document called a Qualified Domestic Relations Order (QDRO) or a Court Order Acceptable for Processing (COAP). A QDRO or a COAP is a very specialized legal document. It is recommended that you seek professional assistance to prepare the QDRO or COAP. Do not have this done until a judge signs your Decree.

☐ Neither party has a retirement account.

☐ Each party **waives and gives** up his/her interest in any and all retirement benefits, pension plans, or other deferred compensation of the other party.

☐ Divide retirement accounts as follows:

12. Taxes

INSTRUCTIONS: This question is asking how you and the other party have filed taxes during the time you were married.

a. For **previous** calendar years, pursuant to IRS rules and regulations, the parties have filed or will file:

INSTRUCTIONS: If you and the other party ever filed jointly, check this box and list the tax years you filed jointly.

☐ Joint federal and state income tax returns for (years) _____ and hold each other harmless from half of all income taxes and costs, if any, and each party will share equally in tax refunds, if any.

INSTRUCTIONS: If you and the other party ever filed separately, check this box and list the tax years you filed separately.

☐ Separate federal and state income tax returns for (years) _____.

☐ Other: _____

☐ This calendar year and continuing thereafter, each party will file separate federal and state income tax returns.

Each party shall give the other party all necessary documentation to file all tax returns, unless that information is protected.

Other information and request(s) regarding taxes:

13. Other Requests:

INSTRUCTIONS: Use this space to ask the court for anything that you want the court to do but have not asked for yet.

OATH OR AFFIRMATION AND VERIFICATION:

I swear or affirm that the information on this document is true and correct under penalty of perjury.

Date

Signature

State of Arizona)

)

County of _____)

Subscribed and sworn (or affirmed) before me this _____ day of _____, 20_____
(Day) (Month) (Year)

by _____
(Name of Signer)

(Affix notary seal here)

Notary Public (Notary's Signature)

SERVICE OF COURT PAPERS FAMILY COURT CASES ONLY

(When Parties **DO NOT AGREE** to all terms of the Divorce)



PINAL COUNTY

**HOW TO SERVE NOTICE AS
REQUIRED OR PERMITTED BY LAW**

STEP 2

(Please complete step two before proceeding to the next step)

INSTRUCTIONS AND FORMS

Provided as a Public Service by

REBECCA PADILLA

Clerk of the Superior Court

SERVICE OF COURT PAPERS

CHECKLIST

“Service” means giving legally required notice to other parties that you have filed papers that may result in a court order that may affect them. The court papers can **ONLY** be delivered in a manner permitted by law, and proof of proper delivery must be filed with the court.

You may use the forms and instructions in this packet if . . .

- ✓ You have filed a Petition, Complaint, or other document in the Superior Court in a Civil or Family Court case and you are required to *serve notice* on other parties of what you have filed with the court,

AND

- ✓ You understand that your case cannot proceed until you have provided proof to the court that notice has been given in a manner permitted by law,

AND

- ✓ You understand that you may **NOT** hand-deliver the papers to the other party unless he or she (and no one else) will sign a ***“Family Court Acceptance of Service”*** form in front of a Notary and return the form for you to file with the Court.

NOTE: If you know you are going to have the papers served by the Sheriff's Department or by a private process server in Pinal County and you do not need information about other methods of service, both the Sheriff and private process servers will have their own forms and you will not need this packet.

NOTE: If you are required to serve notice on a person outside the United States, you may need to see a lawyer or research international law to determine what methods of service are permitted in your situation.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results.

HOW TO SERVE COURT PAPERS ON THE OTHER PARTIES

TABLE OF CONTENTS

This packet contains general information, court forms, instructions and procedures for **serving** court papers, delivering court papers as permitted or required by law. Use **only** the forms that apply to the method of service you have chosen. Do **NOT** copy or file information, instruction or procedures pages with the Court.

Order	Title	# of Pages
1	Checklist	1
2	Table of Contents (this page)	1
3	Instructions: Serving the Other Party	4
4	Family Court Acceptance of Service	4
5	How to Serve the Other Party by Certified Mail	1
6	Affidavit Supporting Service by Certified Mail	2
7	How to Serve by Registered Process Server	2
8	How to Serve by Sheriff	3
9	How to Serve by Publication	3
10	Declaration of Due Diligence and Request for Alternate Means of Service (Publication)	2
11	Order for Alternate Means of Service (Publication)	1
12	Affidavit Supporting Publication	3

You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

INSTRUCTIONS

Serving the Other Party

1. SERVING THE OTHER PARTY:

- After you have filed your court papers with the Clerk of the Court, you must **serve** the papers on the other party.
- **Service** means giving legal notice to the other party (or parties) that you have filed court papers. You must provide proof of service to the court.
- This packet explains the steps you need to take to serve the other party and what forms you must use.
- By completing the steps for service, you tell the court that the other party has received a copy of the court papers. After the other party is served, the other party will be given a time limit to file a Response or Answer. The Response or Answer is the other party's written statement to your request. The Response or Answer tells you, and the court, what the other party wants.

2. METHODS OF SERVICE:

Read the choices below to make sure that you are using the correct method of service. Select the method of service that works best for you. (*If the other party lives outside of the United States, you should see a lawyer to find out which method of service will work best for you.*)

- A. **Service by Acceptance.** This method requires you to give, or mail the court papers to the other party and include a ***"Family Court Acceptance of Service"*** form. The other party must sign the ***"Family Court Acceptance of Service"*** form in front of a Notary Public and return it to you. The other party cannot sign the ***"Family Court Acceptance of Service"*** until after you have filed the court papers with the court. The other party's signature on the ***"Family Court Acceptance of Service"*** does not mean that he/she agrees with the court papers. It means that the other party admits receiving the papers, without being served in person by the sheriff or a process server.

Service is complete at the time the other party signs the ***"Family Court Acceptance of Service."*** If you choose this method of service, use the ***"Family Court Acceptance of Service"*** form.

WARNING: Do **not** use this method of service if you are the victim of domestic violence, or believe the other party will hurt you, take your money, or take your children. If you believe the other party will become violent or uncooperative when you ask him/her to accept service, use one of the methods of service described below.

- B. **Service by Registered Process Server.** This method requires you to hire, and pay, a registered process server to serve the other party with court papers. A process server is a person who will give the papers to the other party at home, work, or other location. This method of service costs more than service by acceptance and requires the process server to find the other party. If you decide to use this method, look under "Process Server" in the Yellow Pages to find someone who can serve your papers. Service is complete at the time the

process server hands the other party the court papers. If you decide to use this method, and the other party lives outside of Arizona, you would need to find a registered process server in the state where the other party lives.

- C. **Service by Sheriff.** This method requires you to contact the Sheriff's Office in the county where the other party lives to arrange for a Sheriff's deputy to give the other party the court papers. This method requires you to pay a fee to the Sheriff's Office. The Sheriff's Office will give the Court a Sworn Affidavit of Service stating that the person was served.

NOTE: Pinal County Sheriff's Deputy can only serve parties that are located within Pinal County. If the other party lives outside Pinal County, you will need to contact the Sheriff's Office in that county for information regarding service.

- D. **Service by Certified Mail.** This method of service allows you to give notice by a special type of mail. You can send the court papers by giving the post office copies of the court papers in an envelope, postage prepaid, to be sent to the other party by any form of mail requiring a signed and returned receipt. This is often called **Certified Mail, Restricted Delivery** by the post office. This means that the other party must sign for the papers.

If the other party signs a receipt (green receipt) for the papers, the green receipt will be returned to you in the mail. You must then file an affidavit with the court stating (1) that the court papers were sent to the other party, (2) that the papers were received by the other party, as evidenced by the original green receipt you attach to the affidavit; and (3) the date the party received the documents. A copy of the affidavit you will need is provided in the packet.

- E. **Other Methods of Service.** There may be other ways to serve the other party. To learn more about these other ways, you should see a lawyer for help.

3. **WHEN YOU CANNOT FIND THE OTHER PARTY:**

Before you begin service by Publication, you must first complete the ***"Declaration of Due Diligence and Request for Alternate Means of Service (Publication)"*** for the Judge to grant service by Publication.

If the Judge approves service by Publication the ***"Order for Alternate Means of Service"*** will be signed and a copy of the Order mailed to you, at that time you can continue with Publication.

- A. **Service by Publication.** You may use this method only if you do not know where the other party lives, or cannot find the other party. Service by publication is your "last resort." It is used **only** if you do not have a current address for the other party and have tried, unsuccessfully, to find the other party. Use a paper of general circulation and that are familiar with the requirements and regularly publishes legal notices.

Tips for Finding the Other party: Before the Court will accept ***"Service by Publication,"*** you must have made every reasonable effort to find the Respondent and to give actual notice of this case by personal service of the required documents. You will be required to state, under penalty of perjury, the steps you have taken to try to locate the Respondent and if the Court is not satisfied that you have taken all reasonable steps, your case may be delayed until the Court is satisfied all such steps have been taken.

Examples of steps you **MUST** take: verify the Respondent is not at any last known address(es), talk to Respondent's friends, family members, employer, co-workers, former co-workers or employer(s), or anyone else you think may have a current address. Search telephone directories, the Internet, voter registration records, obituaries, and even the morgue. You may also have to consider hiring a private detective or a company that charges a fee to do computer searches to help you track down the other party. If you know the other party's date of birth and/or Social Security Number, this method may work for you.

Service by Publication can be expensive and may delay your court case. You would need to contact the newspaper to determine the cost of publication. Application for Deferral is only applicable to Pinal County newspapers. If you need to publish in another County or State, the Deferral of Fees is not applicable.

1. Publication must been done in the county were the case originated:

This method requires that a copy of the ***"Summons"*** be published in a newspaper of general circulation in Pinal County once a week for four consecutive weeks.

If the other party's last known address was also in Pinal County then the publication above will suffice for service to the other party.

2. How to publish service if the other party's last known address is in Arizona, but not in the county in which your case is pending:

- i. You must publish in the county in which your case is pending and you must publish in a newspaper in the county of the last known residence of the person to be served.
- ii. To publish in another county (not Pinal County) you will need to contact a newspaper in that county.
- iii. After you have contacted the newspaper and inquired about publication, mail or deliver the payment (or certified copy of the Order of Deferral) and ***"Letter to Newspaper"*** provided in this packet, along with copies of the ***"Summons"*** or documents you filed with the Court, to the newspaper for publication.
- iv. Wait for the newspaper to send you the original document called ***"Affidavit of Service"*** in five weeks.

3. Complete Your Paperwork. Fill out the ***"Affidavit Supporting Publication"*** provided in this packet. The ***"Affidavit Supporting Publication"*** is a statement affirming or swearing under oath that you have done everything possible to try to find the other party. File the original ***"Affidavit Supporting Publication"*** with the Clerk of the Superior Court.

You must also file the original ***"Affidavit of Service"*** that you received from the newspaper(s), verifying and stating the dates of publication.

WHEN IS A WRITTEN RESPONSE TO THE COURT PAPERS DUE?

- **LOOK AT THE TIMETABLE BELOW.** If the **last day** for the other party to respond falls on a Saturday, Sunday, or legal holiday, you **do not** count that day. The last day you count to determine if you can file the default papers, must be a day when this court is open for business.
- **INCLUDE WEEKENDS AND HOLIDAYS.** In counting the days, include weekends and holidays until you reach the number of days in the Timetable below. If the other party files a written Response or Answer with the court, you **CANNOT FILE BY DEFAULT.**

DEFAULT TIMETABLE		
<u>SERVICE BY</u>	<u>COUNT</u>	<u>EVENT</u>
• <i>“Acceptance of Service”</i> (in Arizona)	20 Days	after other party signs <i>“Acceptance of Service”</i>
• Process Server (in Arizona)	20 Days	after other party receives papers from
• Sheriff (in Arizona)	30 Days	process server
• <i>“Acceptance of Service”</i> (out of State)	30 Days	after other party receives papers from
• Registered mail (out of State)	30 Days	sheriff
• Process Server (out of State)	30 Days	after other party signs <i>“Acceptance of Service”</i>
• Sheriff (out of State)	60 Days	after other party signs green card
• Publication		after other party receives papers from
		process server
		after other party receives papers from
		sheriff
		after the 1st day of publication

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: S1100DO2

**FAMILY COURT
ACCEPTANCE OF SERVICE
A.R.F.L.P. RULE 40**

Name of Respondent

HONORABLE: _____

Check the box to indicate each document you received. Do **not** check the box unless you received the document listed beside it. If your case is not one of the types listed, list the type of case and the documents you received from the other party under "Other Type Case" on the next page.

**1. BY SIGNING THIS DOCUMENT, I STATE UNDER OATH OR AFFIRMATION
THAT I HAVE RECEIVED AND ACCEPTED THE LEGAL PAPERS INDICATED
(CHECKED) BELOW**

**DIVORCE (OR
ANNULMENT)
WITH CHILDREN**

- ☐ Petition
- ☐ Summons
- ☐ Preliminary Injunction
- ☐ Health Insurance Notice
- ☐ Parent Info. Program
- ☐ Notice
- ☐ Notice to Creditors

**LEGAL SEPARATION
WITH CHILDREN**

- ☐ Petition
- ☐ Summons
- ☐ Preliminary Injunction
- ☐ Health Insurance Notice
- ☐ Parent Info. Program
- ☐ Notice
- ☐ Notice to Creditors
- ☐ Affidavit Regarding
Minor Children

TEMPORARY ORDERS

- ☐ Motion for Temporary
Order
- ☐ Order to Appear
- ☐ Temporary Orders
- ☐ Affidavit of Financial Info.
- ☐ Child Support Worksheet
- ☐ Parenting Plan

- ☐ Affidavit Regarding Minor Children
☐ Parenting Plan
☐ Child Support Worksheet

- ☐ Parenting Plan
☐ Child Support Worksheet

DIVORCE (OR ANNULMENT) WITHOUT CHILDREN

- ☐ Petition
☐ Summons
☐ Preliminary Injunction
☐ Health Insurance Notice
☐ Notice to Creditors

LEGAL SEPARATION WITHOUT CHILDREN

- ☐ Petition
☐ Summons
☐ Preliminary Injunction
☐ Health Insurance Notice
☐ Notice to Creditors

PATERNITY (TO ESTABLISH)

- ☐ Petition
☐ Summons
☐ Parent Info. Program Notice
☐ Affidavit Regarding Minor Children
☐ Parenting Plan
☐ Child Support Worksheet

CHILD LEGAL DECISION-MAKING, PARENTING TIME, SUPPORT

(to establish when paternity already *legally* established)

- ☐ Petition
☐ Summons
☐ Parent Info. Program Notice
☐ Affidavit Regarding Minor Children
☐ Parenting Plan
☐ Child Support Worksheet

CHILD SUPPORT

(to establish when paternity already *legally* established)

- ☐ Petition
☐ Order to Appear
☐ Child Support Worksheet

ENFORCEMENT

- ☐ Petition ☐ Order to Appear

MODIFY CHILD SUPPORT 15% OR MORE

("Simplified Mod")

- ☐ Petition to Modify
☐ Parents Worksheet for Child Support
☐ Blank Request for Hearing

MODIFY SPOUSAL MAINTENANCE *OR* SPOUSAL AND CHILD SUPPORT

("Standard Mod")

- ☐ Petition to Modify Support Order
☐ Order to Appear
☐ Affidavit of Financial Information

MODIFY CHILD SUPPORT ("Standard Mod")

- ☐ Petition to Modify Child Support – Std. Process

MODIFY CHILD LEGAL DECISION-MAKING &/OR PARENTING TIME AND SUPPORT

- ☐ Petition to Modify

- ☐ Affidavit of Financial Information
☐ Order to Appear

- ☐ Parents' Worksheet for Child Support
☐ Notice of Filing for Modification of Legal decision-making
☐ Affidavit Regarding Minor Children

**STOP ORDER OF ASSIGNMENT/
INCOME WITHHOLDING ORDER**

- ☐ Petition to Stop Order of Assignment
☐ Blank Request for Hearing

**MODIFY (Change) ORDER OF
ASSIGNMENT/
INCOME WITHHOLDING ORDER**

- ☐ Petition to Modify Order of Assignment
☐ Blank Request for Hearing

LIST OTHER CASE TYPE HERE: (Example: "Annulment")

(Below, list name of each document you received: Example: "Petition for Annulment", "Summons", etc.)

2. **ACCEPT AND WAIVE FORMAL SERVICE.** I waive formal service of process by a process server or sheriff. I understand accepting these papers is the same as if I were personally served under Arizona Law [A.R.F.L.P. Rule 40 (F)]
3. **RESPONSE DEADLINE.** I am aware that accepting service of these court papers and signing this paper does not affect my right or obligation to file a written Response or Answer to this action if I do not agree with any relief asked for in the Petition. I understand I must Respond or Answer within **20** days from the day I signed the original of this Acceptance of Service if I accepted service in Arizona, or **30** days if I received the papers somewhere other than in Arizona.
4. **DEFAULT JUDGMENT, ORDER OR DECREE.** I understand that if I do not appear and defend in this action in court, within the time allowed by law, that I may lose my right to be heard in this case. I understand that failure to Respond or Answer could result in the court giving the other party any and all things requested in his or her legal papers, through a Default Judgment, Order or Decree.

5. RESTORE NAME. (ONLY in Divorce, Legal Separation or Annulment Cases.)

My complete married name is: (Complete ONLY if you want to change your name)

I want my legal name restored to: (List complete maiden name or legal name before this marriage)

BY SIGNING BELOW, I swear or affirm that I have read and understand the contents of this document and that I have received and accepted the legal documents indicated above.

Date

Signature

State of Arizona)
)
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day of _____, 20____
(Day) (Month) (Year)

by _____
(Name of Signer)

(Affix notary seal here)

Notary Public
(Notary's Signature)

PROCEDURES

How to Serve Court Papers by Certified Mail

USE THIS PROCEDURE ONLY after you have filed your papers with the court.

STEP 1: GO TO THE POST OFFICE and tell the clerk you would like to mail the other party a letter as follows:

- Certified Mail, and
- Deliver to Addressee Only, and
- Restricted Delivery, and
- Return Receipt Requested, and
- Pay the postage.

STEP 2: WAIT for green receipt to be returned with the other party's signature. When you get the green receipt, note the date the other party received and signed for the papers.

STEP 3: PAPERS FOR THE COURT

- **COMPLETE:** Original of ***"Affidavit of Service by Certified Mail."*** Fill in *ALL* information requested on the form before proceeding. Be sure you fill in the date the other party received the papers. If you are unsure of the date, use the date you received the return receipt card. If you fail to list a date, the court may not process your papers and your case may be delayed.
- **ATTACH:** You must attach the original green receipt to the Affidavit to prove how you served the other party.
- **COPY:** Make yourself a copy of the ***"Affidavit of Service by Certified Mail"*** and a copy of the green receipt to keep for your files.

STEP 4: FILE PAPERS WITH THE COURT. File the Original ***"Affidavit of Service by Certified Mail"*** and the original green receipt with the Clerk of the Court.

STEP 5: COUNT. Note the date the other party was served the papers and start counting the days the other party has to file a Response or Answer. (When counting the days, start counting with the day **after** the other party signed the green receipt.)

DO NOT BRING CHILDREN TO COURT

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: S1100DO2

**AFFIDAVIT OF SERVICE BY
CERTIFIED MAIL**

Name of Respondent

HONORABLE: _____

1. I am familiar with the facts stated in this Affidavit, and I make this Affidavit to show that I have served the court papers on the other party by certified mail, postage prepaid, return receipt requested, pursuant to Arizona Rules of Civil Procedure, Rule 4.2(c).

Person served (name of other party): _____
Address where other party was served: _____

Date of receipt by the other party: _____ *Date of return of receipt to sender:* _____

2. The following documents were sent to the other party by certified mail (List all the documents sent to the other party):

These court papers were received by the other party as shown by the *original RETURN* receipt that is attached to this Affidavit.

INSTRUCTIONS

How to Serve Court Papers by Registered Process Server

STEP 1: **FIND.** You must hire a Registered Process Server. You may locate process servers in the commercial section of the phone book under "Process Server," or online by using the search term "Arizona Process Servers" or similar, or at the web site of the Arizona Process Server's Association at <http://arizonaprocessservers.org/>.

NOTICE: There are fees for service of court papers.

- May offer greater flexibility in serving papers "after-hours" or on short notice.
- Are paid directly by you, not through the court.
- If you qualify, Process Server Fees may be deferred or waived within Pinal County only.
- Out of County Process Server Fees may not be deferred or waived by the court.

STEP 2: **GO.** Go to the Registered Process Server's office. **TAKE** with you the following items:

- Copy of "**Summons**" (if your case has a summons).
- Other party's set of copies of the court papers.
- A picture or a written physical description of the other party.
- A written description of the automobile that the other party drives.
- The address where the other party can be served.
- The amount you need to pay for this service. (You can call ahead of time to ask the Process Server what type of payment they require.)

STEP 3: **WAIT.** The Process Server will mail you a copy of the "**Affidavit of Service**" after he/she serves the other party with the papers. **IMPORTANT:** If the Process Server does not file an "**Affidavit of Service**" with the Clerk of the Court, you must get the "**Affidavit of Service**" from the Process Server and file it.

STEP 4: **COUNT.** Look at the "**Affidavit of Service**" to find out the date the other party was served with the court papers and start counting the days for the other party to file a

Response or Answer. When counting the days, start counting with the day **after** the other party was served the papers. Look at the ***“Affidavit of Service”*** to find out the date the other party was served with the court papers and start counting the days for the other party to file a Response or Answer. When counting the days, start counting with the day **after** the other party was served the papers.

DO NOT BRING CHILDREN TO COURT.

PROCEDURES

How to Serve Court Papers by Sheriff

STEP 1: **GO.** Contact the Sheriff's Office in the county where the other party lives. Bring your court papers with you, **or** send a copy of the court papers to the Sheriff's Office if the other party does **not** live in the same county as you do. The Pinal County Sheriff's Office is located at:

Pinal County Sheriff's Office

971 Jason Lopez Circle, Bldg C

Florence, AZ 85132

1-800-420-8689

NOTICE: There are fees for service of court papers.

STEP 2: **WRITE.** If you are asking that the papers be served by a Sheriff's Department *other than* Pinal County's, fill out the attached sheet for identifying the other party and provide:

- Other party's set of copies of the court papers.
- A picture or written physical description of the other party.
- A written description of the automobile the other party drives.
- The address where other party can be served.
- ***"Certified Order Waiving/Deferring Fees,"*** or a \$200.00 deposit fee - cash/money order.

STEP 3: **WAIT.** The Sheriff may mail you a copy of the ***"Affidavit of Service"*** after the other party is served with the papers, **or** the Sheriff may file these papers instead of sending them back to you.

STEP 4: **COUNT.** Read the ***"Affidavit of Service"*** to find out the date the other party was served with the court papers and start counting the days the other party must file a Response or Answer. (When counting the days, start counting with the day **after** the other party was served with the court papers.)

DO NOT BRING CHILDREN TO COURT.

(YOUR NAME)

(ADDRESS)

(CITY/STATE/ZIP)

(TELEPHONE NUMBER)

(DATE)

(COUNTY NAME) **County Sheriff**

(ADDRESS)

COURT CASE NO. S1100 DO2

(CITY/STATE/ZIP)

REGARDING: (NAME OF PERSON TO BE SERVED)

I enclose a copy of the following documents: (LIST ALL DOCUMENTS YOU WANT TO BE SERVED)

Please serve these papers on the other party. His or her current address and physical description are:

(OTHER PARTY'S NAME)

(HOME ADDRESS)

(WORK ADDRESS)

(HOME CITY/STATE/ZIP)

(WORK CITY, STATE, ADDRESS)

SEX	RACE	BIRTH	HGT.	WGT.	EYES	HAIR	SSN

Please return a notarized ***"Affidavit of Service"*** to my address at your earliest convenience. The court requires that each document served be named in the ***"Affidavit of Service."***

☐ I also enclose a deposit of \$200. I understand there is a \$16.00 service fee, a travel fee of \$2.40 per mile (one way), for each attempt at service, and a \$8.00 notary fee. I understand that the difference between my deposit and the fees accrued for service will be billed, or returned, to

me. **OR,**

☐ I also enclose a certified copy of the ***“Order for Waiver/Deferral of Fees for Service of Process.”***

Thank you for your cooperation in this matter.

(YOUR SIGNATURE)

Enclosures

PROCEDURE

How to Serve the Court Papers by Publication

STEP 1: PUBLISH THE COURT PAPERS. As per A.R.S., Rules of Civil Procedure, Rule 4.2 (f).

A. How to serve the court papers by publication if you do not know if the other party lives in the county in which your case is pending (Pinal County) and/or the other party's last known address was not in Arizona.

1. If you are paying the costs to publish, use any paper of general circulation and that are familiar with the requirements and regularly publishes legal notices.

NOTICE: There are fees for service of court papers.

B. How to publish service if the other party's last known address is in Arizona and that address is not in the county in which your case is pending:

1. You must publish in the county in which your case is pending and you must publish in a newspaper in the county of the last known residence of the person to be served.
2. To publish in Pinal County follow the instructions in "A" above how to publish service of process if the other party lives in the same county in which your case is pending.
3. To publish in another county (not Pinal County) you will need to contact a newspaper company in that county.

C. How to publish service if the other party is known to live in another country:

1. You will have to contact an attorney to see if this method of service is appropriate for your situation.

STEP 2: WAIT. Wait for the newspaper to send you the original of the document called ***"Affidavit of Service"*** in about five weeks.

STEP 3: COMPLETE YOUR PAPERWORK.

A. Fill out the *"Affidavit Supporting Publication,"* where you will list everything you did to attempt to find the other party before resorting to publication.

NOTICE: If the Court is not satisfied that you have made *every reasonable effort* to locate the other party, you may be required to take additional steps adding delay and expense to your case, including being required to publish notice again.

- B. **ATTACH** a copy of the published notice from the newspaper(s).
- C. **KEEP A COPY** for your records of the ***“Affidavit Supporting Publication.”***

STEP 4: FILE THE COURT PAPERS.

- A. File the original ***“Affidavit Supporting Publication”*** and a copy of the publication(s),
AND;
- B. File the original ***“Affidavit of Service”*** you received from the newspaper(s).

STEP 5: COUNT.

- A. Find out the date the other party was served with the court papers. You can find this date by looking at the date of the first newspaper publication. Then count the days for the other party to file a Response or Answer. (When counting down the days, start counting with the day after the first day of publication.)
- B. If the other party does not file a Response or Answer within the required time period, see a lawyer for help.
- C. If the other party files a Response or Answer, see a lawyer for help.

DO NOT BRING CHILDREN TO COURT

Arizona Rules of Family Law Procedure, Rule 6.3(h)

Print Name

Your Address

Date

Name of Newspaper

Address

To Whom It May Concern:

I need to publish notice in the newspaper about the following matter:

Court Case Number S1100DO2

Enclosed is a copy of the following documents stamped by the Clerk of Court (list all the documents here :)

1. _____
2. _____
3. _____
4. _____

Please publish a Notice in your newspaper about this court case once a week for four successive weeks. Also enclosed is **(Check One Box)**:

- ☐ A check or money order in the amount of \$_____ for the cost of the publication as requested.
- ☐ A certified copy of the Order from the court waiving the publication costs.

When you receive this letter, please call me at to tell me when the first publication will occur. When all four weeks of publication have been completed, please send to me the original and one copy of an Affidavit of Publication.

Thank you for your help in this matter.

Yours truly,

Sign Your Name

Enclosures:

- ☐ Court documents **AND**
- ☐ Check or Money Order **OR**
- ☐ Certified copy of Court Order of Waiver/Deferral of Publication Fees

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: S1100DO2

**DECLARATION OF DUE DILIGENCE AND
REQUEST FOR ALTERNATE MEANS OF
SERVICE (PUBLICATION)**

Name of Respondent

HONORABLE: _____

1. I make this Affidavit to tell the Court why service by publication is needed.
2. Pursuant to Arizona Rules of Civil Procedure, Rules 4.1(e) and 4.2(e), service by publication is the best way to notify the other party of this court case because the other party is:

☐ Avoiding Service of Process. I have mailed, postage prepaid, a copy of the following legal documents:

to the last known address of the other party on or before the first date of publication, **OR**

☐ The other party's residence is unknown. I have not mailed copies of the proceedings to the other party.

3. The residence and whereabouts of the other party is unknown to me, even though I have made a diligent search to find out. My search failed to reveal any information that might lead to knowledge about the other party's residence or whereabouts. This is what I did to try to

find the other party. (Explain in detail here everything you did to try to find the other party.)

4. To the best of my knowledge, information and belief, the other party is not in the military service of the United States.
5. I have read this statement and know of my own knowledge that the facts stated herein are true and correct.

Date

Signature

State of Arizona)

)

County of _____)

Subscribed and sworn (or affirmed) before me this _____ day of _____, 20_____
(Day) (Month) (Year)

by _____
(Name of Signer)

(Affix notary seal here)

Notary Public
(Notary's Signature)

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Name of Petitioner	CASE NUMBER: <u> S1100DO2 </u>
<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Name of Respondent	ORDER FOR ALTERNATE MEANS OF SERVICE (PUBLICATION)
	HONORABLE: _____

The Court having reviewed the *“Declaration of Due Diligence and Request for Alternate Means of Service,”* and good cause appearing,

IT IS HEREBY ORDERED granting *“Declaration of Due Diligence and Request for Alternate Means of Service.”*

DONE IN OPEN COURT this _____ day of _____, 20____

JUDGE/COMMISSIONER OF THE SUPERIOR COURT

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

_____ Name of Petitioner	CASE NUMBER: S1100DO2 AFFIDAVIT SUPPORTING PUBLICATION A.R.C.P. 4.1, 4.2 - A.R.F.L.P. 41, 42 HONORABLE: _____
_____ Name of Respondent	

1. I make this Affidavit to tell the Court why service by publication was used and to show how service by publication was done.
2. Pursuant to Arizona Rules of Civil Procedure, Rules 4.1(e) and 4.2(e), service by publication is the best way to notify the other party of this court case because the other party is:

☐ Avoiding service of process. I have mailed, postage prepaid, a copy of the following legal documents:

to the last known address of the other party on or before the first date of publication, **OR**

☐ The other party's residence is unknown. I have not mailed copies of the proceedings to the other party.

3. The residence and whereabouts of the other party is unknown to me, even though I have made a diligent search to find out. My search failed to reveal any information that might lead to knowledge about the other party's residence or whereabouts. This is what I did to try to find the other party. (Explain in detail here everything you did to try to find the other party.)

4. To the best of my knowledge, information and belief, the other party is not in the military service of the United States.

5. **The following documents were published in a newspaper in the county where my case is pending.** (List title/name of each document. Example: Petition, Summons)

The documents above were published on the following dates:

A. _____ B. _____ C. _____ D. _____

AND/OR

The following documents were published in a newspaper in the Arizona County of the other party’s last known address, or in an adjoining county if no newspaper is published in that county, and neither is the county in which my case is pending.

The documents above were published on the following dates:

A. _____ B. _____ C. _____ D. _____

6. An Affidavit of Publication for each newspaper has been filed into court record.

7. I have read this statement and know of my own knowledge that the facts stated herein are true and correct.

Date

Signature

State of Arizona)

)

County of _____)

Subscribed and sworn (or affirmed) before me this _____ day of _____, 20____
(Day) (Month) (Year)

by _____
(Name of Signer)

(Affix notary seal here)

Notary Public
(Notary's Signature)

INSTRUCTIONS: ATTACH the original of the Affidavit of Publication from the Newspaper(s) to this page.