

INSTRUCTIONS: HOW TO FILL OUT YOUR DECREE OF DISSOLUTION OF A NON-COVENANT MARRIAGE (DIVORCE) WITHOUT CHILDREN

Use these instructions only with the *“Decree of Dissolution of a Non-Covenant Marriage (Divorce) Without Children.”* (If there are minor children, by birth or adoption, common to you and your spouse, use the form for a *“Decree of Dissolution of a Non-Covenant Marriage With Children.”*)

What the Decree Means to You. The Decree is the Court Order that legally ends your marriage. The Decree, once the judge or commissioner has signed it, is important because it determines the rights and responsibilities of both you and your ex-spouse. It tells the parties what they can and cannot do. If either party does not do what the Decree tells him/her to do, then the other party may ask the court for help. **This is a very important document.** Once it has been signed by the judge, your rights and responsibilities are affected forever.

Failure to do what the Decree tells you to do could get you into trouble with the court. This does not mean that the court will police whether you are following the Decree. It does mean you or your ex-spouse can request a **“Contempt Order”** or an **“Order to Enforce”** parts of the Decree if you or your ex-spouse fail to do what the Decree tells you to do.

Getting Your Divorce Finalized. Before your divorce can become final, a judicial officer must sign what we call a Decree of Dissolution of Marriage. The Decree states how the property (if any) is divided, how the debts and assets (if any) are divided, the amount of spousal maintenance/support (alimony) (if any), and in cases involving children, legal decision making (custody), visitation and the amount of child support, etc.

Divorce by Default. **If you have a Default Hearing, you must repeat as closely as possible what you requested in your Petition.** You cannot request something different in the Decree than what you requested in the Petition, unless your spouse has provided written consent. If you try to do this, the judicial officer will **not** sign the Decree. If you want to change your requests to the court, you must file an **“Amended Petition.”** It is a good idea to have your Petition handy when you follow the instructions to fill out your Decree.

The Decree. Fill out the Decree **before** you go to your hearing or **before** you give it to the judge to sign. Do **not** fill in the judge's signature and date. If the judge disagrees with anything you have written, he/she will change it before signing the Decree or he/she may ask the parties to come to a hearing.

Instructions for Filling Out the Decree

The page number in front of each section below corresponds with the page number on the Decree. The following instructions will help you fill out each section of the Decree.) **TYPE OR WRITE IN BLACK INK ONLY.**

Page 1 of the “Decree of Dissolution of Marriage (Divorce) Without Children”

- (A) Write in the name of the person filing the document or the lawyer's name, current address, city, state, zip code, and the telephone number. If the case has an ATLAS number, write in the number. If you are represented by an attorney write in the lawyer's state bar number, then indicate whether you represent yourself or if you are the lawyer whether you represent Petitioner or Respondent.
- (B) Write in the Name of the Petitioner and the Name of the Respondent in the space provided. This should appear the same way it does on the Petition.

(C) Write in your court case number. This will be the same as the number on the original Petition.

(D) **THE COURT FINDS:**

1 – 4. a-d.

This section tells you that before the judicial officer signs the Decree, the Judicial Officer will have determined that the court has the legal power to make the orders in your case. It also confirms that at least one of the parties lived in Arizona for at least 90 days before the Petition for Divorce was filed, and that the parties are unable to get back together and save their marriage. (If you have a trial, you must bring a copy of your marriage license to the trial to show the judge what type of marriage you have.)

Also, if you served the other party by publication, the court cannot sign a Decree that divides community property and/or debt, or order the other party to pay spousal maintenance/support (alimony).

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4 e. Community Property and Debt. Mark the first box **only** if you and your spouse did **not** get any property together while you were married and **do not** owe money to anyone for property, goods or services you got while you were married. Otherwise, mark the box that tells the court that the parties **have not** agreed to a division, but all community property will be divided pursuant to the Decree.

4 f. Pregnancy. Mark the first set of boxes if the Petitioner **OR** Respondent is not pregnant. Mark the second set of boxes if the Petitioner is pregnant and then mark whether the Respondent is **OR** is not the father. Mark the third set of boxes if the Respondent is pregnant and then mark whether the Petitioner is **OR** is not the father. If one of the parties is the father, you cannot use these forms for a divorce without children. **YOU MUST USE THE FORMS** for a divorce with children.

4 g. Spousal Maintenance/Support. Mark one box if you have requested spousal maintenance/support (alimony) in the Petition for Divorce **or** if the parties have agreed that one party will pay the other party spousal maintenance/support (alimony).

(E) **THE COURT ORDERS:**

1. MARRIAGE IS DISSOLVED. This Section Ends Your Marriage.

2. NAMES. Write in the current name of one or both parties which wish to have their former name(s) restored. This is **ONLY** if one or both of the parties wants to use and/or be called by the former/maiden name. (The law does not require you to use your former/maiden name.)

3. ENFORCEMENT OF TEMPORARY ORDERS. If the court ordered temporary payment of spousal maintenance/support (alimony), debt division, or other temporary relief, fill in the dates of **ALL** of the temporary orders. This section allows you to enforce nonpayment of those debts.

4. SPOUSAL MAINTENANCE/SUPPORT (Alimony).

a) Mark this box if **neither party** is requesting spousal maintenance/support (alimony).

b) Mark the first box if you requested spousal maintenance/support (alimony) in your Petition and you have a Default Hearing. You cannot get spousal maintenance/support (alimony) if the other party was served by publication.

Then indicate by check mark, who is to pay the spousal maintenance/support (alimony) and who will receive the spousal maintenance/support (alimony). If the parties agree, put in the amount and the date the spousal maintenance/support (alimony) will end. Otherwise, you should leave the amount and number of months of spousal maintenance blank until the judge approves the request. Be prepared to tell the judge what amount you are asking for, for what period, and why. Generally, spousal maintenance/support (alimony) is taxable income to the person receiving it and tax deductible for the person paying it.

Check with the IRS for specific rules and regulations.

Page 3 of the “Decree of Dissolution of Marriage (Divorce) Without Children”:

5. PROPERTY, DEBTS AND TAX RETURNS.

- a) Mark the first two boxes if each party will pay the debts that are unknown to the other party. By marking the third box under 5.a., you are telling the court you do not want to pay for bills your spouse got after you separated. Write the approximate date you separated on the line provided.
- b) This states that you and your spouse get to keep property, your separate property, or property that was a gift of an inheritance to you. You can also keep any personal items, clothing, and any other property you own that is not considered community property. You can give the court this information on “**Exhibit A: Property and Debt,**” which you must attach to the Decree if you mark this box. Instructions for Exhibit A are included at the end of this instruction.
- c) This means either spouse can record the Decree if there is a transfer of title to real estate, such as land or a house. This section also requires each spouse to sign documents to transfer other property, like titles to vehicles, bank accounts, etc. If you have a quit claim deed that transfers property from one spouse to the other spouse, attach a copy of the deed to the Decree, and check this box. Write in the date that both parties shall transfer all real and personal property.
- d) Mark this box to tell the court whether the parties will file joint or separate tax returns for previous years if taxes have not been paid. For this calendar year, and future calendar years, neither you, nor your spouse, can file joint tax returns **with each other**. According to the IRS, State law governs whether you are married, divorced, or legally separated. If you are divorced under a final decree by the last day of the year, you are considered unmarried for the whole year.

NOTE: See a lawyer or accountant for advice if you are not sure which box to check **OR** call the IRS at 1-800-829-4477 **OR** visit their INTERNET website at <http://www.irs.ustreas.gov>

6. OTHER ORDERS. (Leave blank for Judicial Officer.)

7. FINAL APPEAL ORDER. This Decree/Order/Judgment is a final order and may be appealed. DO NOT SIGN OR DATE the Decree, the judge/commissioner must do this.

Page 4 of the “Decree of Dissolution of Marriage (Divorce) Without Children”:

**If this Decree was issued as a “Default,” mail or deliver a copy to Respondent.
List Respondent’s Name and mailing address.**

Page 5 of the “Decree of Dissolution of Marriage (Divorce) Without Children”:

“EXHIBIT A: PROPERTY AND DEBTS”

If you have questions about whether your property is community property or separate property, or whether your debt is community debt or separate debt, you should see a lawyer for help.

1. **Division of Community Property.** If you marked the first box of Page 1, (3.e) on the Decree and have no community property or debts, **STOP**. You have completed your Decree. If you have community property, check this box.
2. **List of Community Property.** Describe the property, then mark the box showing which party is being given the property. Mark the box stating “award each party the personal property in his or her possession,” if you want the court to order this. If you had to use a separate sheet to list more property, mark the box that states “continued on reverse side or see attached list.” Be as specific as possible in describing your property.
3. **Division of Retirement, Pension, Deferred Compensation.** Decide what you want to do about these assets. Generally, each spouse is entitled up to a half interest in the pension or retirement or deferred compensation benefits of the other spouse based upon the length of time the parties were married. This is **very complicated**, and very important to both spouses. If you are entitled to any interest in your spouse’s retirement assets, you may be required to file a **Qualified Domestic Relation Order**. This is a very important document. The Court does not have this document. See a lawyer for help.

Check the box that describes what you asked for in the Petition or what the parties have agreed to.

Page 6 of the “Decree of Dissolution of Marriage (Divorce) Without Children”:

4. **Division of Real Property:** Use this section if you own a home or real estate together. IT IS VERY IMPORTANT THAT YOU WRITE IN THE CORRECT ADDRESS AND THE LEGAL DESCRIPTION OF EACH PIECE OF PROPERTY. Mark the box showing which spouse gets which property, **OR** whether it should be sold and any proceeds divided. If you used your own earnings to pay for property owned by your spouse, see a lawyer.

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5. **Division of Community Debts:** If you or your spouse have community (or joint) debt. Describe the debt, including the creditor and the amount owed. Then mark the box showing which party is going to pay for the debt. If you had to use a separate sheet to list more debts, or if you continued to list debts on the reverse side of the page, check the box to indicate that to the judge.
6. Mark this box if you both agree that each spouse will pay his/her own debt, debts incurred, and owed, prior to the marriage.

Also, decide if you want the order to divide debts incurred by a spouse that are not listed to be paid by the spouse who incurred the debt. Remember, just because the Decree orders either spouse to pay debts does not mean that the creditor cannot pursue collection from the other spouse, even after the divorce decree.
7. **Separate Property.** If you checked box 5(e) on the Decree, and you and/or your spouse have separate property, describe the separate property, its value, and who the property belongs to.

8. **Separate Debt.** If you checked box 5(e) on the Decree, and you and/or your spouse have separate debt, identify the creditor, the amount owed, and who is responsible for paying the separate debt.

Page 8 of the “Decree of Dissolution of Marriage (Divorce) With Children”:

CONSENT DECREE – (Fill out only if this is a Consent Decree)

Page 9 of the “Decree of Dissolution of Marriage (Divorce) With Children”:

SIGNATURES SECTION:

- Sign before a Notary Public or Clerk of the Court. If there is a Default Hearing, you, the Petitioner, must mail a copy of the Decree to the Respondent, after the judge has signed it.
- If Consent Decree or trial, Respondent must sign before a Notary Public or Clerk of the Court.
- If either side had attorneys, attorney(s) must sign.

****Last Page is the Income Withholding Data Form**

(Wage Garnishment for Child Support and/or Spousal Maintenance)