

# **INSTRUCTIONS: HOW TO FILL OUT PAPERS FOR THE SUMMARY CONSENT DECREE PROCESS**

## General information about filling out forms.

- Type or print all forms in black ink.
- You must fill out the top left of the first page on every form. This tells the Court who is filing the document. This will be the Petitioner's information, except when noted below.
- You will not have a Case Number leave the space blank for the Clerk of Superior Court to assign a new Case Number.
- Whomever is the "Petitioner" will remain the "Petitioner" throughout the whole case. This will never change.
- Whomever is the "Respondent" will remain the "Respondent" throughout the whole case. This will never change.

## Complete the following forms

- ✓ Family Department Sensitive Data Cover Sheet
  - Both parties need to complete their own Cover Sheet.
  - The top left information is for the party filing the form.
- ✓ Preliminary Injunction
  - This document tells the parties things they cannot do until the Court enters the decree.
- ✓ Notice of Your Rights About Health Insurance Coverage
  - This is an important document that explains what to do about health care coverage for yourself and any minor child(ren). Read it carefully.
- ✓ Notice Regarding Creditors
  - This is an important document that tells both spouses that each is responsible for community debts to creditors even though the court order or decree says that only one of you are responsible. Read this notice to find out how to obtain information from your creditors about account balances.
- ✓ Notice of Intent to File Consent Decree for Dissolution of a Non-Covenant Marriage
  - Both parties sign and date the form.
- ✓ Petition and Response for Dissolution of a Non-Covenant Marriage
  - Numbers correspond to numbered paragraphs or sections on the form.
    1. Complete Petitioner's name, address, date of birth, job title and years/month lived in Arizona.
    2. Complete Respondent's name, address, date of birth, job title and years/month lived in Arizona.
    3. Complete information about the marriage, including:
      - City and State of marriage. If married outside the United States, indicate the Country where married.

- Read the statements that follow the checkboxes. Check the box for each statement that is TRUE. If any statement is NOT true or if you fail to check the box to indicate the statement is true, your case may not proceed.
  - Check the first box to indicate that you do not have a “covenant” marriage. Read the Checklist in this packet for more information on covenant marriages.
  - Check the second box to indicate your marriage is irretrievably broken. “Irretrievably broken” means that your marriage is broken beyond repair and there is no chance of getting back together with your spouse.
  - Check the third box to indicate you and your spouse have attended a free conference with trained staff through the Court – or that it would not help.
  - If the fourth box (regarding legal decision-making) is not checked, the Court will not be able to enter orders regarding legal decision-making of the children. Generally, the children must have lived in Arizona for the past six (6) months, or since birth if younger than 6 months.
4. 90-day requirement. At least one of the parties must have lived in Arizona for at least 90 days before filing the papers. Or, at least one party must have been stationed in Arizona while a member of the Armed forces for at least 90 days before filing the papers. Before you file for Divorce, this statement MUST be true. If it is not true, you cannot file for divorce in Arizona until it becomes true.
5. If you have minor children, list their name, date of birth, and address.
6. Statement and Waivers. These statements are necessary to proceed with the summary consent decree process.
- a. This waiver means the Respondent will not require the Petitioner to formally serve them under Arizona law, and both parties agree that they have settled all issues in their divorce.
  - b. This waiver means both parties understand they have a right to request free conciliation services to try to resolve issues to remain married. However, they choose not to use those services.
  - c. This waiver means both parties understand the Petitioner could proceed by default if a Petition was filed instead. Default is when the Petitioner makes requests of the Court and the Respondent chooses not to disagree and not file a response; the Petitioner can then apply to enter “default” and submit a Default Decree to make orders of the requests in the Petition. Some parties proceed by default to save money on the filing fee of the Response. Proceeding with the summary consent decree process means both parties will be required to pay a filing fee and will submit a Consent Decree for the Judge to sign into orders.
  - d. This statement means that when Respondent signs the “Petition and Response,” it has the same effect as if the Respondent had been served a Summons. This means the Respondent will not need to be “served” with the divorce.
  - e. This means the parties understand if they wish to withdraw their agreement, the party who no longer agrees must file a motion with the Court no later than 60 days after filing of the “Petition and Response.” If you change your mind, see the instructions and procedures and form for a “Motion to Withdraw Notice of Intent.”
  - f. This means the parties are filing the joint “Petition and Response” instead of filing separate “Petition” and “Response” forms.

7. Written Agreement. This is stating that the parties are attaching a copy of their agreement, i.e. Consent Decree, to the “Petition and Response.” The agreement tells the Court information about the case and what the parties are asking the Court to sign as an order.

- Joint Requests to the Court.

A. Under this section, the parties are stating they wish the Court to grant their request for a divorce.

B. This means the parties are asking the Court to enter orders as detailed in the Consent Decree.

- Oath or affirmation and verification. Both parties are required to sign in front of a Deputy Clerk or a notary public. By doing so, you are telling the Court that everything contained in the “Petition and Response” is true, under penalty of perjury.

✓ Consent Decree

1. On the first page, fill in the information requested at top left for the person filing the Consent Decree and Respondent. Use the spaces marked “representing” and “state bar number” **only** if an attorney is preparing this form.
2. Fill in the names of the persons shown as “Petitioner” and “Respondent”.
3. Write the ATLAS number *if* one has been assigned to your case.
4. Fill out the remaining parts of this Consent Decree according to you and your spouse’s agreements.
5. When you and your spouse sign this Consent Decree, you state to the Court:
  - You have read, understand, and agree with the contents of the Consent Decree.
  - You agree to all the terms stated in the Decree.
  - You are requesting the Court to make this document a Court Order that governs your divorce or legal separation.
6. SIGNATURES:
  - Be prepared to show photo identification before signing this document.
  - Do Not Sign this Consent Decree until you are in front of a Clerk of Court or a Notary Public.
  - Read carefully before you sign this Consent Decree.
  - You and your spouse may sign this Consent Decree only if you understand and agree to ALL the terms of the Decree.

**Complete the following forms when you have minor children**

✓ Affidavit Regarding Minor Children

- You must complete this document. Fill in the information completely and to the best of your knowledge.

- ✓ Order and Notice to Attend the Parent Information Program Class
  - Both parents must attend and complete a class in the Parent Information Program. The purpose of the Parent Information Program is to give parents information about the impact that divorce, the changes in the family unit, and court involvement may have on minor children involved in a divorce, paternity, or legal decision-making case. This Notice applies to all parents who file an action for dissolution of marriage or legal separation, or any proceeding in which a party has requested that the court determine legal decision-making, parenting time or support, and to all other domestic relations cases if ordered by the court. Make sure you read this order.
  
- ✓ Parenting Plan
  - Fill out the Parenting Plan to let the Court know details about what you want for legal decision-making authority and parenting time. It is important to be specific when filling out the Parenting Plan. You may refer to the “Planning for Parenting Time: Arizona’s Guide for Parents Living Apart” to help make your parenting plan.
  
- ✓ Education Order (Sole Legal Decision-Making or Joint Legal Decision-Making)
  - Fill out the appropriate Education Order to let the Court know details about what you want for legal decision-making authority at your child’s school.
  
- ✓ Child Support Worksheet
  - Use the free online Child Support Calculator at the website listed below to complete a Child Support Worksheet:  
ezCourtForms <http://www.superiorcourt.maricopa.gov/ezcourtforms2/>
  - To complete the child support worksheet, you will need to know:
    - Your monthly gross income and that of the other parent.
    - The monthly cost of medical insurance for the minor children who are the subject of this action.
    - Monthly childcare amounts paid to others.
    - The number of days the minor child(ren) spend with the non-primary residential (custodial) parent.
    - Monthly obligations of yourself and the other parent for child support or court-ordered spousal maintenance/ support.
  
- ✓ Child Support Order
  - You must complete this document. When you create a Child Support Worksheet using the ezCourtForms program, it will also generate a Child Support Order. Both parties must sign the form. Leave the date and signature for the judge blank.
  
- ✓ Current Employer Information
  - You must complete this document. When you create a Child Support Worksheet using the ezCourtForms program, it will also generate this form.

- STEP 1:** Make **2** copies of the following documents *after* you have filled them out:
- *“Sensitive Data Sheet with Children OR Sensitive Data Sheet without Children”*
  - *“Preliminary Injunction”*
  - *“Notice Regarding Creditors”*
  - *“Notice Regarding Health Insurance”*
  - *“Notice of Intent to file Consent Decree for Dissolution of Non-Covenant Marriage”*
  - *“Petition & Response for Dissolution of Non-Covenant Marriage”*
  - *“Proposed Summary Consent Decree”*
  - \* *“Pro Per Litigant(s) Electronic Distribution”* (optional if you are representing yourself)

For Cases with Minor Children Also Include the following:

- *“Affidavit Regarding Minor Children”*
- *“Order and Notice to Attend Parenting Education Class”*
- *“Parenting Plan for Joint Legal Decision-Making or Sole Legal Decision Making”*
- *“Education Order”*
- *“Parent’s Worksheet for Child Support”*
- *“Child Support Order with Current Employee Information”*

**STEP 2: SEPARATE YOUR DOCUMENTS INTO THREE (3) SETS:**

<p><b>SET 1 - ORIGINALS FOR CLERK OF COURT:</b></p> <ul style="list-style-type: none"> <li>• <i>“Sensitive Data Sheet”</i></li> <li>• <i>“Preliminary Injunction”</i></li> <li>• <i>“Notice Regarding Creditors”</i></li> <li>• <i>“Notice Regarding Health Insurance”</i></li> <li>• <i>“Notice of Intent to file Consent Decree for Dissolution of Non-Covenant Marriage”</i></li> <li>• <i>“Petition &amp; Response for Dissolution of Non-Covenant Marriage”</i></li> <li>• <i>“Proposed Consent Decree”</i></li> <li>• * <i>“Pro Per Litigant(s) Electronic Distribution”</i> (optional)</li> </ul> <p><b>FOR CASES WITH MINOR CHILDREN ALSO INCLUDE:</b></p> <ul style="list-style-type: none"> <li>• <i>“Affidavit Regarding Minor Children”</i></li> <li>• <i>“Order and Notice to Attend Parent Education Class”</i></li> <li>• <i>“Parenting Plan for Joint Legal Decision-Making or Sole Legal Decision Making”</i></li> <li>• <i>“Education Order”</i></li> <li>• <i>“Parent’s Worksheet for Child Support”</i></li> <li>• <i>“Child Support Order with Current Employee Information”</i></li> </ul>	<p><b>SET 2 - COPIES FOR SPOUSE:</b></p> <ul style="list-style-type: none"> <li>• <i>“Preliminary Injunction”</i></li> <li>• <i>“Notice Regarding Creditors”</i></li> <li>• <i>“Notice Regarding Health Insurance”</i></li> <li>• <i>“Notice of Intent to file Consent Decree for Dissolution of Non-Covenant Marriage”</i></li> <li>• <i>“Petition &amp; Response for Dissolution of Non-Covenant Marriage”</i></li> <li>• <i>“Proposed Consent Decree”</i></li> </ul> <p><b>FOR CASES WITH MINOR CHILDREN ALSO INCLUDE:</b></p> <ul style="list-style-type: none"> <li>• <i>“Affidavit Regarding Minor Children”</i></li> <li>• <i>“Order and Notice to Attend Parent Education Class”</i></li> <li>• <i>“Parenting Plan for Joint Legal Decision-Making or Sole Legal Decision Making”</i></li> <li>• <i>“Education Order”</i></li> <li>• <i>“Parent’s Worksheet for Child Support”</i></li> <li>• <i>“Child Support Order with Current Employee Information”</i></li> </ul>
<p><b>SET 3 – COPIES FOR YOU:</b></p> <ul style="list-style-type: none"> <li>• <i>“Sensitive Data Sheet”</i></li> <li>• <i>“Preliminary Injunction”</i></li> <li>• <i>“Notice Regarding Creditors”</i></li> <li>• <i>“Notice Regarding Health Insurance”</i></li> <li>• <i>“Notice of Intent to file for Dissolution of Non-Covenant Marriage”</i></li> <li>• <i>“Petition &amp; Response for Dissolution of Non-Covenant Marriage”</i></li> <li>• <i>“Proposed Consent Decree”</i></li> <li>• * <i>“Pro-Per Litigant Electronic Distribution Form”</i></li> </ul> <p><b>FOR CASES WITH MINOR CHILDREN ALSO INCLUDE:</b></p> <ul style="list-style-type: none"> <li>• <i>“Affidavit Regarding Minor Children”</i></li> <li>• <i>“Order and Notice to Attend Parent Education Class”</i></li> <li>• <i>“Parenting Plan for Joint Legal Decision-Making or Sole Legal Decision Making”</i></li> <li>• <i>“Education Order”</i></li> <li>• <i>“Parent’s Worksheet for Child Support”</i></li> <li>• <i>“Child Support Order with Current Employee Information”</i></li> </ul>	

**STEP 3:** **FILE THE PAPERS AT THE COURT: GO TO THE COURT TO FILE YOUR PAPERS:** You should go to the court at least two hours before it closes. You may file your court papers at the following Superior Court locations:

**Clerk of Superior Court**  
415 E. Spring St.  
Kingman, AZ 86401  
(928) 753-0713  
Monday-Friday  
8:00a-5:00p

**Clerk of Superior Court**  
2225 Trane Road  
Bullhead City, AZ 86442  
(928) 758-0730  
Monday-Friday  
8:30a-12:00p, 1:30p-4:30p

**Clerk of Superior Court**  
2001 College Drive  
Lake Havasu City, AZ 86404  
(928) 453-0701  
Monday-Friday  
8:30a-12:00p, 1:30p-4:30p

**E-FILING:** OR YOU MAY FILE ELECTRONICALLY HERE: <https://efile.azcourts.gov/>

**FEES:** There is a filing fee and service fees for all Petitions.

**PAPERS:** Hand all three (3) sets of your court papers to the Clerk along with cash, check card, or a Money Order to pay the filing fee.

**MAKE SURE YOU GET THE FOLLOWING BACK FROM THE CLERK:**

- Your Set of Copies
- Your Spouse's Set of Copies

**IMPORTANT \*:** If you are a Pro Per Litigant and want to receive your paperwork from the Court electronically (via e-mail), fill out the "Pro Per Litigant(s) Electronic Distribution" form.