

YAVAPAI COUNTY
Self-Service Center

DECREE OF DISSOLUTION OF MARRIAGE WITH CHILDREN

You can use this Decree when you have minor children with your spouse **AND:**

1. You will have a Default Hearing **OR**
2. You will have a Short Cause Hearing **OR**
3. You had a Trial and the Court told you to file a Decree **OR**
4. All requirements of ARFLP, Rule 45, have been met, and a Consent Decree is to be entered.

YOU ARE NOT DIVORCED UNTIL THE JUDGE/COMMISSIONER SIGNS THE DECREE. The Decree shows who gets what property, who pays which debts, who will have legal decision-making for the child(ren), who pays support, etc. Failure to follow the Decree may result in the other party requesting a Contempt Order or Order of Enforcement from the Court.

INSTRUCTIONS: COMPLETING THE DECREE OF DISSOLUTION OF MARRIAGE WITH CHILDREN

The section letter or number of the instructions matches the paragraph letter or number on the Decree form.

TYPE OR WRITE IN BLACK INK ONLY

If your divorce is being obtained by...

Complete the Decree by...

Default.....	Copying exactly what you wrote in the Petition
Short Cause Hearing	Inserting the agreement you and your spouse reached and both of you signing the Decree in front of a notary.
Trial.....	Writing in the decisions made by the judge at trial and then both of you signing the Decree in front of a notary.
Consent.....	Inserting the agreement reached with your spouse and both of you signing the Decree in front of a notary.

INSTRUCTIONS: COMPLETING THE “COURT FINDS” SECTION OF THE DECREE

- (A) Fill in the Petitioner (or attorney) information.
 - (B) Fill in the Respondent (or attorney) information.
 - (C) Write the Petitioner and Respondent names.
 - (D) Write your case number.
 - (E) Check this box if you requested paternity to be established for a child during the dissolution proceeding.
 - (F) Check this box if you are requesting a Consent Decree.
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- (1) to (8) No instructions needed.
 - (9) If the statement is true, mark the box in front of it. If it is false, leave blank.
 - (10) If the statement is true, mark the box in front of it. If it is false, leave blank.
 - (11) Check either 11a or 11b.

- (12a)-(12b) Mark the box in front of the statement that is true.
- (12c) Leave blank unless you asked for this in your Petition or the parties have agreed to it or the Judge ordered this at trial.
- (12d)-(12e) Mark the box in front of the statement that is true.
- (12f) Leave blank unless you asked for this in your Petition or the parties have agreed to it or the Judge ordered this at trial.
- (13) If the statement is true, mark the box in front of it. If it is false, leave blank.
- (14a)-(14b) Leave blank unless you asked for this in your Petition or the parties have agreed to it or the Judge ordered this at trial.
- (14c) Leave blank.
- (14d) Leave blank.
- (15) Leave blank.
- (15a) Leave blank unless joint legal decision-making was requested, agreed to by the parties or the Judge ordered this at trial.
- (15b) Leave blank.
- (15c)-(15d) If you marked 15a, then mark either 15c or 15d.
- (15e) Leave blank.
- (15f) If you marked 15d, then complete 15f.
- (15g) Leave blank.
- (16) Leave blank unless you asked for this in your Petition or the parties have agreed to it or the Judge ordered this at trial.
- (17) Check this box if you are filing a Consent Decree.

INSTRUCTIONS: COMPLETING THE “COURT ORDERS” SECTION OF THE DECREE

- (1) No instructions needed.
- (2) If a party requested a legal name change, write the full name here; otherwise, leave blank.
- (3) If the Court ordered temporary payment of child support, spousal maintenance (alimony), debt division, or other temporary orders, mark the box and fill in the dates of ALL of the temporary orders.
- (4a) Mark this box if neither party is to receive spousal maintenance.
- (4b)-(4c) Complete all information only if either party is to pay spousal maintenance. Leave the amount and dates blank unless the Judge already ordered an amount to be paid.
- (5a) to (5f) Mark all boxes that apply.

Note: 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.” See a lawyer or accountant for advice if you are not sure which box to check below.

- (5g)-(5j) Mark the appropriate boxes.
- (6a) Complete only if the wife is pregnant.
- (6b1) Mark this box if there were children common to the parties who were born prior to the marriage and the judge/commissioner will make an order about paternity. Fill in the name of the person the judge/commissioner will name as the father.
- (6b2) Fill in the name(s) of the child(ren) you have with your spouse.
- (6c1) Mark this box if either the Petitioner or the Respondent is to be awarded sole legal decision-making for the minor child(ren). If joint legal decision-making is to be awarded, skip to 6c7.
- (6c2) If sole legal decision-making is to be awarded, mark who is to have it and complete sections 6c3 through 6c6.
- (6c3) Mark this box if parenting time is to occur according to a Parenting Plan.
- (6c4) Mark this box if there is no Parenting Plan and parenting time is to occur according to the Yavapai County Parenting Time Guidelines.
- (6c5) Complete this section if parenting time is to be supervised.
- (6c6) Mark the box if no parenting time is to be awarded to one or both of the parties.
- (6c7) Mark this box if Joint Legal Decision-Making is to be awarded.
- (6d) Mark who is to pay the child support to the other party. Fill in the amount of child support due either from the Parent’s Worksheet or the Judge’s order. Leave the rest of the spaces blank for the judge/commissioner to fill in.

- (6e1) Mark who will be responsible for medical and dental insurance or cash medical support, based on the request made in your Petition for Dissolution or the parties' agreement or the Judge's order.
- (6e2) Mark what percent each party will pay for uninsured expenses.
- (6f) No instructions needed.
- (6g) No instructions needed.
- (6h) This section applies **only** if a child(ren) was born during the marriage but is not common to the marriage. Mark which party should have no legal rights to this child and provide the requested information.
- (6h1) Mark this box if the wife is pregnant with a child not common to the marriage, and include the expected due date of the child.
- (7) Mark the box that makes the statement true. If you aren't sure what a QDRO is, consult an attorney.
- (8) Mark the box(es) showing whether you have attached exhibits for property and debts and/or legal decision-making to this Decree.
- (9) List any other orders that are not already described in the Decree.
- (10) Leave blank for judge.

SIGNATURES

The Petitioner must sign in front of a notary or a Deputy Clerk at the time of filing. Leave Respondent's section blank only if you are proceeding by Default. If there has been a trial, or a short cause hearing is set, or this is a Consent Decree, the Respondent is required to sign in front of a notary or a Deputy Clerk. If either party has an attorney, s/he must also sign.

INSTRUCTIONS FOR COMPLETING EXHIBITS A AND B

- * File **EXHIBIT A** if there is community property or debts or if this is a Consent Decree or if the Attorney General is involved in your case. The Attorney General would be involved if any party is receiving benefits under Temporary Assistance for Needy Families (TANF) or the Title IV-D program.
- * File **EXHIBIT B** if you and your spouse agree on legal decision-making and parenting time.
- * If you don't need EXHIBIT A or B, your Decree is complete. Go to **WHAT TO DO NEXT**

INSTRUCTIONS: COMPLETING EXHIBIT A - COMMUNITY PROPERTY AND DEBT

If your divorce is being obtained by...

Complete Exhibit A by...

Default	Copying exactly what you wrote in the Petition * Community Personal Property - section 5a * Community Real Property - section 5a * Community Debts - section 6a
Short Cause Hearing	Inserting the agreement you and your spouse reached and both of you signing Exhibit A in front of a notary.
Trial	Writing in the decisions made by the judge at trial and then both of you signing Exhibit A in front of a notary.
Consent	Inserting the agreement reached with your spouse and both of you signing Exhibit A in front of a notary.

- (1a) Mark this box if there is community property to be divided.
- (1b) Mark the boxes in front of the name of the types of community property you and your spouse acquired during the marriage. Describe the property, then mark the box showing which party will get it or if it will be sold and the money split between the parties.
- (1c) Mark the box that describes how retirement, pension, deferred compensation or 401(k) plans are to be awarded. Write in all requested information.
- (1d) Use this section if you and your spouse have community property real estate (home, etc.). **IF YOU DO NOT PROVIDE THE LEGAL DESCRIPTION, YOU MAY HAVE TO GO BACK TO COURT AT A LATER DATE TO AMEND YOUR DECREE. THERE IS A FEE TO DO THIS.**

- (1e) You can update the amounts owed, only if the amounts are less than those amounts in the Petition or the parties agree to update the amounts. Then put which debts are to be the responsibility of which party. **REMEMBER, JUST BECAUSE THE DECREE ORDERS ONE SPOUSE TO PAY A DEBT, THAT DOES NOT MEAN THE CREDITOR CANNOT PURSUE COLLECTION FROM THE OTHER SPOUSE, EVEN AFTER THE DECREE IS SIGNED BY THE JUDGE.**
- (2a) Describe the types of separate property you and your spouse acquired during the marriage and how it is to be awarded.
- (2b) List the separate debts of each party and who is to be ordered to pay.
- (2)-(3) Check boxes only if this is a Consent Decree.

SIGNATURES

The Petitioner must sign in front of a notary, or a Deputy Clerk at the time of filing. If there has been a trial, or a short cause hearing is set, or this is Consent Decree, the Respondent is required to sign in front of a notary or a Deputy Clerk

If either party has an attorney, s/he must also sign.

If the Attorney General is involved in your case, they will need to sign or provide you with a separate signed form.

The Attorney General would be involved if any party is receiving benefits under Temporary Assistance for Needy Families (TANF) or the Title IV-D program.

INSTRUCTIONS: COMPLETING EXHIBIT B - PARENTING PLAN OR JOINT LEGAL DECISION-MAKING AGREEMENT:

If your divorce is being obtained by...

Complete Exhibit B by...

Default.....	Copying exactly what you wrote in the Petition. * Refer to The “Legal Decision-Making Agreement” in Petition packet.
Short Cause Hearing.....	Inserting the agreement you and your spouse reached and both of you signing it in front of a notary.
Trial.....	Writing in the decisions made by the judge at trial and then both of you signing it in front of a notary.
Consent.....	Inserting the agreement reached with your spouse and both of you signing it in front of a notary.

IF THIS IS A JOINT LEGAL DECISION-MAKING AGREEMENT, BOTH PARTIES MUST SIGN. IF THERE HAS been a trial, or a short cause hearing is set or this is a Consent Decree, the Respondent is also required to sign in front of a notary. If either party has an attorney, s/he must also sign. If you are proceeding by Default, only the Petitioner is required to sign.

EDUCATION ORDER: COMPLETE ONE OF THE TWO INCLUDED ORDERS: Beginning January 2024, all final orders involving legal decision-making and parenting time will require that the court also issue a separate education order. The Orders are for either **joint** legal decision-making or for **sole** decision-making. The education order will serve to guide the schools regarding education-related issues. Parents are required to provide a copy of the signed order to the child(ren)’s school(s).

INSTRUCTIONS: COMPLETING THE ORDER FOR RESTORATION OF NAME:

* Use this form only when one or both parties has requested a legal name change. If this form is needed in your case, complete the top part of the form with the names of Petitioner and Respondent and case number.

- (A) Write in the Petitioner and Respondent names.
- (B) Write in your case number.
- (C) Write out the complete name being requested and circle who is requesting the name change (Petitioner/Respondent).
If both parties are requesting a name change, separate orders will be needed.

WHAT TO DO NEXT

File the papers listed in the table below with the Clerk of the Superior Court.

Clerk of Superior Court
 YAVAPAI COUNTY COURTHOUSE
 120 S Cortez Street
 Prescott, AZ 86303

Clerk of Superior Court
 YAVAPAI COUNTY SUPERIOR COURT
 2840 N. Commonwealth Drive
 Camp Verde, AZ 86322

If you are obtaining your divorce by.....

	<u>Default</u>	<u>Short Cause Hearing</u>	<u>After Trial</u>	<u>Consent</u>
Documents to file	* Application and Affidavit for Default * Motion and Affidavit for Default without a Hearing (if applicable) * Decree * Exhibit B <u>Optional</u> (file only if required) * Exhibit A * Order to Restore Name * Any other documents to be incorporated into the Decree	* Request for a Short Cause Hearing * Decree * Exhibit B * Parent's Worksheet * Child Support Order * Income Withholding Order <u>Optional</u> (file only if required) * Exhibit A * Order to Restore Name	* Decree * Exhibit B * Parent's Worksheet * Parenting Plan * Child Support Order * Income Withholding Order <u>Optional</u> (file only if required) * Exhibit A * Order to Restore Name	* Decree * Exhibit B * Parent's Worksheet * Parent Ed Certificate * Parenting Plan * Child Support Order * Income Withholding Order <u>Optional</u> (file only if required) * Exhibit A * Order to Restore Name

Copies: Two (2) sets of everything.

Envelopes: Two (2) envelopes with four (4) stamps each. Address one (1) to the Petitioner and the other to the Respondent.

Note: If you have already filed the final version of any of the papers listed above, and they are in your file, you do not need to file them again.

WHAT HAPPENS NEXT:

Default without a hearing	The judge/commissioner will review your file. If everything is in order, and the Default requirements are satisfied, s/he will sign the Decree and you and your spouse will receive a copy in the mail.
Default with a hearing	You will receive a notice in the mail of the date and time of the hearing.
Short Cause hearing	You will receive a notice in the mail of the date and time of the hearing.
After Trial	Follow the instructions given by the judge/commissioner.
Consent.	Wait to hear from the court (this will take at least 30 days). You will receive copies of the Decree in the mail if the judge/commissioner has signed the Decree. If the judge/commissioner has not signed the Decree, and a hearing has been set, you will be notified of the time and date of the hearing. You will also be notified if the Petition is denied without a hearing being set. IF YOU DO NOT HEAR FROM THE COURT WITHIN A REASONABLE TIME, CONTACT THE COURT TO SEE IF THERE IS SOMETHING ELSE YOU MUST DO.