

PROCEDURES: HOW TO FILE PAPERS WITH THE COURT TO ASK FOR A SUMMARY CONSENT DECREE OF A NON-COVENANT MARRIAGE

STEP 1. Both parties must complete their own “Family Department Sensitive Data Coversheet.” You do not need to make a copy of this document unless you want one for your records.

If the Arizona Division of Child Support Services (DCSS) is involved in your case, have a representative of the Attorney General’s Office sign in the space provided in the Consent Decree.

STEP 2. Attach a COPY of the “Consent Decree” to your “Petition and Response for Dissolution.”

STEP 3. If you have minor children, you must complete and submit a “Child Support Worksheet.” Use the online form at the following site and print out 3 copies.

ezCourtForms <http://www.superiorcourt.maricopa.gov/ezcourtforms2/>

STEP 4. Make copies of the following documents after you have filled them out. You will need the following:

- Preliminary Injunction – 1 original, 2 copies
- Notice of Intent to File Consent Decree for Dissolution of Non-Covenant Marriage – 1 original, 3 copies
- Petition and Response for Dissolution of a Non-Covenant Marriage with attached copy of completed Consent Decree – 1 original, 2 copies
- Notice of Your Rights About Health Insurance Coverage – 1 original, 2 copies
- Notice Regarding Creditors – 1 original, 2 copies
- Consent Decree – 2 originals, 2 copies

If you have minor children with the other party, you must also prepare and make copies of the following:

- Affidavit of Minor Children – 1 original, 2 copies
- Order and Notice to Attend Parent Information Program Class – 1 original, 2 copies
- Parenting Plan – 2 originals, 2 copies
- Child Support Worksheet – 3 copies
- Child Support Order – 1 original, 2 copies
- Current Employer Information – 1 original

STEP 5. Separate your documents into four (4) sets, as follows:

Set 1 - Originals for Clerk of Superior Court:

- Family Department Sensitive Data Cover Sheet (one from each Party)
- Preliminary Injunction
- Notice of Intent to File Consent Decree
- Petition and Response for Dissolution of a Non-Covenant Marriage... with attached copy of completed Consent Decree
- Notice of Your Rights About Health Insurance Coverage
- Notice Regarding Creditors

If there are minor children:

- Affidavit of Minor Children
- Order and Notice to Attend Parent Information Program Class
- Parenting Plan

Set 2 - Copies for Petitioner to keep after Clerk of Superior Court stamps the documents:

- Preliminary Injunction
- Notice of Intent to File Consent Decree
- Petition and Response for Dissolution of a Non-Covenant Marriage... with attached copy of completed Consent Decree
- Notice of Your Rights About Health Insurance Coverage
- Notice Regarding Creditors

If there are minor children:

- Affidavit of Minor Children
- Order and Notice to Attend Parent Information Program Class
- Parenting Plan

Set 3 – Copies for Respondent to keep after the Clerk of Superior Court stamps the documents:

- Preliminary Injunction
- Notice of Intent to File Consent Decree
- Petition and Response for Dissolution of a Non-Covenant Marriage... with attached copy of completed Consent

<p>Decree</p> <ul style="list-style-type: none"> • Notice of Your Rights About Health Insurance Coverage • Notice Regarding Creditors <p>If there are minor children:</p> <ul style="list-style-type: none"> • Affidavit of Minor Children • Order and Notice to Attend Parent Information Program Class • Parenting Plan
<p>Set 4 – <u>Originals and copies</u> for Family Department:</p> <ul style="list-style-type: none"> • 1 file stamped copy of the Notice of Intent to File Consent Decree • 1 original and 2 copies of signed Consent Decree • Copy of receipts for both filing fees <p>If there are minor children:</p> <ul style="list-style-type: none"> • 1 original and 2 copies of the Parenting Plan • 3 copies of the Child Support Worksheet • 1 original and 2 copies of the Child Support Order • 1 Current Employer Information
<p>Set 5 (if applicable) – Copies for DCSS:</p> <ul style="list-style-type: none"> • Signed Consent Decree • Child Support Worksheet • Child Support Order • Current Employer Information

STEP 6. File the papers. Pay the fees. Request an extra copy of the receipt if you want one for your records.

Go to the Clerk of Superior Court filing counters at one of the following locations. You should go to the Court at least two hours before it closes.

The filing fee is due at the time of filing. The total fee is currently \$426.50 (\$232.00 for Petition, \$194.50 for Response). The amount is subject to change without notice.

The Clerk accepts the following forms of payment: cash, money order, wire transfer, credit cards, and debit cards (run as a credit card transaction). Business checks are

accepted from law firms, process servicers, runner services, and certified document preparers, only when it's a clearly identified business check, imprinted with the firm's business address.

If you cannot afford the filing fee, you may request a deferral (payment plan) when you file your papers with the Clerk. Deferral Applications are available at no charge from the Clerk's office.

Hand sets 1, 2 and 3 of your court papers to the Clerk of Superior Court along with the filing fee. The Clerk will file in the originals and give you back conformed copies. Each party should take one set.

- STEP 7. Deliver Set 4 and 5 if applicable to the Family Department window. Include two (2) pre-stamped large envelopes with sufficient postage, one addressed to each party. If applicable, you will also need to include a stamped envelope addressed to the Attorney General*. These will be used to mail the final documents to each party.

* Office of the Attorney General
Child Support Services Section
2005 N. Central Avenue – Mail Drop 7611
Phoenix, AZ 85004-2926

- STEP 8. There is a mandatory waiting period of 60 days from the date in which the documents are filed before a judge may enter the final decree. This is known as the "waiting period." If you have minor children, you must complete the Parent Information Program during the waiting period. For more information about the program and how to sign up, read the "Order and Notice for Parent Information Program."

- STEP 9. Wait for your judge to review the paperwork. By law, the Decree will be held until the end of the waiting period of at least 60 days from the date of filing has passed.

If the parties reconcile, wish to change their consent decree or other final orders, or no longer agree to terms of settlement, a motion or stipulation must be submitted before the 60-day waiting period is up. Information on these processes are in the document "Instructions and procedures to withdraw, amend or dismiss Consent."

What happens next? It is within the Judge's/Commissioner's discretion whether to accept or reject the Decree, or to schedule a court hearing.

1. If your consent decree is accepted, the Judge/Commissioner will sign the original Decree and have it filed with the Clerk of Superior Court. The Court will send a copy of the signed Decree to each party using the envelopes you provided. This is your notification that your divorce is now final. You are not divorced until the Judge/Commissioner signs the Decree.

2. If your consent decree is rejected, the Court will send you a “Correction Notice” informing you of the mistakes with the documents. Follow the instructions on the “Correction Notice.” If the mistakes cannot be corrected, see a lawyer for help.
3. If the judge/commissioner schedules a hearing, the Court will send notice of a scheduled date, time, and location for a hearing which both parties must attend to answer any questions the Judge/Commissioner may have.

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