

# **CONSENT DECREE**

**FOR DIVORCE or LEGAL SEPARATION  
for a NON-COVENANT MARRIAGE  
WITHOUT CHILDREN**

**4**

**To get the Decree when both parties agree**

**Forms and Instructions**

LAW LIBRARY RESOURCE CENTER

CONSENT DECREE

FOR DIVORCE OR LEGAL SEPARATION IN A NON-COVENANT  
MARRIAGE  
WITHOUT MINOR CHILDREN

CHECKLIST

*You may use these forms if . . .*

- ✓ You or your spouse filed a “*Petition for Divorce or for Legal Separation in a Non-Covenant Marriage without Minor Children*”, AND
- ✓ You and your spouse agree to the divorce or legal separation **and** you agree **on all** terms of the divorce or legal separation, including:
  - Division of property and debt,
  - Spousal Maintenance (If applicable),

**AND**

- ✓ You and your spouse will provide your notarized signatures on the “*Consent Decree*” to indicate your agreement on all terms.

**✗ DO NOT USE THESE FORMS IF:**

- ✗ You disagree on **any** terms of the divorce or legal separation,
- ✗ The filing fee for a Response has not paid by either party, and you prefer to proceed with a Default Decree in order to not pay the Response fee.

**READ ME:** Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Law Library Resource Center website.

## Consent Decree for divorce or legal separation

This packet contains court forms and instructions to file a consent decree for divorce or legal separation for a non-covenant marriage. Items in **bold** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

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The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. 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.

## How to fill out the consent decree for divorce or legal separation in a non-covenant marriage without children

You may use these instructions only if you and the other party:

- do not have a “covenant” marriage; and
- have agreed on all terms of the divorce/legal separation; and
- have agreed to file and sign a Consent Decree.

Instructions for filling out the Consent Decree:

1. Top left: On the first page, fill in the information requested at top left for the person filing the Consent Decree and Respondent/Party B. Use the spaces marked “representing” and “state bar number” only if an attorney is preparing this form.
2. Names: Fill in the names of the persons shown as “Petitioner/Party A” and “Respondent/Party B” and the case number as on the Petition.
3. ATLAS Number: Write the ATLAS number if one has been assigned to your case.
4. Complete: Fill out the remaining parts of this Consent Decree according to you and your spouse’s agreements.
5. Meaning of signatures: 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 Superior 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.
  - Lawyer Signatures: If you or your spouse is represented by an attorney, the attorney must also sign.

Wait: You must wait at least 60 days from the date the responding party was served or signed an “Acceptance of Service” for the divorce or legal separation papers before you file the Consent Decree. The judge cannot sign your decree until 60 days after the date of service or the date of acceptance of service (A.R.S. § 25-329. Waiting Period).

Do not copy  
or file this page

## How to complete a Spousal Maintenance Worksheet (Applies only to cases in which the original petition for dissolution or legal separation was filed on or after September 24, 2022)

In a dissolution of marriage (divorce) or legal separation, one party may request that the court order the other party to pay “spousal maintenance.” This is financial support paid by one party to the other party. The court considers certain statutory factors to decide whether a party is eligible for spousal maintenance. In these cases, either party may request that the other pay spousal maintenance.

### Spousal Maintenance Guidelines:

For a case filed on or after September 24, 2022, if a person is eligible for spousal maintenance, then the court uses the Arizona Spousal Maintenance Guidelines to determine the amount and duration of the award for spousal maintenance.

The Guidelines can be found here:

<https://www.azcourts.gov/familylaw/Child-Support-Family-Law-Information/Spousal-Maintenance-Guidelines>.

### Spousal Maintenance Calculator:

In any dissolution of marriage or legal separation case that was originally filed on or after September 24, 2022, when a party requests spousal maintenance, or requests to change a past spousal maintenance court order, a completed Spousal Maintenance Worksheet **must** be included under the following situations.

- When filing an Application for Entry of a Default Decree and the party seeking default proceeds by motion without a hearing (Rule 44.1, ARFLP)
- When the parties agree to spousal maintenance and are submitting either a Summary Consent Decree or Consent Decree for Court approval (Rules 45 and 45.1, ARFLP).

The worksheet is created using the FREE online Spousal Maintenance Calculator. Access to the internet is required. The online Spousal Maintenance Calculator can be found here:

<https://www.superiorcourt.maricopa.gov/app/selfsuffcalc/>.

If you do not have access to the internet and/or a printer, you may use the computers at any Law Library Resource Center location. There is a small, per-page charge for printing.

### Next Steps:

After completing the Spousal Maintenance Calculator, print out the Spousal Maintenance Worksheet in order to file it with your other paperwork.

When you have completed all necessary forms, go to the “Procedures” page and follow the steps.

Person Filing: \_\_\_\_\_  
Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
ATLAS Number: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

For Clerk's Use Only

## SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

Case No. \_\_\_\_\_

Petitioner / Party A

ATLAS No. \_\_\_\_\_

Respondent / Party B

**FAMILY DEPARTMENT SENSITIVE DATA  
COVERSHEET WITH CHILDREN  
(CONFIDENTIAL RECORD)**

Fill out. File with Clerk of Superior Court. Social Security Numbers should appear on this form only and should be omitted from other court forms. Access Confidential pursuant to ARFLP 43.1(f).

**A. Personal Information:**

**Petitioner / Party A**

**Respondent / Party B**

Name

Gender

Date of Birth (Month/Day/Year)

Social Security Number

☐ Male or ☐ Female

☐ Male or ☐ Female

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

Mailing Address

City, State, Zip Code

Contact Phone

Receive texts from Court to  
contact phone number above?

☐ Yes ☐ No texts

☐ Yes ☐ No texts

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

**C. Type of Case being filed:** Mark only one (1) category below. (\*) Mark this box only if no other case type applies.

☐ Dissolution (Divorce)

☐ Paternity

☐ Order of Protection

☐ Legal Separation

☐ \*Legal Decision-Making  
/ Parenting Time

☐ Register Foreign Order

☐ Annulment

☐ \*Child Support

☐ Other

**D. Do you need an interpreter?** ☐ Yes or ☐ No. If Yes, what language? \_\_\_\_\_

**DO NOT COPY this document. DO NOT SERVE THIS DOCUMENT to the other party.**

Person Filing:\_\_\_\_\_

Address (if not protected):\_\_\_\_\_

City, State, Zip Code:\_\_\_\_\_

Telephone:\_\_\_\_\_

Email Address:\_\_\_\_\_

ATLAS Number:\_\_\_\_\_

Lawyer's Bar Number:\_\_\_\_\_

Representing ☐ Self, without a Lawyer OR ☐ Attorney for ☐ Petitioner OR ☐ Respondent

Respondent/Party B's Name or Lawyer's Name: \_\_\_\_\_

Address (if not protected):\_\_\_\_\_

City, State, Zip Code:\_\_\_\_\_

Telephone:\_\_\_\_\_

Email Address:\_\_\_\_\_

ATLAS Number:\_\_\_\_\_

Lawyer's Bar Number:\_\_\_\_\_

Representing ☐ Self, without a Lawyer OR ☐ Attorney for ☐ Petitioner OR ☐ Respondent

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA  
IN YUMA COUNTY

\_\_\_\_\_  
Name of Petitioner/Party A

Case Number: \_\_\_\_\_

CONSENT DECREE OF

☐ DISSOLUTION OF MARRIAGE  
(DIVORCE)

☐ LEGAL SEPARATION

\_\_\_\_\_  
Name of Respondent/Party B

☐ without minor children  
in a Non-Covenant Marriage

THE COURT FINDS:

1. This case has come before this court for a final Decree of Dissolution of Marriage or Legal Separation. The Court has taken all testimony needed to enter a Decree, or the Court has determined testimony is not needed to enter the Decree. This Consent Decree states the terms of the Parties' agreement.



2. This Court has jurisdiction over the parties under the law.
3. This Court has jurisdiction under A.R.S. § 25-1031 over the child(ren), if any, in this matter.
4. Where it has the legal power and where it is applicable to the facts of this case, this Court has considered, approved, and made orders relating to issues of spousal maintenance (alimony), the division of property and/or debts, legal decision-making, parenting time, and support of any minor children.
5. The Parties agree to proceed by consent.
6. The provisions of this Decree are fair and reasonable under the circumstances and in the best interests of the minor children, if any, and the division of property and debt is fair and equitable.
7. At least 60 days have passed between the time Party B was served and the time the Parties filed for this Decree.
8. Arizona Residency: The requirements of A.R.S. § 25-312 for dissolution of marriage, or A.R.S. § 25-313 for legal separation have been met: If this is an action for legal separation, at the time this action was filed, Party A and/or Party B was domiciled in Arizona or was stationed in Arizona while a member of the United States Armed Forces. If this is an action for dissolution of marriage (divorce), Party A and/or Party B was domiciled or stationed in Arizona for more than 90 days.
9. Conciliation Court. The provisions relating to the Conciliation Court either do not apply or have been met.
10. Pregnancy and Paternity:
  - ☐ Party A is not pregnant.
  - ☐ Party A is pregnant and Party B ☐ is ☐ is not a parent of the child.
  - ☐ Party B is not pregnant.
  - ☐ Party B is pregnant and Party A ☐ is ☐ is not a parent of the child.
11. Irretrievably Broken or Separate and Apart. The marriage is irretrievably broken or the parties desire to live separate and apart.
12. Covenant Marriage. This is a non-covenant marriage.
13. Protective Orders: Following is the effect, if any, of this Consent Decree on any existing protective orders: \_\_\_\_\_

14. Community Property and Debt: (Select one.)

☐ The parties did not acquire any community property or debt during the marriage,

OR

☐ The parties have agreed to a division of community property and/or debt as evidenced by their signatures on “Exhibit A” attached to and incorporated into this Decree. All community property and debt is divided pursuant to this Decree.

15. Separate Property and Debt:

☐ The parties did not acquire any separate property or debt during the marriage, OR

☐ There IS an agreement as to division of separate property and debt; all separate property and debt is divided pursuant to this Decree.

16. Spousal Maintenance/Support: (Select one.)

☐ Neither party is entitled to an award of Spousal Maintenance/Support, OR

☐ A party is entitled to an award of Spousal Maintenance/Support for the reason that:

☐ Party A, OR ☐ Party B

☐ Lacks sufficient property, including property apportioned to the spouse, to provide for that spouse’s reasonable needs.

☐ Lacks earning ability in the labor market that is adequate to be self-sufficient.

☐ Is the parent of a child whose age or condition is such that the parent should not be required to seek employment outside the home.

☐ Has made a significant financial or other contribution to the education, training, vocational skills, career, or earning ability of the other spouse or has significantly reduced that spouse’s income or career opportunities for the benefit 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.

If spousal maintenance is to be awarded, the parties further agree: (Select one.)

☐ Spousal maintenance award shall be modifiable in accordance with Arizona law,

OR

- ☐ That the circumstances of their futures are unknown, but each desires that the spousal maintenance awarded by their agreement, not be modifiable in the future for any reason. The parties understand that if there is a change in their economic circumstances in the future during the term of the spousal maintenance award, neither party shall have the right to seek nor shall the court have the authority to modify the amount or duration of the award.

If there are no minor children, check the box below and skip to “The Court Orders” section on page 7.

17. ☐ There are no minor children in this marriage, therefore statements numbered 18 through 26 below do not apply.

18. ☐ THIS DECREE APPLIES TO THE FOLLOWING MINOR CHILD(REN):

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

- ☐ Same information for additional children listed on attached page made part of this document by reference.

19. PATERNITY:

- ☐ Party A and Party B are the parents of these children born to the parties before the marriage:

Name	Date of Birth
_____	_____
_____	_____
_____	_____

20. Parent Information Program:

- A. Party A ☐ has attended the Parent Information Program class as evidenced by the Certificate of Completion in the court file or attached. (Rule 45(c)(4))

OR

Party A ☐ has not attended the Parent Information Program class and shall be denied any requested relief to enforce or modify this decree until Party A has completed the class.

- B. Party B ☐ has attended the Parent Information Program class as evidenced by the Certificate of Completion in the court file or attached. (Rule 45(c)(4))

OR

Party B ☐ has not attended the Parent Information Program class and shall be denied any requested relief to enforce or modify this decree until Party B has completed the class.

21. Child Support: The court finds that Party A and Party B owe a duty to support the child(ren) listed above. The required financial factors and any discretionary adjustment pursuant to the Arizona Child Support Guidelines are as set forth in the Child Support Worksheet and is attached hereto and incorporated herein by reference.

22. ☐ Written Approval: Title IV-D program or Temporary Assistance for Needy Families (TANF)

If either party is receiving TANF or services from the Title IV-D program, the parties have secured (on the last page of this Consent Decree), the written approval of the Attorney General or county attorney.

23. Domestic Violence:

If there has been domestic violence between the parties and legal decision-making is to be shared with or awarded to a parent who has committed domestic violence, check appropriate box and explain. (A.R.S. § 25-403.03)

- A. Domestic Violence has not occurred between the parties;

OR

- B. Domestic Violence has occurred between the parties, but:

1. ☐ It was mutual (committed by both parties), (see A.R.S. § 25-403.03 (D))

OR

2. ☐ It is otherwise still in the best interests of the minor child(ren) to grant joint or sole legal decision-making to a parent who has committed domestic violence because: (Explain)

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24. Drug or Alcohol Conviction within Last Twelve Months:

- ☐ Party A has been convicted of driving under the influence of alcohol or drugs, or was convicted of any drug offense within 12 months of filing the request for legal decision-making.
- ☐ Party B has been convicted of driving under the influence of alcohol or drugs, or was convicted of any drug offense within 12 months of filing the request for legal decision-making.
- ☐ The legal decision-making and/or parenting time arrangement ordered by this Court appropriately protects the minor child(ren).

25. Legal Decision-making Authority for Minor Child(ren): (Check/complete only if joint legal decision-making is ordered.)

- ☐ The legal decision-making authority order or agreement is in the best interests of the minor child(ren) for the following reasons: (List the reasons.)

Reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ Provisions for legal decision-making and parenting time, if not described in this Decree, are attached as the Parenting Plan, and incorporated into this Decree. (Rule 45(c)(3))

26. Supervised or No Parenting Time:

(Check and complete only if supervised or no parenting time is ordered.)

- ☐ NO Parenting Time or ☐ Supervised Parenting Time with ☐ Party A ☐ Party B, is in the best interests of the minor child(ren), for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(IF supervised) Name of supervisor: \_\_\_\_\_

\_\_\_\_\_

The cost of supervised parenting time will be paid by the:

- ☐ Party A,  
☐ Party B, OR  
☐ Shared equally by the parties

Restrictions on parenting time (if applicable): \_\_\_\_\_

\_\_\_\_\_

THE COURT ORDERS:

1. LEGAL SEPARATION OR DISSOLUTION OF MARRIAGE (“Divorce”):

- ☐ The parties are legally separated.
- ☐ Marriage is dissolved: The marriage of the parties is dissolved and the parties are restored to the legal status of single persons.

2. NAME RESTORATION: (In a divorce case if one or both parties changed their last names as a result of the marriage, either spouse may (optionally) have his/her name legally restored to a pre-marital last name.)

- ☐ Party A’s name is restored to \_\_\_\_\_. (Put only the last name here.)
- ☐ Party B’s name is restored to \_\_\_\_\_. (Put only the last name here.)

3. ENFORCEMENT OF TEMPORARY ORDERS:

- ☐ Not applicable.

A. Temporary Orders:

- ☐ All obligations ordered to be paid by the parties in Temporary Orders dated (fill in dates of all temporary orders here) \_\_\_\_\_  
\_\_\_\_\_ are satisfied in full.

OR

- ☐ Judgment is awarded against the party with the obligation up to the amount due and owing as of the date of this Decree, with the highest legal interest allowed by law, for the total amount of \$ \_\_\_\_\_.

B. Protective Orders: This Consent Decree has the following effect on any existing protective orders (See # 13 above): \_\_\_\_\_

4. CHILDREN.

☐ Does not apply. There are no minor children in this marriage. (Skip to number “9” below),

OR

☐ Yes, there are minor children in this marriage, and the following issues apply.

5. PREGNANCY AND PATERNITY:

A. Pregnancy:

☐ A child who is common to the parties is expected to be born \_\_\_\_\_ (date).

☐ The orders below as to legal decision-making, parenting time, child support, and medical insurance/expenses do not include this child; the court reserves jurisdiction to address these issues regarding this child when the child is born.

Children: This Decree includes all minor children common to the parties as follows:

NAME(S) OF MINOR CHILD(REN)

Date(s) of Birth

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Paternity/Maternity:

Minor children to whom this decree does not apply: It is ordered that:

☐ Party A, OR ☐ Party B has no legal obligation or right to the minor child(ren) born during the marriage but not common to the marriage. This decree does not include the minor children common to the parties as follows:

NAME(S) OF MINOR CHILD(REN)

Date(s) of Birth

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Child expected to be born this date: \_\_\_\_\_

☐ Birth Certificate(s): for any above-named minor child(ren) born in the State of Arizona, the Clerk of Superior Court shall forward a copy of this order to the State Office of Vital Records, which is ordered to amend the birth certificate(s) as follows: (List full name of the party as appears on the party's Social Security card or other government issued official document and as should appear on the children's birth certificate(s))

1. Add the name: (List one name only) \_\_\_\_\_  
as a parent on the above-named minor child(ren)'s birth certificate(s) if no name is already listed.
  
2. Name Change: (Optional) The name(s) of the minor child(ren) for whom paternity/maternity has been established above shall be changed as follows:

Current Legal Name

New Name (optional)

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6. LEGAL DECISION-MAKING:

Award legal decision-making concerning the child(ren) as follows:

☐ Sole Legal Decision-making to: ☐ Party A ☐ Party B

OR



☐ Joint Legal Decision-making to both parents.

Both Party A and Party B agree to act as joint legal decision-makers of the minor children, pursuant to A.R.S. § 25-403, as set forth in the Parenting Plan attached. There have been no significant acts of domestic violence, as defined by Arizona law, A.R.S. § 13-3601, by either parent or it is in the best interests of the minor child(ren) to award joint legal decision-making despite any violence that occurred.

The Court adopts the terms of the Joint Legal Decision-making Agreement/Parenting Plan describing the legal decision-making and parenting time agreement between the parties. By attaching the Joint Legal Decision-making Agreement/Parenting Plan to the Decree, the Agreement becomes part of the Decree and carries the same legal weight as the Decree.

7. PRIMARY RESIDENCE and PARENTING TIME:

A. Primary Residence:

☐ Neither parent's home is designated as the primary residence,

OR

☐ Party A's home as primary residence for following named child(ren):

\_\_\_\_\_

☐ Party B's home as primary residence for following named child(ren):

\_\_\_\_\_

B. Subject to Parenting Time as Follows:

☐ Reasonable parenting time rights as described in the Parenting Plan attached as Exhibit B and made a part of this decree,

OR

☐ No parenting time rights to ☐ Party A OR ☐ Party B,

OR

- ☐ Supervised parenting time to ☐ Party A OR ☐ Party B according to the terms of the Parenting Plan attached as Exhibit B and made part of this Decree. Parenting time may only take place in the presence of another person, named below or otherwise approved by the court.

(IF supervised) Name of supervisor: \_\_\_\_\_

The cost of supervised parenting time (if applicable) shall be paid by the

- ☐ paid by Party A  
☐ paid by Party B  
☐ shared equally by the parties.

Parenting time shall be restricted as follows: (is applicable):

\_\_\_\_\_  
\_\_\_\_\_

8. CHILD SUPPORT:

- ☐ The Child Support Order, \_\_\_\_\_, is attached hereto and incorporated by reference. (date of order)

- ☐ Party A OR ☐ Party B shall pay child support to the other party in the amount of \$\_\_\_\_\_ per month, payable the first day of the month following the date this Decree is signed by the judge until further order of the court.

9. SPOUSAL MAINTENANCE/SUPPORT:

- A. ☐ Neither party shall pay spousal maintenance/support (alimony) to the other party,

OR

- ☐ Party A OR ☐ Party B is ordered to pay to the other party the sum of \$\_\_\_\_\_ per month in spousal maintenance/support beginning the first day of the month after this Decree is signed. Each payment shall be made by the first day of each month after that and shall continue until the receiving party is remarried or deceased or until \_\_\_\_\_. (date)

All payments shall be made through the Support Payment Clearinghouse, PO Box 52107, Phoenix, Arizona 85072-7107 by Income Withholding Order, until all required payments have been made under this Decree. All spousal maintenance payments are governed by the applicable federal and state tax laws. It shall terminate upon the death of either party or remarriage of receiving party.

B. In accordance with the parties' agreements,

☐ The spousal maintenance award shall be modifiable in accordance with Arizona law,  
OR

☐ The spousal maintenance award shall NOT be modifiable for any reason.

10. PROPERTY AND DEBTS: (Select any that apply)

A. ☐ Party A is ordered to pay all community debts unknown to Party B, AND

☐ Party B is ordered to pay all community debts unknown to Party A, AND

☐ Each party is ordered to pay his or her community debts from the following date:  
\_\_\_\_\_.

B. ☐ Each party is assigned his or her separate property and Party A must pay his/her separate debt, and Party B must pay his/her separate debt.

C. ☐ Other orders and relief relating to property or debt are contained in Exhibit A, which is attached and incorporated into this Decree.

D. ☐ This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfer of title ordered in this Decree, such as motor vehicles, houses, and financial institution accounts. The parties shall transfer all real and personal property as described in Exhibit A to the other party on or before \_\_\_\_\_ by 5:00 p.m.

If the party required to transfer the property has not transferred the property to the party entitled to receive the property on or before the date and time listed above, the party entitled to receive the property is entitled upon application to a Writ of Assistance or Writ of Execution to be issued by the Clerk of Superior Court commanding the sheriff to put him or her in possession of the property.

Other orders and relief relating to property or debt, if any, are contained in "Exhibit A," which is attached and incorporated into this Decree.

11. TAX RETURNS:

☐ Each party shall give the other party all necessary documentation to file all tax returns.

For previous calendar years, pursuant to IRS rules and regulations, the parties will file:

☐ Joint federal and state income tax returns and hold each other harmless from half of all additional income taxes if any and other costs, and each will share equally in any refunds, OR

☐ Separate federal and state income tax returns, AND

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

12. FINANCIAL INFORMATION EXCHANGES: In cases in which child support or spousal maintenance are ordered, then until such time as those would end under the orders in this Consent Decree, the parties shall exchange financial information (tax returns, spousal affidavits, earning statements and/or other related financial statements) every 24 months or as follows: \_\_\_\_\_  
\_\_\_\_\_

13. QUALIFIED DOMESTIC RELATIONS ORDER (QDRO):

☐ A QDRO is not necessary;

☐ A QDRO is submitted herewith, OR

☐ A QDRO will be submitted to the Court as soon as practicable as or not later than \_\_\_\_\_ (date).

The Court shall retain jurisdiction over the subject matter of the QDRO.

14. OTHER ORDERS: (List any other orders.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15. FINAL APPEALABLE ORDER: There are no further matters that remain pending before the court and this judgment is a final order under Rule 78(c) of the Arizona Rules of Family Law Procedure.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judicial Officer

SIGNATURES OF BOTH PARTIES UNDER OATH OR AFFIRMATION

By signing below, in the presence of a Deputy Clerk of Superior Court or Notary Public, I swear or affirm that everything in this document is true and correct to the best of my knowledge, information and belief, including the following:

1. Non-Covenant Marriage. We do not have a covenant marriage.
2. Right to trial is waived. I understand that by signing this Consent Decree, I am waiving my right to a trial before a judge.
3. No duress or coercion. Complete agreement. I am not under any force, threats, duress, coercion, or undue influence from anyone, including the other party, to sign this Consent Decree. This Decree with any attachments that I have signed is our full agreement. I have not agreed to something different from what is stated in writing in the Decree.
4. Legal advice. I understand that even if I am representing myself without an attorney, I have the right to be represented by an attorney. I have the right to call an attorney and get legal advice before I sign this Consent Decree.
5. Irretrievably broken marriage. I agree that our marriage is irretrievably broken. There is no reasonable prospect of reconciliation [or we desire to live separate and apart if this is a Legal Separation case].

6. Division of property. The agreement about division of property and debt attached as “Exhibit A,” signed by both parties and made part of this document by reference, is fair and equitable.

Signatures

Petitioner/Party A:

Respondent/Party B:

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Subscribed and sworn to or affirmed before  
me this: \_\_\_\_\_ (date)  
by \_\_\_\_\_.

Subscribed and sworn to or affirmed before  
me this: \_\_\_\_\_ (date)  
by \_\_\_\_\_.

\_\_\_\_\_  
Notarial Officer

\_\_\_\_\_  
Notarial Officer

(Notarial Officer’s Stamp or Seal)

(Notarial Officer’s Stamp or Seal)

If either party is represented by an attorney, the attorney must sign.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved by Party A’s Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved by Party B’s Attorney

If the Arizona Division of Child Support Services (DCSS) is involved in your case, a representative of the Attorney General’s Office must approve the child support amount and sign below.

\_\_\_\_\_  
Signature of DCSS Representative

\_\_\_\_\_  
Date

EXHIBIT A: PROPERTY AND DEBTS

1. Division of Community Property: (property acquired during the marriage)

☐ Award each party the furniture, furnishings, artwork, collectibles, appliances, cookware, and related items of personalty in his/her possession.

☐ Community property is awarded to each party as follows:

2. List of Community Property: (Be very specific in your description of the property.)

AWARD TO:  
Party A    Party B

☐ Household Furniture and Appliances: (Be specific.)

_____	<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"/>

☐ Video: TV /DVD / DVR/ VCR, etc: (Be specific)

_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

☐ Audio: Stereo/ Radio (Household or Portable): (Be specific)

_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

AWARD TO:  
Party A    Party B

☐ Computers and Related Equipment: (Be specific)

_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

☐ Motor Vehicles: (Be specific)

1. Year, Make, Model: \_\_\_\_\_ ☐ ☐

Last 4 digits of VIN # \_\_\_\_\_

2. Year, Make, Model: \_\_\_\_\_ ☐ ☐

Last 4 digits of VIN # \_\_\_\_\_

3. Year, Make, Model: \_\_\_\_\_ ☐ ☐

Last 4 digits of VIN # \_\_\_\_\_

☐ Cash, bonds of \$ \_\_\_\_\_ ☐ ☐

☐ Other: \_\_\_\_\_ ☐ ☐

☐ Other: \_\_\_\_\_ ☐ ☐

☐ Other: \_\_\_\_\_ ☐ ☐

☐ Other: \_\_\_\_\_ ☐ ☐

☐ Other: \_\_\_\_\_ ☐ ☐

☐ Continued on attached page.

3. Division of Retirement, Pension, Deferred Compensation:

Warning: You should see a lawyer about your retirement, pension, deferred compensation, 401k plans and/or benefits. 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. Only a lawyer can help you prepare these documents.



☐ Neither party has a retirement, pension, deferred compensation, 401K Plan and/or benefits.

OR

☐ Award each party his/her interest in any and all retirement benefits, pension plans, or other deferred compensation described as:

\_\_\_\_\_

OR

☐ 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:

4. Division of Real Property: (Land and Buildings) Section A is for one piece of property. Section B is for another, separate property.

A. Real property located at (address) \_\_\_\_\_

\_\_\_\_\_.

The legal description of this property, as quoted from the DEED to the property\* is:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\* If you do not provide a correct legal description, you may have to come back to court to amend the Decree to include the correct legal description.

The real property ("A") described above is awarded as the sole and separate property of:

☐ Party A or ☐ Party B

OR

☐ Shall be sold and the proceeds divided as follows:

\_\_\_\_\_ % or \$ \_\_\_\_\_ to Party A

\_\_\_\_\_ % or \$ \_\_\_\_\_ to Party B

B. Real property located at (address) \_\_\_\_\_

\_\_\_\_\_.

The legal description of this property, as quoted from the DEED to the property\* is:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\* If you do not provide a correct legal description, you may have to come back to court to amend the Decree to include the correct legal description.

The real property (“B”) described above is awarded as the sole and separate property of:

☐ Party A or ☐ Party B

OR

☐ Shall be sold and the proceeds divided as follows:

\_\_\_\_\_ % or \$ \_\_\_\_\_ to Party A

\_\_\_\_\_ % or \$ \_\_\_\_\_ to Party B

☐ Continued on attached page(s).

5. Division of Community Debt: (Debts incurred during the marriage) (You should see a lawyer about how to divide secured and unsecured debts.)

Community debts shall be divided as follows:

	Creditor Name	Amount Owed	Amount to be paid by Party A	Amount to be paid by Party B
a.		\$	\$	\$
b.		\$	\$	\$
c.		\$	\$	\$
d.		\$	\$	\$
e.		\$	\$	\$
f.		\$	\$	\$
g.		\$	\$	\$
h.		\$	\$	\$
i.		\$	\$	\$

☐ Continued on attached page.

6. ☐ 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.
7. Separate Property: (Property acquired before the marriage or by gift or bequest to one party.)

Property recognized as the separate property of Party A or Party B, is assigned below:

Description	Value	To Party A	To Party B
	\$	<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"/>

☐ Continued on attached page.

8. Separate Debt: (Debt acquired before the marriage.)

Debt recognized as the separate debt of Party A or Party B, is assigned below:

Creditor Name	Debt Amount	Party A Pays	Party B Pays
	\$	<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"/>

☐ Continued on attached page.

Signature of Both Parties (for Consent Decree)

This “Exhibit A” represents the agreement of the parties as to the division of property and debt. The terms of the agreement are fair and equitable and have been reached free of coercion, duress, or threat of force.

By signing below, each of us states to the court under penalty of perjury that we have read and understand this document, and that the information contained in the document is true and correct to the best of our individual knowledge and belief.

\_\_\_\_\_  
Party A’s Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Party B’s Signature

\_\_\_\_\_  
Date

If either party is represented by an attorney, the attorney(s) must sign:

\_\_\_\_\_  
Party A’s Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Party B’s Attorney

\_\_\_\_\_  
Date

## Procedures: Completing your papers and what to do next

(For Divorce or Legal Separation Decree by Consent, in a Non-Covenant Marriage without Children)

### I. Requirements

- **Paperwork and Signatures:** Both Party A and Party B must sign the Consent Decree before a Clerk of Superior Court or a Notary Public to show that both spouses have read, approved, and agreed to the items in the Decree. If either party is represented by a lawyer, the lawyer(s) must also sign the Decree. Both Party A and Party B and their lawyers, if any, must also sign the last page of the “Exhibit A” attached to the decree to separately indicate agreement with the terms of division of property and debt as contained in that document. You must also file all other required paperwork.
- **Fees:** Both Party A and Party B must pay the court fees. Currently, that includes the filing fee paid by the party at the beginning of the case, and the other party’s Response or Answer fee, in order for the Consent Decree to be accepted. Both parties must attach a receipt to prove payment or attach a copy of the Order for initial deferral of fees.

A list of current fees is available from the Law Library Resource Center and from the Clerk of Superior Court’s website.

- If you cannot afford the filing fees or the fee for having the papers served by the Sheriff or by publication, you may request a fee waiver/deferral (payment plan) when you file your papers with the Clerk of Superior Court. Fee Waiver/Deferral Applications are available at no charge from the Law Library Resource Center.
- **Time Frame:** If you filed for divorce or legal separation, the parties must wait at least 60 days after the date the Petition was personally served before the parties can file the Consent Decree.

### II. Procedures

Step 1: Complete all forms in the packet. assemble the papers into a set of originals:

- **Consent Decree**
  - Add to the last page of the Decree, the completed Exhibit A about the division of property and debt, if it is not a part of the Decree already.

- Add to the last page of the Decree, the fee receipt or a copy of the Order for Initial Deferral to show the “Paid” status of your case.
- If you are a recipient of the Arizona TANF or IV-D Program, have the Arizona Attorney General sign in the space provided.

Separate your documents into three (3) sets:

Step 2:

<p>Set 1 - Originals for Judge:</p> <ul style="list-style-type: none"> <li>• Consent Decree</li> <li>• + “Exhibit A” about the division of property and debt, if it is not part of the decree</li> <li>• +Fee Receipt, or a copy of the Order for initial fee deferral</li> </ul>	<p>Set 3 – Your copies</p> <ul style="list-style-type: none"> <li>• Consent Decree</li> <li>• + “Exhibit A” about the division of property and debt, if it is not part of the decree</li> <li>• +Fee Receipt, or a copy of the Order for initial fee deferral</li> </ul>
<p>Set 2 - Copies for spouse:</p> <ul style="list-style-type: none"> <li>• Consent Decree</li> <li>• + “Exhibit A” about the division of property and debt, if it is not part of the decree</li> <li>• +Fee Receipt, or a copy of the Order for initial fee deferral</li> </ul>	<p>Set 4 – Copies for AZ Attorney General</p> <ul style="list-style-type: none"> <li>• Consent Decree</li> <li>• + “Exhibit A” about the division of property and debt, if it is not part of the decree</li> <li>• +Fee Receipt, or a copy of the Order for initial fee deferral</li> </ul>

Step 2: Large Envelopes

Address Two 9”x12” envelopes: 1) to you, or your attorney, and 2) to the other Party or his or her attorney. If you or your spouse participates in the Arizona TANF or IV-D Programs, address a 3<sup>rd</sup> 9”x12” envelope to the Arizona Attorney General.

1. Place into each 9” x 12” envelopes Set 2 and Set 3 (and Set 4, if necessary) of the papers described above.

\*\*\* Do not seal the envelopes. The court will seal the envelopes prior to mailing. \*\*\*

2. Postage: Be sure you put enough postage on the 9” x 12” envelopes.

1. Set aside the Originals.

Note: If the Decree must deal with the division of retirement funds, pensions or annuities, etc., you may also need a complex document called a "QDRO," which will require the services of a specialized legal professional. The Law Library Resource does not have a Property Settlement Agreement or a QDRO. See a lawyer if you need these documents.

Step 6: Deliver to the Information Desk:

1. The original set plus two (or three) envelopes containing copies as compiled above.
2. Hand-deliver to Information Desk your documents as indicated below. Court hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

Clerk of Superior Court  
250 West Second Street  
Yuma, Arizona 85364

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/legal separation is now final. You are not divorced or legally separated 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.

\* All forms referenced in these procedures may be purchased from the Law Library Resource Center or obtained for free via Internet.