

DISSOLUTION OF MARRIAGE WITH CHILDREN



MARICOPA COUNTY SUPERIOR COURT OF ARIZONA

WHAT WILL BE DECIDED AT TRIAL?

- 1. Division of community property**
- 2. Division of community debt**
- 3. Legal custody of the child/children**
- 4. A parenting plan**
- 5. Child support**
- 6. Spousal maintenance, if applicable**
- 7. Change of name for wife, if desired**

DIVISION OF COMMUNITY PROPERTY

1. Real property

- Your house
- Other real estate

2. Personal property

- Motor vehicles, trailers, boats, ATVs, and similar items
- Bank accounts
- Household items
- Retirement accounts
- Personal items

The Court only divides **community property**.

Community property is property acquired by either a husband or wife during the marriage. It does not include property that is acquired by gift or inheritance, or that is acquired after service of a petition for dissolution.

Separate property is property that is (1) owned by a husband or wife before marriage, or (2) acquired by a husband or wife during the marriage by gift or inheritance, or (3) acquired by a husband or wife after service of the petition for dissolution.

DIVISION OF COMMUNITY DEBT

1. Mortgages
2. Credit cards
3. Motor vehicle loans
4. Other loans
5. Taxes owed
6. Other debts/loans/liabilities

LEGAL CUSTODY

Legal custody is the right to make decisions about the care and welfare of your child/children, such as decisions about education, health care, or religious training.

Joint legal custody means both parents discuss and decide these issues.

Sole legal custody means one parent decides these issues.

Sometimes the Court will order joint legal custody but will designate one parent as the **primary residential parent**, meaning that the child/children reside primarily (or most of the time) with that parent.

For a helpful discussion about legal custody, go to:

<http://www.azcourts.gov/selfservicecenter/Booklets.aspx>

PARENTING TIME

Parenting time is the opportunity for the child/children to spend time with the parent that does not have legal custody or is not the primary residential parent.

This parenting time takes the form of a schedule usually containing two major parts:

1. The ordinary schedule which applies month to month
2. A holiday schedule that applies to holidays, summers, and school breaks.

Other orders or restrictions may accompany a parenting plan, such as supervised parenting time or random drug screens.

For a helpful discussion of parenting plans and to look at model or sample parenting plans, go to:

<http://www.azcourts.gov/selfservicecenter/Booklets.aspx>

CHILD SUPPORT

Child support is calculated using the **Arizona Child Support Guidelines**. The Arizona Child Support Guidelines follow the Income Shares Model developed by the Child Support Development Project of the National Center for State Courts. The total child support approximates the amount that would have been spent on the child/children if the parents and child/children were living together.

The child support calculation takes into account:

- The number and ages of the child/children
- The gross monthly income of each parent
- The primary residence of the child/children
- Other children supported by either parent

- Spousal maintenance paid or received
- The cost of medical/dental/vision insurance
- The cost of educational expenses
- The cost of childcare expenses
- Parenting time

In addition to setting child support, the Court will also divide medical expenses not covered by insurance and dependency tax exemptions

You may read the Guidelines on-line at:

<http://www.supreme.state.az.us/dr/childsup/CSG2004.pdf>

You may download the child support calculator to determine the amount of child support you or your spouse will have to pay:

<http://www.supreme.state.az.us/childsup/>

SPOUSAL MAINTENANCE

To qualify for spousal maintenance, the Court must find that you meet one of the following criteria:

1. You lack sufficient property, including property apportioned to you in the Decree of Dissolution, to provide for your reasonable needs.
2. You are unable to be self-sufficient through appropriate employment or are the custodian of a child whose age or condition is such that you should not be required to seek employment outside the home or you lack earning ability in the labor market adequate to be self-sufficient.
3. You contributed to the educational opportunities of your spouse.
4. You had a marriage of long duration and are of an age that may preclude

the possibility of gaining employment adequate to be self-sufficient.

If the Court finds one of the above facts exist, it may order spousal maintenance. If the Court determines an order of spousal maintenance is appropriate in your case, it will set an amount and the number of months/years spousal maintenance must be paid to you based upon the thirteen factors set forth in Arizona Revised Statutes §25-319(B).

CHANGE OF NAME

If you would like your name restored to your maiden name, you may make that request to the Court and the Court will include the name change in the Decree of Dissolution.