

LEGAL SEPARATION WITHOUT MINOR CHILDREN

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or file this page

4

The Court Order

Part 4: To get the Legal Separation Order

(Forms Packet)

SELF-SERVICE CENTER

LEGAL SEPARATION WITHOUT MINOR CHILDREN

CHECKLIST

Use the forms and instructions in this packet only if the following factors apply to your situation:

- ✓ You or your spouse filed a Petition for Legal Separation Without Minor Children, AND
- ✓ You and your spouse have no minor children with each other AND the wife is not pregnant by the husband, AND
- ✓ You are ready to complete the court papers to get a legal separation decree, AND
- ✓ You are going to a default hearing, or you have filed the papers to get a default legal separation without a hearing, or you are going to a legal separation trial.

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 Self-Service Center website.

SELF-SERVICE CENTER

COURT ORDER FOR LEGAL SEPARATION

Part 4: To Get the Legal Separation Order Without Minor Children

(Forms Only)

This packet contains court forms and instructions to file a court order for legal separation. 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!

Order	File Number	Title	# pages
1	DRLSA8k	Checklist: <i>You may use these forms if . . .</i>	1
2	DRLSA8ft	Table of Contents (this page)	1
3	DRLSA81f	“Decree of Legal Separation--Without Minor Children”	6
4	DRS88f	“Current Employer Information Form”	1

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.

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

FOR CLERK'S USE ONLY

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

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Case Number: _____

Petitioner (B)

DECREE OF LEGAL SEPARATION (Without Minor Children)

Respondent

THE COURT FINDS: (C)

1. This case has come before this court for a final Decree of Legal Separation. The court has taken all testimony needed to enter a final Decree, or has determined testimony is not needed to enter the final Decree.
2. This court has jurisdiction over the parties under the law, and the provisions of the Decree are fair and reasonable under the circumstances.
3. The court finds:
 - (a) At the time this action was filed, one of the parties lived in Arizona, or had lived in Arizona while a member of the United States Armed Forces.
 - (b) The provisions of A.R.S. § 25-381.09 relating to Conciliation Court either do not apply or have been met.
 - (c) The marriage is irretrievably broken or one or both parties desire to live separate and apart
 - (d) The other party does not object to the decree of legal separation.
 - (e) Where it has the legal power to do so and where it is applicable to the facts of this case, this court has considered, approved, and made orders relating to the issue of spousal maintenance, and the division of property and/or debts.
 - (f) The parties did not acquire any community property or debts during the marriage; **OR**
 There **IS** an agreement as to division of community property and debt; all community property and debt is divided pursuant to this Decree.
 There is **NO** agreement as to division of property and/or debt, but all community property and/or debt is divided pursuant to this Decree.
 - (g) Wife is not pregnant; **OR**
 Wife is pregnant, and the other party (husband) IS NOT the father of the child.

(h) The Petitioner, **OR** The Respondent

Lacks enough property, including property given to him or her as part of this legal separation, to provide for his or her reasonable needs, and is unable to support himself or herself through an appropriate job, or he or she is providing the primary care to a child(ren) of young age or is of a condition that he or she should not be required to look for work outside of the home, or lacks earning ability necessary to support himself or herself, or contributed significantly to the educational opportunities of the other spouse, or had a marriage that lasted a long time and is of an age which may severely limit the possibility of getting a job in order to support himself or herself.

THE COURT ORDERS: (D)

1. **THE PARTIES ARE LEGALLY SEPARATED.**

2. **ENFORCEMENT OF TEMPORARY ORDERS:** All obligations ordered to be paid by the parties in Temporary Orders dated (fill in dates of ALL temporary orders here)

shall be 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, together with the highest legal interest allowed by law.

3. **SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):**

(a) Neither party shall pay spousal maintenance/(alimony) to the other party; **OR**

(b) Petitioner, **OR**

Respondent

Is ordered to pay Respondent, **OR** Petitioner the sum of \$_____ per month spousal maintenance **BEGINNING THE FIRST DAY OF THE MONTH** after this Decree is signed. Each payment shall be made by the first day of each month thereafter and shall continue until the receiving party is deceased or until _____. (date). All payments shall be made through the Support Payment Clearinghouse by automatic Income Withholding Order, until all required payments have been made under this Decree. Payments made shall be included in the receiving spouse's taxable income and are tax deductible from the paying spouse's income as required by law.

4. **PROPERTY AND DEBTS:**

(a) Petitioner is ordered to pay all debts unknown to Respondent.

(b) Respondent is ordered to pay all debts unknown to Petitioner.

(c) Each party is ordered to pay his or her debts which he or she incurred since the date of the parties' separation, _____ (date).

(d) Other orders and relief relating to community property or debts are contained in Exhibit A relating to the division of community property and debts, which is attached and incorporated into and made a part of this Decree.

(e) Each party is assigned his or her separate property as contained in Exhibit A relating to the separate property and debts, which is attached and incorporated and made a part of this Decree.

(f) 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 titles ordered in this Decree, such as motor vehicles, houses, and bank 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 other 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 the Court commanding the sheriff to put him or her in possession of the property.

- (g) For previous calendar years, the parties shall file
 - joint federal and state income tax returns and hold the other harmless from additional income taxes, if any, and other costs, and each shall share equally in any refunds, **OR**
 - separate federal and state income tax returns.

AND

- This calendar year and continuing thereafter,
 - joint federal and state income tax returns and hold the other harmless from half of all additional income taxes and other costs, if any, and each shall share equally in any refunds, if any, **OR**
 - separate federal and state income tax returns.

AND

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

5. **LIMITATION ON JURISDICTION:** This court cannot make a legal order, without personal service on the Respondent, with respect to issues of community property and debt or spousal maintenance.

6. **OTHER ORDERS:** (Leave blank for Judicial Officer) _____

7. **FINAL APPEALABLE ORDER.** Pursuant to Arizona Rules of Family Law Procedure, Rule 81, this final judgment/decree is settled, approved and signed by the court and shall be entered by the clerk.

DONE IN OPEN COURT this ____ day of _____, _____. (E)

JUDGE OR COURT COMMISSIONER

If this Decree was issued as a "Default," *and* the Petitioner served the papers to begin this case by any means *other than* by publication, a copy of this Decree must be mailed or delivered to the Respondent. You must tell the court you will do this.

By signing below, the Petitioner states to the Court that I have sent or will send or deliver of copy of this Decree to the Respondent at:

Respondent's Name: _____

Mailing Address: _____

City, State Zip Code: _____

By: (Petitioner's Name) _____

Date: _____

OR

Each party **WAIVES AND GIVES UP** his or her interest in any retirement benefits, pension plan, or other deferred compensation of the other party:

OR

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

4. DIVISION OF REAL PROPERTY. Section A is for one piece of property. Section B is for another piece of property. If you own more than two pieces of property, check the box below and attach another sheet of paper with the information requested in A and B.

More than 2 pieces of property are involved. See attached sheet listing the same information as in A and B.

A. Real property located at (address) _____ which is legally described as: (You must provide the legal description. The legal description can be found on the deed to the property. If you do not provide the legal description, you may have to come back to court to amend the Decree to include the legal description.)

LEGAL DESCRIPTION: _____

The real property as described above is:

Awarded to Petitioner OR Respondent as his or her sole and separate property.

OR

Shall be sold and the proceeds divided as follows:

_____ % or \$ _____ to Petitioner.

_____ % or \$ _____ to Respondent.

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 titles ordered in this Decree, such as motor vehicles, houses, and bank accounts.

_____ is appointed real estate commissioner to sell this real property.

B. Real property at (address) _____ which is legally described as: (You must provide the legal description. The legal description can be found on the deed to the property. If you do not provide the legal description, you may have to come back to court to amend the Decree to include the legal description.)

LEGAL DESCRIPTION: _____

The real property as described above is:

Awarded to Petitioner OR Respondent as his or her sole and separate property.

OR

Shall be sold and the proceeds divided as follows:

_____ % or \$ _____ to Petitioner.

_____ % or \$ _____ to Respondent.

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 titles ordered in this Decree, such as motor vehicles, houses, and bank accounts.

_____ is appointed real estate commissioner to sell this real property.

5. DIVISION OF COMMUNITY DEBTS. (You should see a lawyer about how to divide secured and unsecured debts.) The following community debts shall be divided as follows:

Creditor(s)	Amount owed	Petitioner	Respondent
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____

Continued attached list.

6. Any debts or obligations incurred by either party before the Respondent was served with the Petition for Dissolution 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. The following separate property is awarded as follows: (Be specific)

Description of Property. Be specific.	Petitioner	Respondent
_____	<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"/>

8. SEPARATE DEBT. The parties are each ordered to pay his or her separate debt as follows:

Creditor(s)	Amount owed	Petitioner	Respondent
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____

CURRENT EMPLOYER* INFORMATION

You may also fill out this form online at the Family Support Center Website.

For Clerk's Use Only

THIS FORM MUST BE COMPLETED FOR:

- AN INCOME WITHHOLDING ORDER**
- ORDER TO STOP AN INCOME WITHHOLDING ORDER**
- NOTIFICATION OF A CHANGE OF EMPLOYER (or OTHER PAYOR)**

CASE NUMBER: _____ **ATLAS NUMBER:** _____

NAME OF PERSON ORDERED TO MAKE PAYMENTS:

LIST THE NAME OF THE EMPLOYER* AND THE ADDRESS OF THE PAYROLL OR FINANCIAL DEPARTMENT (for the person named above) WHERE THE INCOME WITHHOLDING ORDER OR STOP ORDER SHOULD BE MAILED.

EMPLOYER* NAME: _____

PAYROLL ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

EMPLOYER* TELEPHONE: _____

EMPLOYER* FAX: _____

**or other payor or source of funds*

FOR COURT USE ONLY. DO NOT WRITE BELOW THIS LINE.

WA/FSC

WA/LOG ID: _____
TYPE OF W/A _____
DATE _____
AMOUNT OF ORDER _____
EMPLOYER STATUS _____
ENTERED BY _____
NEW W/A _____ SUB _____
AG _____ DCSE _____