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ARIZONA SUPREME COURT

In the matter of:)	
)	
PETITION TO AMEND CIVIL RULES)	Supreme Court No. 22-_____
5.2 AND 80; CRIMINAL RULES 1.6, 17.1,)	
AND 41; CIVIL APPELLATE RULE 4.2;	)	(Expedited Consideration
FAMILY COURT RULES 20, 40, and 97;	)	and Emergency Adoption
JUSTICE COURT CIVIL RULE 113;	)	Requested Pursuant to Rule
JUVENILE RULE 105; AND SUPREME	)	28)
COURT RULE 1, FORM 1)	
_____)	

Pursuant to Rule 28 of the Rules of the Supreme Court, David K. Byers, Administrative Director, Administrative Office of the Courts, respectfully petitions this Court to amend the rules specified above as proposed in Appendices A and B. The proposed amendments are prompted by the enactment of Senate Bill (SB) 1115 from the 2021 First Regular Session of the 55th Legislature as more particularly described below. SB 1115 took effect on July 1, 2022. Accordingly, Petitioner seeks expedited consideration of this petition and emergency adoption of the proposed rule amendments.

I. Purpose of the Proposed Rule Amendments.

SB 1115, Revised Uniform Law; Notarial Act (Laws 2021, Ch. 66)

SB 1115 makes various changes to the statutes regarding notarization. One such change allows a “notarial officer” to perform notarial acts, which includes notarizing documents. Under this bill, a “notarial officer” is a notary public, a judge, clerk or deputy clerk of a court of record, an individual who is licensed to practice law in this state, and any other individual who is authorized to perform the specific act under Arizona law.

The proposed rule amendments change “notary” to “notarial officer” to include individuals other than a notary public who are authorized to notarize documents. Proposed changes would affect Superior Court Civil Rules 5.2(c)(2)(C) and 80(c); Criminal Rules 1.6(c)(2)(C), 17.1(f)(1)(C)(iii), and 41, Form 28; Civil Appellate Rule 4.2(c); Family Court Rules 20(c)(2)(C), 40(f)(1)(B), 45(b)(4), and 97, Form 8; Juvenile Rule 105(e)(2)(C); and Supreme Court Rule 1, Form 1.

Proposed rule changes are included in Appendix A and are explained below:

- The proposed changes to Civil Rule 80(c), Criminal Rule 17.1(f)(1)(C)(iii), Family Court Rule 45(b)(4), and Justice Court Civil Rule 113(g) simply substitute “notary” for “notarial officer.” The proposed change to Family Court Rule 40(f)(1)(B) substitutes “clerk of the court or a notary” for “notarial officer” because the clerk of court is a notarial officer under SB 1115.

- The proposed changes to Civil Rule 5.1(c)(2), Criminal Rule 1.6(c)(2)(C), Civil Appellate Rule 4.2(c), and Family Court Rule 20(c)(2)(C) pertain to e-filed documents and change “notary” to “notarial officer,” require that the notarized document include the certificate required under A.R.S. § 41-264, and require that if a notary public notarizes the document, the notary’s stamp or seal be on the document.
- A stylistic change to Justice Court Civil Rule 113(i) is also proposed, to conform the formatting to the other subsections of the rule, changing the “(i)” to “i.”

The proposed changes to forms are included in Appendix B and are explained below:

- The proposed changes to Criminal Rule 41, Form 28 includes replacing “notary” and “notary public” with “notarial officer” on page 3, providing a line for the notarial officer to provide their title, and inserting “if applicable” after the “Commission Expires” since a commission expiration date will not be applicable to every notarial officer.
- The proposed changes to Family Court Rule 97, Form 8 includes replacing “Notary Public or Clerk of the Superior Court” with “Notarial

Officer,” providing a line for the notarial officer to provide their title, and inserting “if applicable” after “My Commission Expires” since a commission expiration date will not be applicable to every notarial officer.

- The proposed changes to Supreme Court Rule 1, Form 1 includes replacing “Notary Public” with “Notarial Officer,” providing a line for the notarial officer to provide their title, and inserting “if applicable” after “My Commission Expires” since a commission expiration date will not be applicable to every notarial officer.

II. Request for Emergency Adoption.

SB 1115 became effective on July 1, 2022. Therefore, as permitted by Supreme Court Rule 28(h), Petitioner requests expedited consideration of all proposed rule and form amendments at the Court’s August 2022 Rules Agenda with a comment period to follow, emergency adoption of all proposed rule and form amendments, and consideration for permanent adoption at the Court’s December 2022 Rules Agenda.

Respectfully submitted this 5th day of July, 2022.

By /s/ _____
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APPENDIX A

(deletions shown with ~~striketrough~~, new language is underlined)

Arizona Rules of Civil Procedure

Rule 5.1 Form of Documents

(a) and (b) [No Change]

(c) **Electronically Filed Documents.**

(1) No change

(2) *Formats of Attachments.*

(A) and (B) No change

(C) Notarized Documents. A scanned copy of a notarized document may be filed electronically if it contains the ~~notary's~~notarial officer's signature, a certificate as required by A.R.S. § 41-264, and stamp or seal, if applicable.

(D) and (E) [No Change]

(3) and (4) [No Change]

Rule 80. General Provisions

(a) and (b) [No Change]

(c) **Unsworn Declarations Under Penalty of Perjury.** When these rules require or allow a matter to be supported, evidenced, established, or proved by a sworn written declaration, verification, certificate, statement, oath, or affidavit, the same may be unsworn--and have the same force and effect--if it is:

(1) signed by the person as true under penalty of perjury;

(2) dated; and

(3) in substantially the following form:

“I declare [or certify, verify or state] under penalty of perjury that the foregoing is true and correct. Executed on [date].

[Signature].”

This rule does not apply to a deposition, oath of office, or an oath required to be taken before a specified official other than a ~~notary public~~notarial officer.

(d) and (e) [No Change]

Arizona Rules of Criminal Procedure

Rule 1.6. Form of Documents

(a) and (b) No change

(c) **Electronically Filed Documents.** If a court has an electronic filing portal, a document may be filed electronically.

(1) [No Change]

(2) *Formats of Attachments.*

(A) and (B) No change

(C) Notarized Documents. A scanned copy of a notarized document may be filed electronically if it contains the ~~notary's~~ notarial officer's signature, a certificate as required by A.R.S. § 41-264, and stamp or seal, if applicable.

(D) and (E) [No change]

(3) through (5) [No change]

Rule 17.1. The Defendant's Plea

(a) through (e) [No Change]

(f) **Limited Jurisdiction Court Alternatives for Entering a Plea and Sentencing.** The parts of Rule 17 and Rule 26.9 requiring a defendant to be present are met by the defendant complying with this rule's requirements.

(1) *Telephonic Pleas.* "Telephonic" includes voice only and audio-video communications between the court and the parties. This rule's provisions concerning telephonic pleas also apply to pleas submitted through an online dispute resolution ("ODR") system approved by the Administrative Office of the Courts.

(A) and (B) [No change]

(C) Fingerprint.

(i) and (ii) No Change

(iii) In extraordinary circumstances, instead of requiring a certification and fingerprint, the court may permit another method of proving the defendant's identification on Form 28, including allowing the defendant to use a ~~notary public~~ notarial officer to witness the defendant's signature on the form.

(D) through (F) [No Change]

(2) [No Change]

Arizona Rules of Civil Appellate Procedure

Rule 4.2. Electronic Filing

(a) and (b) [No Change]

(c) **Format.** A document filed electronically that contains text, other than a scanned document image that is submitted under this Rule, must be in a text-searchable .pdf, .odt, or .docx format. A document may not exceed the size limits allowed by the portal, but it may be broken up into multiple documents to accommodate such a limit. A filer may scan and file a document that requires a ~~notary~~notarial officer if the scan contains the ~~notary's~~notarial officer's signature, a certificate as required by A.R.S. § 41-264, and stamp or seal, if applicable. A party may file an official record of a court or government body if the scanned copy contains the court or body's official stamp or seal of authenticity. A party may satisfy a court rule that requires the attachment of a document or exhibit by electronically attaching within the same submission either a scanned image or an electronic copy in an approved format.

(d) through (h) [No Change]

Arizona Rules of Family Law Procedure

Rule 20. Form of Documents

(a) and (b) [No Change]

(c) **Electronically Filed Documents**

(1) [No Change]

(2) *Format of Attachments.*

(A) and (B) No Change

(C) Notarized Documents. A scanned copy of a notarized document may be filed electronically if it contains the ~~notary's~~notarial officer's signature, a certificate as required by A.R.S. § 41-264, and stamp or seal, if applicable.

(D) and (E) [No Change]

(3) [No Change]

Rule 40. Summons

(a) through (e) [No Change]

(f) **Accepting Service; Voluntary Appearance.** A party may accept service. A party also may voluntarily appear without being served.

(1) *Accepting Service.* A party subject to service under this rule, Rule 41, or Rule 91 may accept service. The acceptance of service must be in writing,

signed by that party or that party's authorized agent or attorney and be filed in the action. A party who accepts service must file and serve a responsive pleading within the time provided in Rule 24.1.

(A) [No Change]

(B) Petitioner must mail, including a self-addressed stamped envelope, or deliver the petition and other documents to the respondent. If the respondent agrees to sign an acceptance of service, the acceptance must be signed before a ~~clerk of the court or a notary~~ notarial officer.

(C) and (D) [No Change]

(2) and (3) [No Change]

(g) through (j) [No Change]

Rule 45. Consent Decree, Judgment, or Order

(a) [No Change]

(b) Content of Consent Decree, Judgment, or Order. The consent decree, order, or judgment must meet these requirements:

(1) through (3) [No Change]

(4) Both parties must personally sign the consent decree, judgment, or order before a ~~notary public~~ notarial officer. Alternatively, a party may sign the consent decree in the clerk's presence after the clerk has verified the party's identity. If a party is represented by an attorney, the attorney must also sign the consent decree.

(c) [No Change]

Arizona Justice Court Rules of Civil Procedure

Rule 113. Serving a Summons and Complaint

a. through f. [No Change]

g. Acceptance of service. Service may be made without the expense of a process server if the defendant agrees in writing to accept service. A defendant may sign an acceptance of service of a summons and complaint if a ~~notary public~~ notarial officer witnesses the signature. The signed acceptance of service must then be returned to the plaintiff and filed with the court. The date of service is the date that the signed acceptance of service is filed with the court. **[ARCP 4(f)]**

h. [No Change]

~~(i)~~ **i.** Dismissal because of lack of service; service on some but not all defendants. After at least twenty (20) days notice to plaintiff, the court may dismiss a complaint as to any defendant who has not been served with the summons and complaint within ninety (90) days after the filing date of the complaint. Before the dismissal date, if the plaintiff shows good reasons why a defendant has not been

served, the court may extend the time for service. When some but not all of the defendants in a lawsuit have been timely served, the court may dismiss from the lawsuit the defendants who have not been served, and allow the plaintiff to proceed against the defendants who have been served. [ARCP 4(i), 5(b)]

Arizona Rules of Procedure for the Juvenile Court

Rule 105. Form of Filed Documents

(a) through (d) No Change

(e) Electronically Filed Documents.

(1) [No Change]

(2) *Format of Attachments*

(A) and (B) [No Change]

(C) Notarized Documents. A scanned copy of a notarized document may be filed electronically if it contains ~~notary's~~ notarial officer's signature, a certificate as required by A.R.S. § 41-264, and stamp or seal, if applicable.

(D) and (E) [No Change]

(3) and (4) [No Change]

(f) through (h) [No Change]

APPENDIX B - FORMS

(deletions shown with ~~striketrough~~, new language is underlined)

Arizona Rules of Criminal Procedure

Rule 41. Forms

Form 28. Telephonic Guilty Plea/No Contest Plea Proceedings

_____ COURT _____ County, Arizona

STATE OF ARIZONA, Plaintiff -vs- Defendant (FIRST, MI, LAST)	[CASE/COMPLAINT NO.]	TELEPHONIC GUILTY/NO CONTEST PLEA PROCEEDING: JUDGMENT OF GUILT AND CONVICTION
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Defendant states:

1. I have an attorney or I do not have an attorney and I waive my right to an attorney.
2. I have a copy of the criminal complaint in this case. I have read and understand the charges filed against me. I hereby agree to plead guilty or no contest to all the charges in the complaint.
3. I understand the nature of the charges as indicated:
 - Driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor/toxic vapor/drugs.
 - Driving or in actual physical control of a motor vehicle with an alcohol concentration of .08 percent or more within 2 hours of driving or being in actual physical control of a motor vehicle.
 - Driving or in actual physical control of a motor vehicle with an alcohol concentration of .15 percent or more within 2 hours of driving or being in actual physical control of a motor vehicle.
 - Driving or in actual physical control of a motor vehicle with any illegal drug or its metabolite in the defendant’s body.
 - Driving or in actual physical control of a commercial vehicle with an alcohol concentration of .04 percent or more.
 - Other:_____.
4. I am pleading guilty or no contest to all the charges in the complaint, or
 I have entered into a written plea agreement and I agree to its terms.
5. I admit that if my case went to trial, the facts would support the charges against me.
6. I understand the maximum penalties to be:
 - Class 1 misdemeanor: a \$2500 fine, 6 months jail, and/or 3 years probation, plus

surcharges and fees.

- Class 1 misdemeanor: a \$2500 fine, 6 months jail, and/or 5 years probation, plus surcharges and fees.
- Class 2 misdemeanor: a \$750 fine, 4 months jail, and/or 2 years probation, plus surcharges and fees.
- Class 3 misdemeanor: a \$500 fine, 30 days jail, and/or 1 year probation, plus surcharges and fees.
- Other: _____

7. I understand that there are special conditions, including required minimum penalties, for the charge or charges to which I am pleading guilty or no contest, as follows: _____
8. I understand that by pleading guilty or no contest, I am giving up the following constitutional rights:
 - a. The right to plead not guilty and require the State to prove my guilt beyond a reasonable doubt.
 - b. The right to a trial by jury by a judge.
 - c. The right to assistance of an attorney at all stages of the proceeding, including appeal. In some cases, I understand that I might be eligible for a court-appointed attorney at a reduced cost or at no cost if I cannot afford one.
 - d. The right to confront the witnesses against me and to cross-examine them as to the truthfulness of their testimony.
 - e. The right to present evidence in my own behalf and to have the court compel my chosen witnesses to appear and testify free of charge.
 - f. The right to remain silent, not to incriminate myself, and to be presumed innocent unless/or until proven guilty beyond a reasonable doubt.
 - g. The right to a direct appeal.
9. My plea is voluntary and not the result of force or threats. No promises were made to me concerning the consequences of my plea or what my sentence will be, other than those contained in a plea agreement if I have one.
10. I understand that if I am arrested on a subsequent offense, I may be charged with a more serious offense and associated penalties because of this plea.
11. I understand that my guilty or no contest plea in this case may cause me to violate my probation or parole in another case.

I CERTIFY that I have read and that I understand all the above matters. I wish to give up my constitutional rights, including my right to a trial by jury and my right to an attorney, and to plead guilty or no contest to the charge(s) of:

I FURTHER CERTIFY that I have attached to this form a legible photocopy of my driver's license or other government-issued photo identification that contains my name and birth date. I understand that the court will not accept my telephonic plea if I have not attached a copy of my license or identification.

Defendant's Signature: _____ Dated: _____
Defendant's Address: _____
Defendant's Telephone # _____ Defendant's Email: _____

DEFENDANT'S ATTORNEY (IF ANY)

I have explained to the defendant the nature of the charge(s) and the defendant's constitutional rights.

Signature of defendant's attorney (if any) and State Bar number: _____

OFFICER'S CERTIFICATION

[This certification is required only if the defendant is entering a plea of guilty or no contest for a violation of section 13-1802 (theft) or 13-1805 (shoplifting), a domestic violence offense as defined in section 13-3601, or a violation of an offense in Title 13, Chapter 14 (specified sexual offenses) or Title 28, Chapter 4 (driving under the influence).]

I CERTIFY that

1. the above-named defendant personally appeared before me,
2. the defendant acknowledged that he or she read all the foregoing information,
3. the defendant identified himself or herself to me by a driver's license or a picture ID from the State of _____, number _____; and
4. I have affixed a print of the defendant's right index finger to this document in the box below.



Fingerprint

Dated: _____

Officer Name and Badge Number

Law Enforcement Agency

Address

(_____) _____
Telephone

NOTARY-NOTARIAL OFFICER

[IF THERE IS NO OFFICER CERTIFICATION AND ONE IS REQUIRED UNDER 17.1(f)(1)(C)(i), but the court has permitted the defendant to use a ~~notary public~~ notarial officer under 17.1(f)(1)(C)(iii), then a ~~notary public~~ notarial officer must witness the defendant's signature.]

The defendant established their identity to my satisfaction and I personally witnessed the defendant's signature on page 2 of this form.

State of _____
County of _____

I hereby certify that _____ personally appeared before me. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this _____ day of _____, 20_____.

~~Notary Public~~ Notarial Officer: _____
Title: _____
Commission Expires (if applicable): _____

(The following section is for court use only.)
ACCEPTANCE OF PLEA AND JUDGMENT OF CONVICTION

The defendant has appeared telephonically before the court on the date indicated below [] with or [] without an attorney. If defendant required an interpreter, the interpreter's name is: _____.

The court has advised the defendant and confirmed the defendant's understanding of the following:

1. The nature of the charges to which defendant is pleading guilty or no contest, and the maximum penalties;
2. The constitutional rights that defendant is waiving by pleading guilty or no contest, and that the defendant's waiver is knowing and voluntary; and
3. The right to file a petition for post-conviction relief and, if denied, a petition for review.

I have asked the defendant about any status on probation or parole, I have given the defendant an immigration advisal, and I have spoken with the defendant regarding the other matters set for above the defendant's signature. The court finds a factual basis for the plea and that the defendant has entered the plea knowingly and voluntarily and without threats or promises, other than those contained in a plea agreement, if any. The court accordingly accepts the defendant's plea.

Case # _____ For the offenses committed on _____ 20_____

It is the judgment of the court that the defendant is guilty of the following offenses and is sentenced as follows:

Count 1: _____ a class 1, 2, 3 misdemeanor,
 petty offense, a violation of A.R.S. § or ordinance number _____.

SENTENCE: The defendant is sentenced as follows: _____.

Count 2: _____ a class 1, 2, 3 misdemeanor,
 petty offense, a violation of A.R.S. § or ordinance number _____.

SENTENCE: The defendant is sentenced as follows: _____.

Count 3: _____ a class 1, 2, 3 misdemeanor,
 petty offense, a violation of A.R.S. § or ordinance number _____.

SENTENCE: The defendant is sentenced as follows: _____.

Count 4: _____ a class 1, 2, 3 misdemeanor,
 petty offense, a violation of A.R.S. § or ordinance number _____.

SENTENCE: The defendant is sentenced as follows: _____.

Count 5: _____ a class 1, 2, 3 misdemeanor,
 petty offense, a violation of A.R.S. § or ordinance number _____.

SENTENCE: The defendant is sentenced as follows: _____.

Date: _____

Judge's signature: _____

I certify that a copy of this document was mailed to the defendant at the address shown above on this date: _____ by (clerk's name or initials): _____.

Arizona Rules of Family Law Procedure

Rule 97. Family Law Forms

Form 8. Consent Decree of Dissolution of Marriage (Divorce) With Children

Name:

Mailing Address:

City, State, Zip Code:

Daytime Phone Number:

Evening Phone Number:

Representing: Self Petitioner Respondent

State Bar Number:

ARIZONA SUPERIOR COURT, COUNTY OF _____

Case No.

Petitioner

ATLAS No.

Respondent

CONSENT DECREE OF DISSOLUTION
OF MARRIAGE (DIVORCE) WITH
CHILDREN

THE COURT FINDS:

1. This case has come before this court for a final Decree of Dissolution of Marriage. The court has taken all testimony needed to enter a Decree, or the court has determined testimony is not needed to enter the Decree.
2. This court has jurisdiction over the parties under the law, the provisions of this Decree are fair and reasonable under the circumstances and in the best interests of the minor child(ren) as to legal decision-making, parenting time and support, and the division of property and debt is fair and equitable.

THE COURT FURTHER FINDS THAT:

3. **90 Day Requirement.** At the time this action was filed, the Petitioner or the Respondent had lived in Arizona for more than 90 days, or had lived in Arizona while a member of the United States Armed Forces for more than 90 days.
4. **Conciliation Court.** The provisions relating to the Conciliation Court either do not apply or have been met.
5. **Irretrievably Broken.** The marriage is irretrievably broken. This marriage is not a covenant marriage.
6. **Legal Decision-Making, Parenting Time, Support, Spousal Maintenance/Support, Division of Property and Debt.** 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 legal decision-making, parenting time, child support, spousal maintenance/support (alimony), and the division of property and/or debts.
7. **Protective Orders.** Following is the effect, if any, of this Consent Decree on any existing protective orders:
8. **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.
9. **Pregnancy.** (Select one.)
 - Wife is not pregnant, **OR**
 - Wife is pregnant, and the husband IS **OR** IS NOT the father of the child.
10. **Spousal Maintenance/Support.** (Select one.)
 - A party is entitled to an award of Spousal Maintenance/Support for the reason that Petitioner, **OR** Respondent lacks enough property, including property given to him or her as part of this divorce, 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 they should not be required to look for work outside 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 that may severely limit the possibility of getting a job to support himself or herself, **OR**
 - Neither party is entitled to an award of Spousal Maintenance/Support.

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**

The parties acknowledge that the circumstances of their futures are unknown, but each desires that this maintenance award, so awarded by their agreement, not be modifiable in the future for any reason. Therefore, it is at this time ordered that this spousal maintenance award shall NOT be modifiable for any reason.

11. **Parent Information Program.**

- a. Petitioner has attended the Parent Information Program class as evidenced by the “Certificate of Completion” in the court file. **OR**
 - Petitioner has not attended the Parent Information Program class and shall be denied any requested relief to enforce or modify the provisions of this decree which address legal decision-making or parenting time until Petitioner has completed the class.
- b. Respondent has attended the Parent Information Program class as evidenced by the “Certificate of Completion” in the court file. **OR**
 - Respondent has not attended the Parent Information Program class and shall be denied any requested relief to enforce or modify the provisions of this decree which address legal decision-making or parenting time until Respondent has completed the class.

12. **Child Support. (Select any that apply.)**

- a. Child support has been determined in accordance with the Arizona Child Support Guidelines. **OR**
- b. Application of the Arizona Child Support Guidelines in this case is inappropriate or unjust. The Court has considered the best interests of the child(ren) in determining that a deviation is appropriate and makes the following findings:

The child support amount before deviation is \$

The child support amount after deviation is: \$

- The Court finds the guidelines amount is inappropriate or unjust because:
- Attached written agreement incorporated AND
- All parties have signed the agreement free of duress and coercion.
- Other:

- c. Physical Custody Adjustment, Court Approved Discretionary Parenting Time Adjustment or other Adjustments. (The court must make written findings if any of these adjustments are made.):
- d. Ability to Pay. The Court finds that the person responsible for paying child support has the ability to pay child support:

- In the amount entered on Line 34 of the Worksheet of \$ _____ OR
- In an adjusted amount calculated using the self-support reserve on the Parent's Worksheet for Child Support Amount of \$_____.

13. **Legal Decision-Making and Parenting Time. (Select any that apply.)**

- a. Joint legal decision-making. If joint legal decision-making is awarded the court makes the following findings:

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

Domestic Violence.

- Domestic violence has not occurred during this marriage, **OR**
- Domestic violence has occurred, but the domestic violence has not been significant. Explain why joint legal decision-making is in the best interest of the child(ren) even though domestic violence has occurred:

- b. Supervised or No Parenting Time. (Check and complete only if supervised parenting time or no parenting time is ordered.)
- Supervised Parenting Time between the children and Petitioner **OR** Respondent, is in the best interests of the child(ren), for the following reasons: (Explain the reasons) **OR**
- No Parenting Time by Petitioner **OR** Respondent, is in the best interests of the child(ren), for the following reasons: (Explain the reasons).

THE COURT ORDERS:

1. **MARRIAGE IS DISSOLVED:** The marriage of the parties is dissolved and the parties are restored to the legal status of single persons.

2. **NAMES:**

- Wife's name is restored to _____. (Put only the last name here.)
- Husband's name is restored to _____. (Put only the last name here.)

3. **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) _____ 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 \$ _____.

4. **LEGAL DECISION-MAKING, PARENTING TIME, AND CHILD SUPPORT:**

a. **PREGNANCY (Complete this section only if Wife is pregnant; otherwise go to § 4(b)):**

A child who is common to the parties is expected to be born this date:

All orders below as to legal decision-making, parenting time, support, and medical insurance/expenses include this child and all other children named below. **OR**

The orders below as to legal decision-making, parenting time, 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.

b. **CHILDREN:** This Decree includes all minor children common to the parties as follows:

NAME(S) OF CHILD(REN)	Date of Birth	Last four digits of Social Security Number(s)
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c. **SOLE LEGAL DECISION-MAKING:** (Select one.)

(1) **SOLE LEGAL DECISION-MAKING:** Sole legal decision-making of the minor child(ren) is awarded to:

Petitioner, **OR** Respondent, subject to parenting time as follows:

Parenting time to the parent without legal decision-making authority, according to the terms of the Parenting Plan attached as Exhibit B and made a part of this Decree. **OR,**

Supervised parenting time to Petitioner **OR** Respondent according to the terms of the Parenting Plan attached as Exhibit B. Parenting Time may only take place in the presence of another person, named below or otherwise approved by the court.

Name of supervisor:

Restrictions on parenting time:

The cost of supervised parenting time will be paid by

Petitioner

Respondent

Shared equally by the parties. **OR**

No parenting time rights to Petitioner **OR** Respondent. **OR,**

(2) **JOINT LEGAL DECISION-MAKING:** Petitioner and Respondent agree to act as joint legal decision-makers of the child(ren), as set forth in the Joint legal decision-making Agreement/Parenting Plan by the parties, signed by both parties and attached to this Decree as "Exhibit B." 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.

d. **CHILD SUPPORT:** Petitioner, **OR** Respondent shall pay child support to the other party in the amount of \$ _____ per month, beginning THE FIRST DAY OF THE MONTH following the date this Decree is signed by the judge until further order of the court. Child Support is based on the information in the Parent's Worksheet for Child Support Amount attached hereto and incorporated by reference. All child support payments shall be made by wage assignment (if applicable) through the Clerk of the Court/Clearinghouse, and must include the statutory fee by the Order of Assignment signed this date. Payments will be in equal installments made on the 1st and 15th of each month.

e. **MEDICAL AND DENTAL INSURANCE, PAYMENTS, AND EXPENSES:**

(1) **Insurance.** Petitioner, **OR** Respondent is ordered to provide medical and dental insurance for the minor child(ren). Medical and dental insurance, payments and expenses are based on the information in the Parent's Worksheet for Child Support Amount attached hereto and incorporated by reference. The party ordered to pay must keep the other party informed of the insurance company name, address and telephone number, and must give the other party the documents necessary to submit insurance claims.

If Petitioner, **OR** Respondent does not obtain private insurance within 90 days, Obligor shall pay \$ _____ per month for cash medical support beginning _____. If private medical insurance stops Petitioner, **OR** Respondent shall pay \$ _____ per month for cash medical support beginning the first day of the month after the coverage ceases.

(2) **Alternative Cash Medical Support** Neither parent has insurance which is accessible and available at a reasonable cost. Petitioner, **OR** Respondent shall pay cash medical support in the amount of \$ _____ per month.

Petitioner, **OR** Respondent shall provide private medical insurance when it becomes accessible to the children and available at a reasonable cost. Upon verification that the obligated parent has obtained private insurance, the cash medical support order will terminate on the first day of the month after the policy's effective date.

(3) **Non-Covered Expenses.** Petitioner is ordered to pay _____ %, AND Respondent is ordered to pay _____ % of all reasonable uncovered and/or uninsured medical, dental, prescription, and other health care charges for the minor child(ren), including co-payments in excess of the cash medical support amount.

5. **SPOUSAL MAINTENANCE/SUPPORT:**

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

b. Petitioner **OR** Respondent is ordered to pay to Respondent or Petitioner 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 Clerk of the Court by wage assignment, until all required payments have been made under this Decree. Payments made shall be included in receiving spouse's taxable income and is tax deductible from the paying spouse's income as required by law. Spousal maintenance/support payments end if the receiving party is remarried or deceased.

c. 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.

6. **PROPERTY, DEBTS AND TAX RETURNS: (Select any that apply.)**

a. Petitioner is ordered to pay all debts unknown to Respondent, AND

Respondent is ordered to pay all debts unknown to Petitioner, AND

Each party is ordered to pay his or her debts from the following date: _____.

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

c. Each party is assigned his or her separate property and Petitioner must pay his/her separate debt, and Respondent must pay his/her separate debt.

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 the Court commanding the sheriff to put him or her in possession of the property.

e. 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. AND,

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

7. **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.

8. **TAX EXEMPTION:** The parties shall claim as income tax dependency exemptions on federal and state tax returns as follows.

Parent entitled to claim	Name of child	Tax year
---------------------------------	----------------------	-----------------

Petitioner Respondent

Petitioner Respondent

Petitioner Respondent

Petitioner Respondent

Petitioner Respondent may claim the allocated tax exemptions only if all child support and arrears ordered for the year have been paid by December 31 of that year.

Petitioner Respondent may unconditionally claim the tax exemptions allocated to him her for income tax purposes.

9. **CHILDREN TO WHOM THIS DECREE DOES NOT APPLY:** It is ordered that Petitioner, **OR** Respondent has no legal obligation or right to the child(ren) born during the marriage but not common to the marriage. These children include: (Use additional paper if necessary)

Name: Date of Birth:

Name: Date of Birth:

Child expected to be born this date: _____

10. **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 or not later than _____.

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

- 11. **FINAL APPEALABLE ORDER.** Pursuant to Rule 78, Arizona Rules of Family Law Procedure, this final judgment/decreed is settled, approved and signed by the court and shall be entered by the clerk.
- 12. **OTHER ORDERS.** (List any other orders.)

Date

Judicial Officer

By signing this document and subscribing and swearing to same (or affirming to same) before a ~~Notary Public~~ Notarial Officer, both parties affirm that the information is true and correct, 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 attachments, if any, 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 debts is fair and equitable.

Date

Petitioner

State of Arizona

)

Sworn to or affirmed before me on:

)ss.

County of)

My Commission Expires (if applicable):

~~Notary Public or Clerk of the Superior Court~~ Notarial Officer

Title

If you are filing a Consent Decree, the Respondent must sign:

Date

Respondent

State of Arizona)

Sworn to or affirmed before me on:

)ss.

County of)

My Commission Expires (if applicable):

~~Notary Public or Clerk of the Superior Court~~ Notarial Officer

Title

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

Date

Petitioner's Attorney

Date

Respondent's Attorney

If the Attorney General is involved in this case, the Attorney General must approve the child support amount by signing below:

Date

Attorney General

EXHIBIT A: PROPERTY AND DEBTS

Use this Exhibit "A" to list the specific property and debts awarded to each party.

1a. DIVISION OF COMMUNITY PROPERTY:

The following community property is awarded to each party as follows:

1b. LIST OF COMMUNITY PROPERTY.
(Be specific)

AWARDED TO:

Petitioner

Respondent

Household furniture/furnishings

Appliances

VCR/DVD

TV

- Personal Computer
- Stereo
- State Income Tax
- Federal Income Tax
- Motor vehicle
- Motor vehicle
- Motor vehicle
- Cash, bonds of \$
- Other:
- Other:
- Other:
- Other:
- Award each party the personal property in his or her possession.
- Continued on reverse side or see attached list.

1c. DIVISION OF RETIREMENT, PENSION, DEFERRED COMPENSATION WARNING. You should see an attorney about your retirement, pension, deferred compensation, § 401k plans and/or benefits. If you do not see an attorney 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 an attorney can help you prepare these documents.

- Each party is awarded his or her interest in any retirement benefits, pension plans, or other deferred compensation described as:

Petitioner's:

Respondent's:

OR

- The Plan Administrator and the parties have approved the Qualified Domestic Relations Order (QDRO) attached as Exhibit(s) _____. Do not check this box without first seeking the help of an attorney.

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:

Signature of Petitioner:

Signature of Respondent:

OR

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

OR

Other:

1d. 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 2 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 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 financial institution 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 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 financial institution accounts.

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

1e. DIVISION OF COMMUNITY DEBTS. The following community debts shall be divided as follows:

Creditor	Amount To Be Paid By Wife	Amount To Be Paid By Husband	Total Amount
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$

- Continued on reverse side or attached list.

[] 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.

2a. SEPARATE PROPERTY. The following separate property is awarded as follows: (Be specific)

Description of Property. (Be specific)	Confirm to Petitioner	Confirm to Respondent

2b. SEPARATE DEBT. The parties are each ordered to pay his or her separate debt as follows:

Creditor	Amount To Be Paid By Wife	Amount To Be Paid By Husband	Total Amount
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$

SIGNATURES

SIGNATURE BY PETITIONER: Everything stated by me in this document is true and correct to the best of my knowledge, information and belief.

Date

Petitioner

State of Arizona)
)ss.

Sworn to or affirmed before me on:

County of)

My Commission Expires (if applicable):

~~Notary Public or Clerk of the Superior Court~~ Notarial Officer

Title

SIGNATURE BY RESPONDENT: Everything stated by me in this document is true and correct to the best of my knowledge, information and belief.

Date

Respondent

State of Arizona)
)ss.

Sworn to or affirmed before me on:

County of)

My Commission Expires (if applicable):

~~Notary Public or Clerk of the Superior Court~~ Notarial Officer

Title

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

Date

Approved by Petitioner's Attorney

Date

Approved by Respondent's Attorney

Rules of the Supreme Court of Arizona

Post Conviction Form No. 1

SUPREME COURT OF ARIZONA

)	
Full name and prison num-)	
ber (if any) of Petitioner,)	
)	
	)	Case No.: _____
PETITIONER,)	
vs.	)	(To be supplied
	)	by Clerk)
	)	PETITION FOR
Name of Respondent)	
(Name of person--Sheriff,)	
Jailor or Warden--who has	)	WRIT OF
you in custody.)	)	HABEAS CORPUS
)	
RESPONDENT.)	

INSTRUCTIONS--READ CAREFULLY

In order for this petition to receive consideration by the Court, it shall be in writing, (legibly handwritten or typewritten) signed by the Petitioner and verified (notarized), and it shall set forth in concise form the answers of each applicable question. If necessary, Petitioner may finish his answer to a particular question on the reverse side of the page or on an additional blank page. Petitioner shall make it clear to which question any such continued answer refers.

Since every petition for habeas corpus must be sworn to under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Petitioners should therefore exercise care to assure that all answers are true and correct.

When the petition is complete, the original and one copy shall be mailed to the Clerk of the Supreme Court of Arizona, State Courts Building, 1501 West Washington, Phoenix, Arizona, 85007, and one copy to the Attorney General of Arizona, 2005 N. Central Avenue, Phoenix, Arizona, 85004-5025.

1.--Place of detention.....

2.--Name and location of court which imposed sentence

3.--The indictment or information number or numbers (if known) upon which, and the offense or offenses for which, sentence was imposed.

(a)

(b)

(c)

4.--The date upon which sentence was imposed and the terms of the sentence:

(a)

(b)

(c)

5.--Check whether a finding of guilty was made:

(a) after a plea of guilty

(b) after a plea of not guilty

6.--If you were found guilty after a plea of not guilty, check whether that finding was made by:

(a) a jury

(b) a judge without a jury.....

7.--Did you appeal from the judgment of conviction or the imposition of sentence?

8.--If you answered "yes" to (7), list

(a) The name of each court to which you appealed:

i.

ii.

iii.

(b) the result in each such court to which you appealed:

i.

ii.

iii.

(c) the date of each such result:

i.

ii.

iii.

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i.

ii.

iii.

9.--If you answered "no" to (7), state your reasons for not so appealing:

(a)

(b)

10.--State concisely the grounds on which you base your allegations that you are being held in custody unlawfully:

(a)

(b)

(c)

11.--State concisely and in the same order the facts which support each of the grounds set out in (10):

(a)

(b)

(c)

12.--Prior to this petition, have you filed with respect to this conviction:

- (a) any petition for a Writ of Habeas Corpus or other post-conviction relief in any court of the State of Arizona?
- (b) any such petition in any other court?
- (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)?
- (d) any other petitions, motions or applications in this or any other court?

13.--If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
 - i.
 - ii.
 - iii.
 - iv.
- (b) the name and location of the court in which each was filed:
 - i.
 - ii.
 - iii.
 - iv.
- (c) the disposition thereof:
 - i.
 - ii.
 - iii.
 - iv.
- (d) the date of each such:
 - i.
 - ii.
 - iii.

iv.

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i.

ii.

iii.

iv.

14.--Has any ground set forth in (10) been previously presented to this or any other court, state or federal, in any petition, motion or application which you have filed?

15.--If you answered "yes" to (14), identify:

(a) which grounds have been previously presented:

i.

ii.

iii.

(b) the proceedings in which each ground was raised:

i.

ii.

iii.

16.--If any ground set forth in (10) has not previously been presented to any court, state or federal, set forth the ground, and state concisely the reasons why such ground has not previously been presented:

(a)

(b)

(c)

17.--Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea?

(b) your trial, if any?

(c) your sentencing?

- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence?
- (e) preparation, presentation or consideration of any petitions, motions on applications with respect to this conviction, which you filed?

18.--If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
 - i.
 - ii.
 - iii.
- (b) the proceedings at which each such attorney represented you:
 - i.
 - ii.
 - iii.

Wherefore, petitioner prays that he be discharged from custody and restraint.

STATE OF ARIZONA)
) ss
 COUNTY OF _____)

I, _____, being first sworn under oath, state that the information contained in the foregoing petition is true and correct.

 Signature of Petitioner

Subscribed and sworn to before me this ___ day of _____, ____.

 Notary Public-Notarial Officer Title

 My Commission Expires (if applicable)