

MICHAEL K. JEANES  
Clerk of the Superior Court  
By sheila ponicki, Deputy  
Date 10/20/2014 Time 14:04:17

Description	Amount
CASE# FC2014-095670	
IV-D N	
DIVORCE W/CHILD 601	338.00
TOTAL AMOUNT	338.00

Receipt# 24096046

1 Matthew J. Kelly  
2 1126 W. Elliot Road, #2032  
3 Chandler, AZ 85224  
4 (480) 221-0083  
5 mkelly@kelly-mccoy.com

6  
7  
8 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
9 IN AND FOR THE COUNTY OF MARICOPA

10 FC2014-095670

11 In re the Marriage of:

12 MATTHEW J. KELLY,

13 Petitioner,

14 and

15 MELANIE M. KELLY,

16 Respondent.

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

**PETITION FOR DISSOLUTION OF  
NON-COVENANT MARRIAGE**

(With Children)

17  
18 Petitioner Matthew J. Kelly, for his Petition for Dissolution of Non-Covenant  
19 Marriage, alleges as follows:

20 1. Petitioner, Matthew J. Kelly ("Petitioner"), was born on October 21, 1974  
21 (age 39), his Social Security Number is listed on the Family Court Sensitive Data  
22 Coversheet included with this Petition, and his occupation is attorney. Petitioner's address  
23 is 1126 W. Elliot Road, #2032, Chandler, AZ 85224, and he has been domiciled in  
24 Arizona for more than 90 days.

25 2. Respondent, Melanie M. Kelly ("Respondent"), was born on July 1, 1973  
26 (age 41), her Social Security Number is listed on the Family Court Sensitive Data  
27 Coversheet included with this Petition, and her occupation is physician assistant.  
28

1 Respondent's address is 1633 W. Manor Street, Chandler, AZ 85224, and she has been  
2 domiciled in Arizona for more than 90 days.

3 3. The parties were married on June 8, 1996, in Flagstaff, Coconino County,  
4 Arizona and since that time have been and are now husband and wife. —

5 4. This marriage is not a covenant marriage.

6 5. The parties' marriage is irretrievably broken and there is no reasonable  
7 prospect of reconciliation. The conciliation provisions of A.R.S. § 25-381.09 either do not  
8 apply or have been met. Petitioner has complied with, or prior to finalizing this case, will  
9 comply with the domestic relations education provisions of A.R.S. § 35-352.

10 6. The parties have three children in common: Lucas Matthew Kelly, age 12;  
11 Owen Rivers Kelly, age 9; and Tate Skinner Kelly, age 6. The children's residential  
12 address, Social Security Number and date of birth are not listed to maintain confidentiality  
13 and privacy, but instead are listed on the Family Court Sensitive Data Coversheet filed  
14 simultaneously herewith.

15 7. Petitioner has not participated as a party or witness or in any other capacity  
16 in any other proceeding concerning the custody of or visitation with any child listed  
17 herein.

18 8. Petitioner does not know of any proceeding that could affect the current  
19 proceeding, including proceedings for enforcement and proceedings relating to domestic  
20 violence, protective orders, termination of parental rights and adoptions.

21 9. Petitioner does not know of any person who is not named as a party in this  
22 proceeding that has physical custody of, or claims rights of legal custody or physical  
23 custody of, or visitation with any child subject of this action.

24 10. Wife is not currently pregnant.

25 11. Neither party has committed an act of domestic violence against the other  
26 party.

27 12. This Court currently has jurisdiction to determine custody of the minor  
28 children common to the parties because the minor children have lived with Petitioner or

1 Respondent in Arizona for at least the last six months or other factors exist that confer  
2 jurisdiction upon Arizona in accordance with A.R.S. § 25-1031(A).

3 13. Upon information and belief, the parties have reached the following  
4 agreements on custody, parenting time, child support and spousal maintenance:

5 Child Custody: The parties shall have joint custody.

6 Parenting Time: The parties shall have essentially equal parenting time.

7 Child Support: Except in the event of a substantial and continuous change in  
8 circumstances, no party shall have a child support obligation to the other party.

9 Spousal Maintenance: Neither party shall be entitled to spousal maintenance.

10 WHEREFORE, based upon the foregoing, Petitioner respectfully requests that the  
11 Court:

12 A. Order that the marriage between the parties be dissolved, and the parties  
13 restored to the status of single persons.

14 B. Award both parties the joint legal custody of the parties' minor children in  
15 accordance with the agreements of the parties set forth in a written parenting plan to be  
16 submitted to the Court and such other provisions determined by the Court to be in the best  
17 interests of the children.

18 C. Award essentially equal parenting time in accordance with the written  
19 parenting plan to be submitted with the final Decree or Judgment, or alternatively in the  
20 best interests of the children.

21 D. Order that, except in the event of a substantial and continuous change in  
22 circumstances, neither party be awarded child support.

23 E. Order that neither party be awarded spousal maintenance.

24 F. Order the equitable division of the parties' assets and liabilities;

25 G. Confirm the parties' respective sole and separate assets;

26 H. Order that each party pay all debts incurred by him or her, respectively,  
27 from the date this Petition is served;

28 I. Order each party to pay their own attorneys' fees and costs; and

