

LEGAL SEPARATION WITHOUT MINOR CHILDREN (For Petitioner Only)



PINAL COUNTY

To File for Legal Separation without Children

INSTRUCTIONS AND FORMS

**Provided as a Public Service by
CHAD A. ROCHE
Clerk of the Superior Court**

PETITION AND PAPERS FOR “LEGAL SEPARATION WITHOUT CHILDREN”

CHECKLIST

USE THE FORMS AND INSTRUCTIONS in this packet only if the following factors apply to your situation:

- ✓ You want to file a petition for legal separation. **Warning: If the other party does not want a Legal Separation, the Court will not enter a Legal Separation,**

AND

- ✓ You are **not** ready to file for divorce.

AND

- ✓ You and your spouse have **no minor** children with each other AND the wife is **not** pregnant by the husband or **will not** be pregnant by the husband before the Legal Separation is over, (if you have children together, see the Legal Separation with Children packet)

AND

- ✓ Either you or your spouse live in Arizona, or one of you is a member of the armed forces and is stationed in Arizona,

AND

- ✓ Either you or both of you desire to live separate and apart or you believe that the marriage is irretrievably broken (you and your spouse cannot make the marriage work),

AND

- ✓ You or your spouse has tried to resolve your problems through Conciliation Court, or there is no point in trying to resolve your problems because the marriage is irretrievably broken.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing.

LEGAL SEPARATION WITHOUT MINOR CHILDREN

This packet contains general information and instructions about filing a legal separation petition and other court papers when there are **NO** minor children. Be sure this packet contains the following documents:

Order	Title	# of Pages
1	Checklist: Use these forms if...	1
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***NO COPIES REQUIRED. File original only. Do not serve on other party.**

You have permission to use these documents 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.

INSTRUCTIONS

“Petition for Legal Separation without Children”

DOMESTIC VIOLENCE: Domestic violence can be part of any marriage. Domestic violence includes physical violence such as hitting, slapping, pushing or kicking **or** threats of physical violence directed against you and/or your children **and/or** verbal abuse used to control you and/or your children.

Court documents request your address and phone number. If you are a victim of domestic violence, and you do **not** want your address to be known to protect yourself or your children from further violence, you **must file** a ***“Petition for an Order of Protection”*** and ask that your address **not** be disclosed on court papers. With that Order, you do not need to put your address and phone number on your legal separation papers. Just write "protected" in the space on the form where you are asked for this information. You must tell the Clerk of the Court your address and phone number as soon as possible so the court can get in touch with you. The court will keep your address protected.

(ALL FORMS: TYPE OR PRINT IN BLACK INK)

FAMILY COURT COVER SHEET

- The Family Court Cover Sheet is **REQUIRED** to be completed and filed in Pinal County.
- Write in the information requested about the petitioner, respondent and any children under the age of 18.
- **DO NOT INCLUDE MAILING ADDRESS ON THIS FORM IF REQUESTING ADDRESS PROTECTION.**
- **Case Type:** Mark only one box that matches the legal procedure for which you are filing the documents in this packet: ☒ Legal Separation.
- **Interpreter:** Check “yes” or “no” to indicate whether an interpreter is needed. If “yes,” write in what language(s).
- **No additional copies needed. Do NOT serve this document on the other party.**

SENSITIVE DATA SHEET

- Write in the information requested about petitioner, respondent, and any children under the age of 18.
- **DO NOT INCLUDE MAILING ADDRESS ON THIS FORM IF REQUESTING ADDRESS PROTECTION.**
- **No additional copies needed. Do NOT serve this document on the other party.**

SUMMONS AND PRELIMINARY INJUNCTION: Fill in the following information: Your name; street address (**if not protected**); city, state and zip code; telephone number; ATLAS number; name of Petitioner (your name); name of Respondent (your spouse's name). You will have an ATLAS number **ONLY** if you receive or have received AFDC or other public benefits for your minor child(ren) that are common to you and your spouse. If you are represented by an attorney, write in the attorney's bar number. Tell the court whether you represent yourself or are represented by an attorney. **DO NOT** fill out the rest of the form except on Page 2 of the Preliminary Injunction; fill out the description of other party. The Clerk of Court will complete it later.

PETITION FOR LEGAL SEPARATION WITHOUT CHILDREN:

- A.** Use this form **ONLY** if you are getting a legal separation and there are no children under the age of 18, common to you and your spouse, whether by birth or adoption, **AND** you do **not** have a “covenant” marriage. Make sure your form is titled ***“PETITION FOR LEGAL SEPARATION WITHOUT CHILDREN.”***
- B.** In the top left corner of the first page, fill out the following: your name (if you are the person filling out the petition and filing the petition with the court); your address (if not protected); your city, state and

zip code; your telephone number; and your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security; Attorney Bar Number, if represented by a lawyer; then check the box to say whether you are representing yourself or not.

- C. Fill in your name in the space that says "Name of Petitioner." Remember, you will be the PETITIONER through the whole case. (This includes any emergency petitions, temporary petitions, and post-legal separation decree petitions.) In the space that says "Name of Respondent", fill in the name of your spouse. Your spouse will be the RESPONDENT for the rest of this case. (This includes any emergency petitions, temporary petitions, and post-legal separation decree petitions.)
- D. Leave line blank for "DO" Case Number. When you file your papers, you will receive a case number from the Clerk of the Court.

GENERAL INFORMATION:

- 1. **INFORMATION ABOUT YOU, THE PETITIONER.** Fill in the Petitioner's name, address (if not protected), date of birth, social security number, occupation, and length of time in Arizona.
- 2. **INFORMATION ABOUT YOUR SPOUSE, THE RESPONDENT.** Fill in the Respondent's name, address, (if you know it) date of birth, social security number, occupation, and length of time in Arizona.
- 3. **INFORMATION ABOUT YOUR MARRIAGE.** Fill in the date you were married, and the city and state where you were married. If you do not know this information, and you were married in Pinal County, you may get a copy of your marriage license from the Clerk of the Superior Court at 31 North Pinal Street in Florence. If you were married in another county in Arizona, go to the Clerk of the Superior Court in the county seat where you were married to get this information. To use these forms, your marriage cannot be a "covenant" marriage. One way to tell whether you have a covenant marriage is to find out whether you signed a document with language similar to this on it: "We solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for as long as they both live. We have chosen each other carefully. We understand that a covenant marriage is for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including marital counseling. We declare that our marriage will be bound by Arizona law on covenant marriages and we promise to love, honor and care for one another as husband and wife for the rest of our lives." Check the box to say that your marriage was **not** a "covenant" marriage. If your marriage was a "covenant" marriage, or if you have questions about whether you have a "covenant" marriage, contact a lawyer for help.
- 4. **90-DAY REQUIREMENT.** This tells the court that you **OR** your spouse have lived in Arizona, or been stationed in Arizona while in the Armed Forces, for at least 90 (ninety) days prior to the day you filed the "*Petition for Legal Separation without Children.*" Before you file for a legal separation, this **MUST** be true. **IF IT IS NOT TRUE, YOU CANNOT FILE FOR LEGAL SEPARATION.**

INFORMATION ABOUT PROPERTY AND DEBT:

READ ME!!!!!! The information you give in paragraphs 5 and 6 tells the court about your property and debts, and how you think your property and debts should be divided. Community property is generally any property you and your spouse purchased during your marriage or paid for during the marriage, no matter WHO uses the property or WHO paid the money. Unless property was a gift or an inheritance, or acquired after the Petition for Dissolution was served on the Respondent, generally all property acquired during the marriage is community property, and both you and your spouse are entitled to roughly an equal share of this property. Community debts or bills are generally any debt you and your spouse acquired during your marriage, no matter WHO spent the money. Separate property and/or separate debt is generally any property you had, or brought into the marriage. **HOWEVER**, there are exceptions to these statements. For example, some property acquired during the marriage is still considered separate property. For example, if you were involved in an

automobile accident, and received damages for pain and/or suffering or will receive damages for pain and suffering, the money you received, or will receive, for pain and suffering is your separate property. If you have questions, or have a lot of community property or debt, you should speak with an attorney BEFORE filing your Petition or other papers.

- 5.a. COMMUNITY PROPERTY:** If you and your spouse **do not** have any property from the marriage, check the first box. If you and your spouse **do** have property together, check the second box. If you checked the second box, you must tell the Court what property should go to you and what property should go to your spouse. Generally, the Court will divide the property 50-50 as of the time the Respondent was served with the Petition for Legal Separation, unless there are good reasons why this should not happen. It is unlikely that the Court will give most, or all, of the property to either spouse, so put some thought into what you think would be a fair division before answering this question. Usually, if you and your spouse cannot decide which spouse should receive which property, the Court will order that the property be sold and any money received divided between you and your spouse.

First, list the property that you want the court to award to you, the Petitioner, and list the property that you want the court to award to your spouse, the Respondent. Put a check in the box that matches the property you want to go to which person. **You should describe the property thoroughly for identification purposes and state its value when asked.** You can use the brand name, model and serial number where applicable.

TYPES OF PROPERTY:

- a) Real Property (property (land) or home).** Check who you want to get the property. You can ask the court to give you the property (land/home), to give the property (land/home) to your spouse, or to sell the property (land/home) and divide the proceeds. You should write the complete address of the property under "Real Estate Located at." Most property has a legal description such as "LOT 77, PINE TREE ACRES, according to Book 111 of Maps," which appears on your deed papers. You should use the legal description for your property. A cemetery plot is considered real property.
- b) Household furniture.** This includes sofas, beds, tables, and so forth.
- c) Household furnishings.** This includes things in the house **other than furniture**, for example: dishes, small appliances, rugs, and so forth.
- d) Other.** List things that you want, or you want your spouse to have, that have not been listed.
- e) Pension/retirement fund/profit sharing/stock plans/401K.** You and your spouse each generally have a right to a one-half interest in the other spouse's plan, based upon the length of your marriage. The longer the marriage, the greater your financial interest in your spouse's plan. (Your interest, usually, includes **up to** 50 percent of the benefits/plan if you have been married the whole time the plan has existed.) Check this box if you want to divide your interest in a retirement or profit sharing/retirement/401K plan. If you check this box, you must see an attorney about a document called a Qualified Domestic Relations Order or QDRO. A QDRO is a very specialized legal document that requires professional assistance to prepare.
- f) Motor vehicles.** List the Vehicle Identification Number (VIN), the year and make of the car (Ford, Honda) and the model (Mustang, Lumina). Then state its estimated value.

- 5.b. SEPARATE PROPERTY:** If **you did not** have property, or bring any property into the marriage, check the first box. If **your spouse did not** have or bring any property into the marriage, check the next box. If you or your spouse **did** have property and brought property into the marriage or if you or your spouse have separate property, check the third and/or fourth box. If you checked the third and/or fourth box, you must tell the court what property you brought into the marriage and what property your

spouse brought into the marriage or what property is separate property. List the property that you want the court to award to you, the Petitioner, and list the property that you want the court to award to your spouse, the Respondent. Put a check in the box that matches the property you want to go to which person. You should describe the property thoroughly for identification purposes and state its value. You can use the brand name, model and serial numbers when applicable.

- 6.a. COMMUNITY DEBTS:** If you and your spouse **do not** owe money on any debts from the marriage or **do not** owe community debt, check the first box and go directly to paragraph 7. If you and your spouse **do** owe money on any debts from the marriage or any community debt, check the second box. If you check the second box, tell the court which debts you should pay and which debts your spouse should pay. The court will attempt to make a fair division of the debts. If you get property that has a debt on it, you will probably also be given the debt. Ordering one person to pay all the debt(s) is unusual. Think about what is a fair division of the debts before answering this question. Provide enough information to accurately identify each debt.

If you and your spouse have been separated and have acquired new debts on your own before filing for legal separation, you may want the court to order that each of you personally pay for any new debt(s) incurred after the date you separated. You can make this request on the last page of your Petition under letter D "Community Debts."

- 6.b. SEPARATE DEBTS:** If you and your spouse do not owe money on any debts incurred prior to the marriage, and do not have separate debt, check the first box and go directly to number 7. If you owe money on debts incurred prior to the marriage, or have separate debt, check the second box. If your spouse owes money on debts incurred prior to the time you were married, or has separate debt, check the third box. If either you or your spouse owes money on any debts you or your spouse brought into the marriage, or have separate debt, describe the debts, and tell the court which debts you should pay and which debts your spouse should pay.

INFORMATION ABOUT TAX RETURNS:

- 7. Tax Returns:** Decide what you want to do about any income tax refund. Check the box if you want income taxes to be paid as stated. If you have questions, you should see a lawyer, an accountant, and/or contact the Internal Revenue Service (IRS).

INFORMATION ABOUT SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):

- 8. Spousal Maintenance/Support (Alimony):** This is the term used to describe money paid from one spouse to the other spouse as part of a legal separation settlement. You may know the term as alimony or spousal maintenance. Spousal Maintenance/Support is designed as a safety net for a spouse who cannot provide for his/her needs or who meets other requirements listed on the Petition under paragraph 8. The idea behind spousal maintenance/support is that accomplishments during your marriage, including increases in earning potential and living standards, are shared, and earned, by **BOTH** parties to a marriage. Look at paragraph 8 to see if spousal maintenance/support applies to you or your spouse. If spousal maintenance/support applies, check the box that **most** applies to you. If none of the boxes apply, or you **do not want** spousal maintenance/support, go to paragraph 9. Check all the boxes that apply to your situation. **Spousal maintenance/support is paid separately from child support and is NOT a substitute for child support.**

INFORMATION ABOUT PREGNANCY:

- 9. Pregnancy:** If the wife **IS NOT** pregnant at this time, check the first box and go on. If the wife **IS** pregnant, check the second box. Fill out the date the baby is due, and fill in any information regarding the parents of the unborn child. **WARNING.** If the Petitioner and the Respondent are the parents of the unborn child, **STOP.** You must file a **"Petition for Legal Separation with Children."**

10. **Desire to Live Separate and Apart:** Your marriage must be irretrievably broken (over) or you and/or your spouse must desire to live separate and apart. If this is **not** a true statement, you cannot file for Legal Separation.
11. **Other Statements to the Court:** You are telling the court that you believe the following statements are true:
- Written Agreement. Check this box only if you and your spouse have a written agreement regarding spousal maintenance and division of property/debt that **both you and your spouse signed BEFORE** you filed the Petition for Legal Separation. If you have only discussed these issues and do not have a written agreement, do **NOT** check this box.
 - The conciliation requirements **do not** apply or have been met. This means that you **do not** think marriage counseling through the court will help you get back with your spouse.

REQUESTS TO THE COURT: This section requests that the court grant you and your spouse a Legal Separation and tells the court other requests you are making:

- A. **Legal Separation.** This is your request to legally separate your non-covenant marriage.
- B. **SPOUSAL MAINTENANCE/SUPPORT.** This tells the court that you or your spouse should pay money to the other spouse on a monthly basis to help with living expenses. Check the first box if **YOU** (the Petitioner) will be paying spousal maintenance/support. Check the second box if **YOUR SPOUSE** (the Respondent) will be, or should be, paying spousal maintenance/support. If you or your spouse should not pay spousal maintenance/support, **do not** check either box, and **GO ON.** (**You can check a box only if you checked the corresponding box in the spousal maintenance/support section, paragraph 8.**) If you request spousal maintenance/support, choose what you believe to be a reasonable monthly amount and tell the court how long the money should be paid. Base the amount of any request on the receiving party's need and the income of the party who will be paying this money. **Spousal maintenance/support is not a substitute for, nor a supplement to, court ordered child support.**
- C. **COMMUNITY PROPERTY.** This tells the court that your division of the property is fair, and that the court should divide the property as requested by you in your Petition.
- D. **COMMUNITY DEBT.** This tells the court that your division of the debt is fair, and that the court should divide the debts as requested by you in your Petition. **IF YOU HAVE BEEN SEPARATED FROM YOUR SPOUSE FOR ENOUGH TIME THAT YOU OR YOUR SPOUSE MAY HAVE ADDITIONAL DEBTS, WRITE THE DATE OF SEPARATION ON THE LINE PROVIDED IF YOU WANT EACH SPOUSE TO PAY THE DEBTS INCURRED AFTER YOU SEPARATED.**
- E. **SEPARATE PROPERTY.** This states that you will keep the property you owned before the marriage and/or after the Respondent was served with the Petition for Legal Separation and that your spouse will keep the property they owned before the marriage and/or after the Respondent was served with the Petition for Legal Separation.
- F. **OTHER ORDERS.** Tell the court anything else you may want ordered that has not been covered in your Petition.

OATH OR AFFIRMATION AND VERIFICATION OF PETITIONER: Sign this form in front of a Clerk of the Superior Court or a notary public. By doing so, you are telling the Court that everything contained in the Petition is true, under penalty of perjury.

NOTICE OF RIGHT TO CONVERT HEALTH INSURANCE: This is an important document that explains what to do about health care coverage for yourself and your minor child(ren). Read it carefully, and be sure a copy is served on your spouse, along with the other legal separation papers.

NOTICE REGARDING CREDITORS: This is an important document that tells you and your spouse that you are responsible for community debts to creditors even though the court order or decree says that only one of you (either you or your spouse) are responsible. This notice must be served on your spouse. In addition, read this notice to find out how to obtain information from your creditors about account balances.

OTHER IMPORTANT PAPERS IN THIS PACKET:

Also attached is the packet for ***Service of Court Papers***. All of the instructions and forms are included.

CHANGE OF ADDRESS: It is very important for you (Petitioner and Respondent) to keep the court informed of your most current address. This means that if the address information on this form is incorrect or if you change addresses, you must contact the Clerk of the Court and give them your new or current address. Change of Address forms can be obtained from the following courthouse locations:

Pinal County Justice Complex

971 N. Jason Lopez Circle Bldg. A
Florence AZ 85132
(520) 866-5300

Apache Junction Office

575 N. Idaho Rd. Suite 109
Apache Junction, AZ 85119
(520) 866-5300

Casa Grande Office

820 E. Cottonwood Lane Bldg. B
Casa Grande, AZ 85122
(520) 866-5300

Mammoth Office

(Temporarily Closed)

PROCEDURES

How to File Legal Separation Papers with the Court

STEP 1: ONCE YOU HAVE FILLED OUT THE DOCUMENTS AND YOU HAVE SIGNED THEM IN FRONT OF A NOTARY PUBLIC, YOU NEED TO MAKE COPIES:

Make 2 copies of the following documents after you have filled out the forms and had your signature notarized:

- Summons
- Preliminary Injunction
- Petition for Legal Separation without Children
- Notice of Right to Convert Health Insurance
- Notice Regarding Creditors

STEP 2: SEPARATE YOUR DOCUMENTS INTO THREE (3) SETS:

<u>SET 1 - ORIGINALS FOR CLERK OF COURT:</u> <ul style="list-style-type: none">• Family Court Cover Sheet• Sensitive Data Sheet• Summons• Preliminary Injunction• Petition for Legal Separation without Children• Notice of Right to Convert Health Insurance• Notice Regarding Creditors	<u>SET 2 - COPIES FOR SPOUSE:</u> <ul style="list-style-type: none">• Summons• Preliminary Injunction• Petition for Legal Separation without Children• Notice of Right to Convert Health Insurance• Notice Regarding Creditors <u>SET 3 – COPIES FOR YOU:</u> <ul style="list-style-type: none">• Summons• Preliminary Injunction• Petition for Legal Separation without Children• Notice of Right to Convert Health Insurance• Notice Regarding Creditors
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STEP 3: FILE THE PAPERS WITH THE CLERK OF THE SUPERIOR COURT:

The Clerk's Office is open from 8am-5pm, Monday-Friday. **You should arrive at the Clerk's Office at least two hours before it closes.** You may file your court papers at the following locations:

Pinal County Justice Complex
971 N. Jason Lopez Circle Bldg. A
Florence AZ 85132
(520) 866-5300

Apache Junction Office
575 N. Idaho Rd. Suite 109
Apache Junction, AZ 85119
(520) 866-5300

Casa Grande Office
820 E. Cottonwood Lane Bldg. B
Casa Grande, AZ 85122
(520) 866-5300

Mammoth Office
(Temporarily Closed)

FEES: There is a filing fee for filing this Petition and there may be other charges associated with this case. Inquire with the Clerk's office regarding the filing fee amount or go online to <http://pinalcountyaz.gov/COSC> for a list of current fees. Payment may be made by Cash, Money Order, Visa or MasterCard debit or credit.

If you cannot pay these fees, you may request the fee(s) be deferred or waived. The Clerk of the Superior Court has the necessary forms to ask for a deferral or waiver.

NOTE: With the Application for Deferral, there is a \$26 fee and you must provide proof of income (copy of your last 2 most recent paystubs.)

PAPERS: Hand all three **(3)** sets of your court papers to the deputy clerk along with the filing fee. The clerk will file stamp and retain the originals and conform stamp your copies.

MAKE SURE YOU GET BACK THE FOLLOWING FROM THE CLERK:

- Your Original ***“Summons”***
- Your Set of Copies - Conformed
- Your Spouse's Set of Copies - Conformed

STEP 4: **SERVE THE PAPERS ON THE OTHER PARTY:**
You must now serve the other party (Respondent) with a set of conformed copies. Follow the instructions in the attached packet regarding **Service of Court Papers**.

Arizona Superior Court, Pinal County Family Court Cover Sheet

Pursuant to Rule 4.1 Superior Court Local Rules - Pinal County, please provide the following information. *(Type or print)*

CASE NUMBER <u>DO 2</u> ATLAS NUMBER(S) _____	Judge _____
------------------------------------------------------	-------------

PETITIONER'S NAME AND ADDRESS Name: _____ Address: _____ City/State/Zip: _____ Phone Number: _____ Email Address: _____ DOB: _____	RESPONDENT'S NAME AND ADDRESS Name: _____ Address: _____ City/State/Zip: _____ Phone Number: _____ Email Address: _____ DOB: _____
PETITIONER'S ATTORNEY Name/State Bar #: _____ Address: _____ City/State/Zip: _____ Phone Number: _____	EMERGENCY ORDER SOUGHT <input type="checkbox"/> Order of Protection <input type="checkbox"/> Temporary Order <input type="checkbox"/> Other _____ <div style="text-align: center;">(Specify)</div>
Do you or the other party need an interpreter? <div style="text-align: center;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div> If yes, what language: _____	FEES: <input type="checkbox"/> PAID <input type="checkbox"/> NOT PAID - REASON <input type="checkbox"/> Political Subdivision/Government Agency <input type="checkbox"/> Deferred <input type="checkbox"/> Waived

ACTION REQUESTED Check only one box

DISSOLUTION (Divorce)

☐ D01 With Children

☐ D02 Without Children

☐ D11 Legal Separation
☐ D12 Paternity/Maternity
☐ D13 Annulment
☐ D14 Legal Decision-Making
☐ D15 Order of Protection
☐ D16 Foreign Judgment
☐ D17 Domesticated Decree
☐ D18 Foreign Judgment for Legal Decision-Making
☐ D19 Establish Support
☐ D20 Habeas Corpus
☐ D21 Visitation
☐ D40 Emergency Order of Protection
☐ D22 Other _____

(Specify)

I receive or have received public assistance which may include AFDC, TANF, or AHCCS for my child(ren) or me.

☐ Yes ☐ No

I have a case with the Division of Child Support Enforcement.

☐ Yes ☐ No

If yes, list the case number(s)

Do you currently have ANY other Pinal County Superior Court cases?

☐ Yes ☐ No

If yes, list the case number(s)

Have you ever had ANY other Pinal County Superior Court cases?

☐ Yes ☐ No

If yes, list the case number(s)

PETITIONER'S DECLARATION OF INFORMATION FOR CONCILIATION COURT

The wife is pregnant:

☐ Yes ☐ No

The respondent is being served by publication:

☐ Yes ☐ No

Please enter the number of children under the age of 18 of either or both parties who are in legal decision-making of either or both parties: _____

NAMES OF MINOR CHILDREN & DATE OF BIRTH:

NAMES OF MINOR CHILDREN & DATE OF BIRTH:

There is an agreement as to the parenting arrangements of the minor children:

☐ Yes ☐ No

To the best of my knowledge, all information is true and correct.

Attorney / Pro Per Signature

NOTICE

Effective September 8, 1992 and pursuant to Superior Court (Pinal County), Administrative Order No. 92-15, the Superior Court requires that a "Cover Sheet", which categorizes the cause of action, accompany any new action filed with the Superior Court in Pinal County. **PLEASE DO NOT INCLUDE THIS FORM WITH CASES THAT HAVE ALREADY BEEN FILED.** This form can only be processed **at the time of filing** New Complaints and Petitions.

Revised 6/22/09

Name of Person Filing: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: _____

**SENSITIVE DATA SHEET
(CONFIDENTIAL RECORD)**

Name of Respondent

HONORABLE: _____

Fill out. File with Clerk of Court. Social Security Numbers should appear on this form only and should be omitted from other court forms. Access Confidential pursuant to A.R.F.L.P. 43(G)(1).

A.	Personal Information:	Petitioner	Respondent
	Name	_____	_____
	Gender	<input type="checkbox"/> Male or <input type="checkbox"/> Female	<input type="checkbox"/> Male or <input type="checkbox"/> Female
	Date of Birth (Month/Day/Year)	_____	_____
	Social Security Number	_____	_____
	Driver's License Number	_____	_____

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

Mailing Address	_____	_____
City, State, Zip Code	_____	_____
Contact Phone	_____	_____
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
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Clerk of Court Issued: _____

***For Court Use Only. NOT Public Record. Do NOT Provide A Copy Of This Document To The Other Party.**

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: DO2

SUMMONS

Name of Respondent

HONORABLE: _____

WARNING: This is an official document from the court that affects your rights. Read this carefully. If you do not understand it, contact a lawyer for help.

FROM THE STATE OF ARIZONA TO _____
Name of Respondent

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers are served on you with this **"Summons."**
2. If you do **not** want a judgment or order taken against you without your input, you must file an **"Answer"** or a **"Response"** in writing with the court, and pay the filing fee. If you do **not** file an **"Answer"** or **"Response"** the other party may be given the relief requested in his/her Petition or Complaint. To file your **"Answer"** or **"Response"** take, or send, the **"Answer"** or **"Response"** to the Office of the Clerk of the Superior Court, 971 Jason Lopez Circle Bldg A , Florence, Arizona 85132 or PO Box 2730, Florence, Arizona 85132-2730; or any satellite office. Mail a copy of your **"Response"** or **"Answer"** to the other party at the address listed on the top of this Summons.
3. If this **"Summons"** and the other court papers were served on you by a registered process server or the Sheriff, **within** the State of Arizona, your **"Response"** or **"Answer"** must be filed within **TWENTY (20) CALENDAR DAYS** from the date you were served, **not counting the day you were served**. If this **"Summons"** and the other papers were served on you by a registered process server or the Sheriff **outside** the State of Arizona, your Response must be filed within **THIRTY (30) CALENDAR DAYS** from the date you were served, **not counting the day you were served**. Service by a registered process server or the Sheriff is complete when made. Service by Publication is complete thirty **(30)** days after the date of the first publication.

4. You can get a copy of the court papers filed in this case from the Petitioner at the address at the top of this paper, or from the Clerk of the Superior Court at the address listed in Paragraph 2 above.
5. If this is an action for dissolution (divorce), legal separation or annulment, either or both spouses may file a Petition for Conciliation for the purpose of determining whether there is any mutual interest in preserving the marriage or for Mediation to attempt to settle disputes concerning Legal Decision-Making and parenting time issues regarding minor children.
6. Requests for reasonable accommodation for persons with disabilities must be made to the office of the judge or commissioner assigned to the case, at least five **(5)** days before your scheduled court date.

GIVEN UNDER MY HAND AND SEAL OF THE COURT

Date

CHAD A. ROCHE
Clerk of the Superior Court

By _____
Deputy Clerk

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: DO2

PRELIMINARY INJUNCTION

Name of Respondent

HONORABLE: _____

WARNING: This is an official Order from the court. It affects your rights. Read this Order immediately and carefully. If you do not understand it, contact a lawyer for help.

Your spouse has filed a ***“Petition for Dissolution”*** (Divorce) or ***“Petition for Annulment”*** or ***“Petition for Legal Separation”*** with the court. This Order is made at the direction of the Presiding Judge of the Superior Court of Arizona in Pinal County. This Order has the same force and effect as any order signed by the judge. You and your spouse **must** obey this Order. This Order may be enforced by any remedy available under the law, including an ***“Order of Contempt of Court.”*** To help you understand this Order, we have provided this explanation. Read the explanation and then read the statute itself. **If you have any questions, you should contact a lawyer for help.**

EXPLANATION: (What does this Order mean to you?)

1. **ACTIONS FORBIDDEN BY THIS ORDER:** From the time the ***“Petition for Dissolution”*** (Divorce) or ***“Petition for Annulment”*** or ***“Petition for Legal Separation”*** is filed with the court, until the judge signs the Decree, or until further order of the court, both the Petitioner and the Respondent **shall not** do any of the following things:
 - ✓ You may **not** hide earnings or community property from your spouse, **AND**
 - ✓ You may **not** take out a loan on the community property, **AND**
 - ✓ You may **not** sell the community property or give it away to someone, **UNLESS** you have the written permission of your spouse or written permission from the court. The law allows for situations in which you may need to transfer joint or community property as part of the everyday running of a business, or if the sale of community property is necessary to meet necessities of life, such as food, shelter, or clothing, or court fees and attorney fees associated with this action. If this applies to you, you should see a lawyer for help, **AND**
 - ✓ Do **not** harass or bother your spouse or the children, **AND**
 - ✓ Do **not** physically abuse or threaten your spouse or the children, **AND**
 - ✓ Do **not** take the minor children, common to your marriage, out of the State of Arizona for any reasons, without a written agreement between you and your spouse or a Court Order, **before** you take the minor children out of the State.

- ✓ Do **not** remove, or cause to be removed, the other party or the minor children of the parties from any existing insurance coverage, including medical, hospital, dental, automobile and disability insurance. Both parties shall maintain all insurance coverage in full force and effect.

STATUTORY REQUIREMENTS: Arizona Law, A.R.S. 25-315(A) provides:

- 1(a). **RESTRICTIONS ON PROPERTY OF THE MARRIAGE:** That both parties are enjoined from transferring, encumbering, concealing, selling, or otherwise disposing of any of the joint, common or community property of the parties, **except** if related to the usual course of business, the necessities of life, or court fees and reasonable attorney fees associated with an action filed under this article, without the written consent of the parties or the permission of the court.
- 1(b). **REQUIREMENTS OF BEHAVIOR:** That both parties are enjoined from molesting, harassing, disturbing the peace, or committing an assault or battery on, the person of the other party or any natural or adopted child of the parties.
- 1(c). **RESTRICTIONS ABOUT YOUR MINOR CHILDREN:** That both parties are enjoined from removing any natural or adopted minor child(ren) of the parties, then residing in Arizona, from the jurisdiction of the court without the prior written consent of the parties or the permission of the court.
- 1(d). **RESTRICTIONS ABOUT INSURANCE:** That both parties are enjoined from removing, or causing to be removed, the other party or the minor children of the parties from any existing insurance coverage, including medical, hospital, dental, automobile and disability insurance. Both parties shall maintain all insurance coverage in full force and effect.
2. **EFFECTIVE DATE OF THIS ORDER:** This Order is effective against the person who filed for divorce, annulment, or legal separation (the Petitioner) when the Petition was filed with the court. It is effective against the other party (the Respondent) when it is served on the other party, or on actual notice of the Order, whichever is sooner. This Order shall remain in effect until further order of the court, or the entry of a Decree of Dissolution, Annulment, or Legal Separation.
3. **ORDER TO PETITIONER:** You **must** serve a copy of this Order upon the Respondent, along with a copy of the Petition for Dissolution, Annulment or Legal Separation, the Summons, and other required court papers.
4. **WARNING:** This is an official Court Order. If you disobey this Order, the court may find you in contempt of court. You may also be arrested and prosecuted for the crime of interfering with judicial proceedings and any other crime you may have committed by disobeying this Order.
5. **LAW ENFORCEMENT:** You or your spouse may file a certified copy of this Order with your local law enforcement agency. You may obtain a certified copy from the Clerk of the Court that issues this Order. If any changes are made to this Order and you have filed a certified copy of this Order with your local law enforcement agency, you **must** notify them of the changes.
6. **DESCRIPTION OF THE PARTIES:**

Petitioner:

Name: _____
Height: _____
Date of Birth: _____

Gender: ☐ Male ☐ Female

Weight: _____

Respondent:

Name: _____
Height: _____
Date of Birth: _____

Gender: ☐ Male ☐ Female

Weight: _____

GIVEN UNDER MY HAND AND SEAL OF THE COURT

Date

CHAD A. ROCHE
Clerk of the Superior Court

By _____

Deputy Clerk

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: DO2

**PETITION FOR LEGAL SEPARATION WITHOUT
CHILDREN [624]**

Name of Respondent

HONORABLE: _____

STATEMENTS TO THE COURT, UNDER OATH

1. INFORMATION ABOUT ME, THE PETITIONER

Name: _____
Address: _____
Date of Birth: _____ Social Security Number: _____
Job Title: _____
Starting with today, number of months/years in a row you, the Petitioner, have lived in Arizona. _____

2. INFORMATION ABOUT MY SPOUSE, THE RESPONDENT

Name: _____
Address: _____
Date of Birth: _____ Social Security Number: _____
Job Title: _____
Starting with today, number of months/years in a row the Respondent has lived in Arizona. _____

3. INFORMATION ABOUT MY MARRIAGE

Date of Marriage: _____
City and state or country where we were married: _____
☐ We **do not** have a covenant marriage. (**WARNING: You cannot use this paperwork if have a covenant marriage.** If you have questions about whether you have a covenant marriage or not, review your marriage license, and/or ask a lawyer for help.)

4. 90 DAY REQUIREMENT

☐ I or ☐ my spouse have lived, or have been stationed while a member of the Armed Forces, in Arizona for at least 90 days before I filed this action. (**WARNING: If this statement is not true, you cannot file for a Legal Separation until it becomes true.**)

5.a. COMMUNITY PROPERTY: (Check one box)

- ☐ My spouse and I **did not** acquire any community property during the marriage, OR
☐ My spouse and I **did** acquire community property during our marriage, and we should divide it as follows:

<input type="checkbox"/>	Real estate located at:	Petitioner	Respondent	Value
		<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	Legal Description: _____			

<input type="checkbox"/>	Real estate located at:	Petitioner	Respondent	Value
		<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	Legal Description: _____			

<input type="checkbox"/>	Household furniture and appliances:	Petitioner	Respondent	Value
	_____	<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"/>	Household furnishings:	Petitioner	Respondent	Value
	_____	<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"/>	Other items:	Petitioner	Respondent	Value
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

<input type="checkbox"/>	Pension/Retirement fund/profit sharing/stock plan/401K:	Petitioner	Respondent	Value
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

<input type="checkbox"/>	Motor vehicles:	Petitioner	Respondent	Value
	Make _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	Model _____			
	VIN _____			
	Lien Holder _____			

<input type="checkbox"/>	Make _____	Petitioner	Respondent	Value
	Model _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	VIN _____			
	Lien Holder _____			

5.b. SEPARATE PROPERTY. (Check all boxes that apply.)

- ☐ I **do not** have any property, or separate property, that I brought into the marriage.
- ☐ My spouse, the Respondent, **does not** have any property, or separate property, that they brought into the marriage.
- ☐ I **do** have property, or separate property, that I brought into the marriage. I want this property awarded to me as described below.
- ☐ My spouse, the Respondent, **does have** property, or separate property, that they brought into the marriage. I want this property awarded to my spouse as described below.

Separate Property: (List the property and the value of the property, and check the box to tell the court who should get the property.)

Description of Separate Property	Petitioner	Respondent	Value
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

6.a. COMMUNITY DEBTS: (check one box)

- ☐ My spouse and I **did not** incur any community debts during the marriage, **OR**
- ☐ My spouse and I **did** incur community debts during the marriage and we should divide the responsibility for these debts as follows:

DESCRIPTION OF DEBT	Petitioner	Respondent	Amount Owed
_____	<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"/>	\$ _____

6.b. SEPARATE DEBTS. (Check all boxes that apply.)

- ☐ My spouse and I **do not** have any debt, or separate debt, that were incurred prior to the marriage,
- ☐ I **do** have debt, or separate debt that I incurred prior to the marriage, that should be paid by me as described below.
- ☐ My spouse **does** have debt, or separate debt that he/she incurred prior to the marriage, that should be paid by my spouse as described below.

DESCRIPTION OF DEBT	Petitioner	Respondent	Amount Owed
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

7. TAX RETURNS: (Check this box if this is what you want.)

- ☐ After the judge or commissioner signs the Order of Legal Separation, the parties will pay federal and state taxes as follows, (subject to IRS Rules and Regulations): For previous years (the years the parties were married, not including the year the Order was signed), the parties will file joint federal and state income tax returns. In addition, for previous calendar years, both parties will pay, and hold the other harmless from, half

of all additional income taxes and other costs, if any, and each will share equally in any refunds. For the calendar year (the year that the Order is signed) and all future calendar years, each party will file separate federal and state income tax returns. Each party will give the other party all necessary documentation to do so.

8. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY) (Check the box that applies to you):

- ☐ Neither party is entitled to spousal maintenance/support (alimony), OR
- ☐ Petitioner **OR** ☐ Respondent is entitled to spousal maintenance/support because: (Check one or more of the box(es) below that apply. At least one reason must apply to get spousal maintenance/support.)
- ☐ Person lacks sufficient property to provide for their reasonable needs;
- ☐ Person is unable to support himself/herself through appropriate employment;
- ☐ Person is the custodian of a child(ren) whose age or condition is such that the person should not be required to seek employment outside the home;
- ☐ Person lacks earning ability in the labor market adequate to support himself/herself; and,
- ☐ Person contributed to the educational opportunities of the other spouse or has a marriage of long duration and is now of an age that precludes the possibility of gaining employment adequate to support himself/herself.

9. PREGNANCY

- ☐ Wife is **not** pregnant, OR
- ☐ Wife is pregnant
- The baby is due on _____ (date), (and, check one box below):
- ☐ The Petitioner and Respondent **are** the parents of the child, OR
- ☐ Petitioner is **not** the parent of the child, OR
- ☐ Respondent is **not** the parent of the child.

10. DESIRE TO LIVE SEPARATE AND APART. My marriage is irretrievably broken (my marriage is over) or I and/or my spouse desire to live separate and apart. (This must be a true statement or you cannot file for a Petition for Legal Separation.)

WARNING. If wife is pregnant and the Petitioner and the Respondent are the parents of the child, STOP. YOU MUST FILE THE PAPERS FOR LEGAL SEPARATION WITH CHILDREN.

11. OTHER STATEMENTS TO THE COURT UNDER OATH: To file for Legal Separation, of non-covenant marriage, you must be able to tell the court that the following statements are true. If the statements are not true, you cannot file for Legal Separation until the statements are true. Check the box in front of each statement if the statement is true.

- ☐ TRUE My spouse and I have a written agreement signed by both of us about the maintenance of a spouse, and division of property/debt, and I have attached a copy of the written agreement.
- ☐ TRUE My spouse and I have attempted to resolve our problem using Conciliation Services, our going to Conciliation Services to try to resolve our problems would not work.

REQUESTS TO THE COURT:

A. LEGAL SEPARATION:

- ☐ An Order of Legal Separation

B. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):

☐ Order spousal maintenance/support to be paid by ☐ Petitioner, or ☐ Respondent through the Clerk of the Court/Clearinghouse in the amount of \$ _____ per month, plus the statutory fee, beginning with the first day of the month **after** the judge or commissioner signs the Order of Legal Separation and continuing until the person receiving spousal maintenance/support is remarried or deceased, or for a period of _____ months.

C. COMMUNITY PROPERTY:

☐ Make a fair division of all community property as requested in this Petition.

D. COMMUNITY DEBTS:

☐ Order each party to pay community debts as requested in the Petition, and to personally pay any other community debts unknown to the other party. Order each party to pay, and hold the other party harmless from, debts incurred by them since the parties' separation on (date) _____ or from the date the Respondent was served with the Petition for Legal Separation.

E. SEPARATE PROPERTY:

☐ Award each party their separate property.

F. OTHER ORDERS I AM REQUESTING (Explain request here):

OATH AND VERIFICATION OF PETITIONER:

I, the Petitioner, being duly sworn and under oath, state that I have read this Petition. All the statements in the Petition are true, correct, and complete to the best of my knowledge and belief.

Date

Signature

State of Arizona)

County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____
Name of Signer

Commission Expires

Notary Public

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

CASE NUMBER: DO2

Name of Petitioner

**NOTICE OF YOUR RIGHTS ABOUT HEALTH
INSURANCE COVERAGE WHEN A PETITION
FOR DISSOLUTION (DIVORCE) IS FILED
(A.R.S. 20-1377 AND 20-1408)**

Name of Respondent

HONORABLE: _____

WARNING: THIS IS AN IMPORTANT LEGAL NOTICE. YOUR RIGHTS TO HEALTH INSURANCE COVERAGE COULD BE AFFECTED AFTER YOUR DIVORCE IS FINAL. READ THIS NOTICE CAREFULLY. IF YOU DO NOT UNDERSTAND THIS NOTICE, YOU SHOULD CALL AN ATTORNEY FOR ADVICE ABOUT YOUR LEGAL RIGHTS AND OBLIGATIONS.

IMPORTANT INFORMATION IF YOU ARE ON YOUR SPOUSE'S INSURANCE PLAN: When a Petition for Dissolution of Marriage (papers for a divorce decree) is filed, you and/or your children may continue to be covered under your spouse's health insurance policy. Arizona law allows the dependent spouse and/or children to continue to be covered, but you must take some steps to protect your rights.

WHAT INSURANCE COVERAGE APPLIES TO YOU, AND HOW TO GET IT: If you are covered by your spouse's health insurance, and you want to continue to be covered after the divorce is final, you **must** contact the insurance company as soon as possible, and you **must** start to pay the monthly insurance premium within 31 days of the date the insurance would otherwise stop.

If you decide you want to be covered, the insurer can choose whether to continue coverage under the current policy, or to change the policy to your name. If the policy is changed to your name, it is called a "converted"; policy. If the policy is converted by the insurer, the insurer must provide you the same or the most similar level of coverage available, unless you ask for a lower level of coverage.

WHAT COVERAGE APPLIES TO YOUR CHILDREN: If you choose to continue coverage as a dependent spouse, you can also choose to continue coverage for your dependent children if you are responsible for their care or support.

PREEXISTING CONDITIONS OR EXCLUSIONS FROM INSURANCE COVERAGE: Whether the insurance is continued or converted, the insurance must be provided to you without proof of insurability and without exclusions for coverage other than what was previously excluded before the insurance was continued or converted.

LIMITS ON RIGHTS TO INSURANCE COVERAGE FOR YOU AND YOUR CHILDREN: You may **not** be entitled to continued or converted coverage if you are eligible for Medicare or for coverage by other similar types of insurance which together with the continued coverage would make you over-insured. However, dependent children of a person who is eligible for Medicare may be covered by a continuance or a conversion. If you have questions about coverage, check with the insurer and/or the spouse's employer.

WARNING TO THE SPOUSE FILING THE PETITION FOR DISSOLUTION (DIVORCE): This Notice must be served on your spouse together with the Petition for Dissolution, the Summons, and the Preliminary Injunction.

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: DO2

NOTICE REGARDING CREDITORS

Name of Respondent

HONORABLE: _____

ARIZONA LAW REQUIRES all actions for DIVORCE or LEGAL SEPARATION to include this NOTICE and for the person filing for Divorce or Legal Separation to SERVE this NOTICE on the other party. (ARS 25-318(F)).

YOU AND YOUR SPOUSE ARE RESPONSIBLE FOR COMMUNITY DEBTS. The court usually requires/orders one spouse or the other to pay certain community debts in, or through, the Decree of Dissolution or Legal Separation. A court order that does this is binding on the spouses **only, not the creditors**. You and your spouse are legally responsible for these community debts whether you are married, divorced, or legally separated. These debts are matters of contract between **both of you** and your creditors (such as banks, credit unions, credit card companies, utility companies, medical providers and retailers). On request, the court may impose a lien against the separate property of a spouse to secure payment of certain community debts.

CONTACT CREDITORS: You may want to contact your creditors to discuss the debts and the effects of your divorce/legal separation on your debts. To assist you in identifying your creditors, you may obtain a copy of your spouse's credit report by making a written request to the court for an order requiring a credit reporting agency to release the report to you. The credit report will help you identify accounts, account numbers and account balances. In addition, within thirty **(30)** days after receipt of a request from a spouse who is party to a divorce or legal separation, which includes the court and cause number of the action, creditors are required, by law, to provide information as to the balance and account status of any debts for which you or your spouse may be liable to the creditor.

WARNING: If you do not understand this notice, you should contact an attorney for advice about your legal rights and obligations.

The following page contains a sample form you *may* choose to mail to creditors to get information about debts owed by you or your spouse. It is not a required form.

REQUEST FOR ACCOUNT INFORMATION FROM CREDITORS

You may use this form to request information about debt owed by you or your spouse.
If so, send to the creditor. **DO NOT FILE THIS PAGE WITH THE COURT.**

DATE: _____

CREDITOR'S NAME: _____

CREDITOR'S ADDRESS: _____

Regarding:

Superior Court of Arizona in Pinal County

Case Name: _____

Case Number: _____

Pursuant to Arizona State Law (ARS 25-318), this letter requests the balance and account status of any debt for which the following individuals may be liable to you. (Arizona law requires that you provide this information within thirty (30) days of receipt of this letter.)

INFORMATION ABOUT DEBTORS/SPOUSES:

Your Name: _____

Your Address: _____

Your Phone Number: _____

Your Spouse's Name: _____

Your Spouse's Address: _____

INFORMATION ABOUT THE ACCOUNT:

Account Number(s): _____

If you have any questions or if I can be of further assistance, please feel free to contact me.

Sincerely,

Your Name: _____

Your Signature: _____

SERVICE OF COURT PAPERS FAMILY COURT CASES ONLY



PINAL COUNTY

**HOW TO SERVE NOTICE AS
REQUIRED OR PERMITTED BY LAW**

INSTRUCTIONS AND FORMS

**Provided as a Public Service by
CHAD A. ROCHE
Clerk of the Superior Court**

SERVICE OF COURT PAPERS

CHECKLIST

“Service” means giving legally required notice to other parties that you have filed papers that may result in a court order that may affect them. The court papers can ONLY be delivered in a manner permitted by law, and proof of proper delivery must be filed with the court.

You may use the forms and instructions in this packet if . . .

- ✓ You have filed a Petition, Complaint, or other document in the Superior Court in a Civil or Family Court case and you are required to *serve notice* on other parties of what you have filed with the court,

AND

- ✓ You understand that your case cannot proceed until you have provided proof to the court that notice has been given in a manner permitted by law,

AND

- ✓ You understand that you may **NOT** hand-deliver the papers to the other party unless he or she (and no one else) will sign a ***“Family Court Acceptance of Service”*** form in front of a Notary and return the form for you to file with the Court.

NOTE: If you know you are going to have the papers served by the Sheriff’s Department or by a private process server in Pinal County and you do not need information about other methods of service, both the Sheriff and private process servers will have their own forms and you will not need this packet.

NOTE: If you are required to serve notice on a person outside the United States, you may need to see a lawyer or research international law to determine what methods of service are permitted in your situation.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results.

HOW TO SERVE COURT PAPERS ON THE OTHER PARTIES

TABLE OF CONTENTS

This packet contains general information, court forms, instructions and procedures for **serving** court papers, delivering court papers as permitted or required by law. Use **only** the forms that apply to the method of service you have chosen. Do **NOT** copy or file information, instruction or procedures pages with the Court.

Order	Title	# of Pages
1	Checklist	1
2	Table of Contents (this page)	1
3	Instructions: Serving the Other Party	4
4	Family Court Acceptance of Service	3
5	How to Serve the Other Party by Certified Mail	1
6	Affidavit Supporting Service by Certified Mail	2
7	How to Serve By Registered Process Server	1
8	How to Serve By Sheriff	2
9	How to Serve By Publication	3
10	Declaration of Due Diligence and Request for Alternate Means of Service (Publication)	2
11	Order for Alternate Means of Service (Publication)	1
12	Affidavit Supporting Publication	3

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.

INSTRUCTIONS

Serving the Other Party

1. SERVING THE OTHER PARTY:

- After you have filed your court papers with the Clerk of the Court, you must **serve** the papers on the other party.
- **Service** means giving legal notice to the other party (or parties) that you have filed court papers. You must provide proof of service to the court.
- This packet explains the steps you need to take to serve the other party and what forms you must use.
- By completing the steps for service, you tell the court that the other party has received a copy of the court papers. After the other party is served, the other party will be given a time limit to file a Response or Answer. The Response or Answer is the other party's written statement to your request. The Response or Answer tells you, and the court, what the other party wants.

2. METHODS OF SERVICE:

Read the choices below to make sure that you are using the correct method of service. Select the method of service that works best for you. *(If the other party lives outside of the United States, you should see a lawyer to find out which method of service will work best for you.)*

- A. Service by Acceptance.** This method requires you to give, or mail the court papers to the other party and include a **"Family Court Acceptance of Service"** form. The other party must sign the **"Family Court Acceptance of Service"** form in front of a Notary Public and return it to you. The other party cannot sign the **"Family Court Acceptance of Service"** until after you have filed the court papers with the court. The other party's signature on the **"Family Court Acceptance of Service"** does not mean that he/she agrees with the court papers. It means that the other party admits receiving the papers, without being served in person by the sheriff or a process server.

Service is complete at the time the other party signs the **"Family Court Acceptance of Service."** If you choose this method of service, use the **"Family Court Acceptance of Service"** form.

WARNING: Do **not** use this method of service if you are the victim of domestic violence, or believe the other party will hurt you, take your money, or take your children. If you believe the other party will become violent or uncooperative when you ask him/her to accept service, use one of the methods of service described below.

- B. Service by Registered Process Server.** This method requires you to hire, and pay, a registered process server to serve the other party with court papers. A process server is a person who will give the papers to the other party at home, work, or other location. This method of service costs more than service by acceptance and requires the process server to find the other party. If you decide to use this method, look under "Process Server" in the Yellow Pages to find someone who can serve your papers. Service is complete at the time the process server hands the other party the court papers. If you decide to use this method, and the other party lives outside of Arizona, you would need to find a registered process server in the state where the other party lives.
- C. Service by Sheriff.** This method requires you to contact the Sheriff's Office in the county where the other party lives to arrange for a Sheriff's deputy to give the other party the court papers. This method requires you to pay a fee to the Sheriff's Office. The Sheriff's Office will give the Court a Sworn Affidavit of Service stating that the person was served.

NOTE: Pinal County Sheriff's Deputy can only serve parties that are located within Pinal County. If the other party lives outside Pinal County, you will need to contact the Sheriff's Office in that county for information regarding service.

- D. Service by Certified Mail.** This method of service allows you to give notice by a special type of mail. You can send the court papers by giving the post office copies of the court papers in an envelope, postage prepaid, to be sent to the other party by any form of mail requiring a signed and returned receipt. This is often called **Certified Mail, Restricted Delivery** by the post office. This means that the other party must sign for the papers.

If the other party signs a receipt (green receipt) for the papers, the green receipt will be returned to you in the mail. You must then file an affidavit with the court stating (1) that the court papers were sent to the other party, (2) that the papers were received by the other party, as evidenced by the original green receipt you attach to the affidavit; and (3) the date the party received the documents. A copy of the affidavit you will need is provided in the packet.

- E. Other Methods of Service.** There may be other ways to serve the other party. To learn more about these other ways, you should see a lawyer for help.

3. WHEN YOU CANNOT FIND THE OTHER PARTY:

Before you begin service by Publication, you must first complete the ***"Declaration of Due Diligence and Request for Alternate Means of Service (Publication)"*** for the Judge to grant service by Publication.

If the Judge approves service by Publication the ***"Order for Alternate Means of Service"*** will be signed and a copy of the Order mailed to you, at that time you can continue with Publication.

- A. Service by Publication.** You may use this method only if you do not know where the other party lives, or cannot find the other party. Service by publication is your "last resort." It is used **only** if you do not have a current address for the other party and have tried, unsuccessfully, to find the other party. Use a paper of general circulation and that are familiar with the requirements and regularly publishes legal notices.

Tips for Finding the Other party: Before the Court will accept ***"Service by Publication,"*** you must have made every reasonable effort to find the Respondent and to give actual notice of this case by personal service of the required documents. You will be required to state, under penalty of perjury, the steps you have taken to try to locate the Respondent and if the Court is not satisfied that you have taken all reasonable steps, your case may be delayed until the Court is satisfied all such steps have been taken.

Examples of steps you **MUST** take: verify the Respondent is not at any last known address(es), talk to Respondent's friends, family members, employer, co-workers, former co-workers or employer(s), or anyone else you think may have a current address. Search telephone directories, the Internet, voter registration records, obituaries, and even the morgue. You may also have to consider hiring a private detective or a company that charges a fee to do computer searches to help you track down the other party. If you know the other party's date of birth and/or Social Security Number, this method may work for you.

Service by Publication can be expensive and may delay your court case. You would need to contact the newspaper to determine the cost of publication. Application for Deferral is only applicable to Pinal County newspapers. If you need to publish in another County or State, the Deferral of Fees is not applicable.

1. Publication must been done in the county were the case originated:

This method requires that a copy of the ***“Summons”*** be published in a newspaper of general circulation in Pinal County once a week for four consecutive weeks.

If the other party’s last known address was also in Pinal County then the publication above will suffice for service to the other party.

2. How to publish service if the other party’s last known address is in Arizona, but not in the county in which your case in pending:

- i. You must publish in the county in which your case is pending and you must publish in a newspaper in the county of the last known residence of the person to be served.
- ii. To publish in another county (not Pinal County) you will need to contact a newspaper in that county.
- iii. After you have contacted the newspaper and inquired about publication, mail or deliver the payment (or certified copy of the Order of Deferral) and ***“Letter to Newspaper”*** provided in this packet, along with copies of the ***“Summons”*** or documents you filed with the Court, to the newspaper for publication.
- iv. Wait for the newspaper to send you the original document called ***“Affidavit of Service”*** in five weeks.

3. Complete Your Paperwork. Fill out the ***“Affidavit Supporting Publication”*** provided in this packet. The ***“Affidavit Supporting Publication”*** is a statement affirming or swearing under oath that you have done everything possible to try to find the other party. File the original ***“Affidavit Supporting Publication”*** with the Clerk of the Superior Court.

You must also file the original ***“Affidavit of Service”*** that you received from the newspaper(s), verifying and stating the dates of publication.

WHEN IS A WRITTEN RESPONSE TO THE COURT PAPERS DUE?

- **LOOK AT THE TIMETABLE BELOW.** If the **last day** for the other party to respond falls on a Saturday, Sunday, or legal holiday, you **do not** count that day. The last day you count to determine if you can file the default papers, must be a day when this court is open for business.
- **INCLUDE WEEKENDS AND HOLIDAYS.** In counting the days, include weekends and holidays until you reach the number of days in the Timetable below. If the other party files a written Response or Answer with the court, you **CANNOT FILE BY DEFAULT.**

DEFAULT TIMETABLE		
SERVICE BY	COUNT	EVENT
• <i>“Acceptance of Service”</i> (in Arizona)	20 Days	after other party signs <i>“Acceptance of Service”</i>
• Process Server (in Arizona)	20 Days	after other party receives papers from process server
• Sheriff (in Arizona)	20 Days	after other party receives papers from sheriff
• <i>“Acceptance of Service”</i> (out of State)	30 Days	after other party signs <i>“Acceptance of Service”</i>
• Registered mail (out of State)	30 Days	after other party signs green card
• Process Server (out of State)	30 Days	after other party receives papers from process server
• Sheriff (out of State)	30 Days	after other party receives papers from sheriff
• Publication	60 Days	after the 1st day of publication

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner _____ CASE NUMBER: DO2
FAMILY COURT
ACCEPTANCE OF SERVICE
A.R.F.L.P. RULE 40
Name of Respondent _____ HONORABLE: _____

Check the box to indicate each document you received. Do **not** check the box unless you received the document listed beside it. If your case is not one of the types listed, list the type of case and the documents you received from the other party under "Other Type Case" on the next page.

1. BY SIGNING THIS DOCUMENT, I STATE UNDER OATH OR AFFIRMATION THAT I HAVE RECEIVED AND ACCEPTED THE LEGAL PAPERS INDICATED (CHECKED) BELOW

**DIVORCE (OR ANNULMENT)
WITH CHILDREN**

- ☐ Petition
- ☐ Summons
- ☐ Preliminary Injunction
- ☐ Health Insurance Notice
- ☐ Parent Info. Program Notice
- ☐ Notice to Creditors
- ☐ Affidavit Regarding Minor Children
- ☐ Parenting Plan
- ☐ Child Support Worksheet

**LEGAL SEPARATION
WITH CHILDREN**

- ☐ Petition
- ☐ Summons
- ☐ Preliminary Injunction
- ☐ Health Insurance Notice
- ☐ Parent Info. Program Notice
- ☐ Notice to Creditors
- ☐ Affidavit Regarding Minor Children
- ☐ Parenting Plan
- ☐ Child Support Worksheet

TEMPORARY ORDERS

- ☐ Motion for Temporary Order
- ☐ Order to Appear
- ☐ Temporary Orders
- ☐ Affidavit of Financial Info.
- ☐ Child Support Worksheet
- ☐ Parenting Plan

**DIVORCE (OR ANNULMENT)
WITHOUT CHILDREN**

- ☐ Petition
- ☐ Summons
- ☐ Preliminary Injunction
- ☐ Health Insurance Notice
- ☐ Notice to Creditors

**LEGAL SEPARATION
WITHOUT CHILDREN**

- ☐ Petition
- ☐ Summons
- ☐ Preliminary Injunction
- ☐ Health Insurance Notice
- ☐ Notice to Creditors

PATERNITY (TO ESTABLISH)

- ☐ Petition
- ☐ Summons
- ☐ Parent Info. Program Notice
- ☐ Affidavit Regarding Minor Children
- ☐ Parenting Plan
- ☐ Child Support Worksheet

CHILD LEGAL DECISION-MAKING, PARENTING TIME, SUPPORT

(to establish when paternity already *legally* established)

- ☐ Petition
- ☐ Summons
- ☐ Parent Info. Program Notice
- ☐ Affidavit Regarding Minor Children
- ☐ Parenting Plan
- ☐ Child Support Worksheet

ENFORCEMENT

- ☐ Petition
- ☐ Order to Appear

MODIFY CHILD SUPPORT 15% OR MORE

("Simplified Mod")

- ☐ Petition to Modify
- ☐ Parents Worksheet for Child Support
- ☐ Blank Request for Hearing

MODIFY CHILD SUPPORT ("Standard Mod")

- ☐ Petition to Modify Child Support – Std. Process
- ☐ Affidavit of Financial Information
- ☐ Order to Appear

**STOP ORDER OF ASSIGNMENT/
INCOME WITHHOLDING ORDER**

- ☐ Petition to Stop Order of Assignment
- ☐ Blank Request for Hearing

CHILD SUPPORT

(to establish when paternity already *legally* established)

- ☐ Petition
- ☐ Order to Appear
- ☐ Child Support Worksheet

MODIFY SPOUSAL MAINTENANCE OR SPOUSAL

AND CHILD SUPPORT ("Standard Mod")

- ☐ Petition to Modify Support Order
- ☐ Order to Appear
- ☐ Affidavit of Financial Information

**MODIFY CHILD LEGAL DECISION-MAKING &/OR
PARENTING TIME AND SUPPORT**

- ☐ Petition to Modify
- ☐ Parents' Worksheet for Child Support
- ☐ Notice of Filing for Modification of Legal decision-making
- ☐ Affidavit Regarding Minor Children

**MODIFY (Change) ORDER OF ASSIGNMENT/
INCOME WITHHOLDING ORDER**

- ☐ Petition to Modify Order of Assignment
- ☐ Blank Request for Hearing

LIST OTHER CASE TYPE HERE: (Example: "Annulment") _____
(Below, list name of each document you received: Example: "Petition for Annulment", "Summons", etc.)

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- 2. ACCEPT AND WAIVE FORMAL SERVICE.** I waive formal service of process by a process server or sheriff. I understand accepting these papers is the same as if I were personally served under Arizona Law [A.R.F.L.P. Rule 40 (F)]
- 3. RESPONSE DEADLINE.** I am aware that accepting service of these court papers and signing this paper does not affect my right or obligation to file a written Response or Answer to this action if I do not agree with any relief asked for in the Petition. I understand I must Respond or Answer within **20** days from the day I signed the original of this Acceptance of Service if I accepted service in Arizona, or **30** days if I received the papers somewhere other than in Arizona.
- 4. DEFAULT JUDGMENT, ORDER OR DECREE.** I understand that if I do not appear and defend in this action in court, within the time allowed by law, that I may lose my right to be heard in this case. I understand that failure to Respond or Answer could result in the court giving the other party any and all things requested in his or her legal papers, through a Default Judgment, Order or Decree.

5. **RESTORE NAME. (ONLY in Divorce, Legal Separation or Annulment Cases.)**

My complete married name is: (Complete ONLY if you want to change your name)

I want my legal name restored to: (List complete maiden name or legal name before this marriage)

BY SIGNING BELOW, I swear or affirm that I have read and understand the contents of this document and that I have received and accepted the legal documents indicated above.

Date

Signature

State of Arizona)

)

County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____
Name of Signer

Commission Expires

Notary Public

PROCEDURES

How to Serve Court Papers by Certified Mail

USE THIS PROCEDURE ONLY after you have filed your papers with the court.

STEP 1: GO TO THE POST OFFICE and tell the clerk you would like to mail the other party a letter as follows:

- Certified Mail, and
- Deliver to Addressee Only, and
- Restricted Delivery, and
- Return Receipt Requested, and
- Pay the postage.

STEP 2: WAIT for green receipt to be returned with the other party's signature. When you get the green receipt, note the date the other party received and signed for the papers.

STEP 3: PAPERS FOR THE COURT

- **COMPLETE:** Original of ***"Affidavit of Service by Certified Mail."*** Fill in ***ALL*** information requested on the form before proceeding. Be sure you fill in the date the other party received the papers. If you are unsure of the date, use the date you received the return receipt card. If you fail to list a date, the court may not process your papers and your case may be delayed.
- **ATTACH:** You must attach the original green receipt to the Affidavit to prove how you served the other party.
- **COPY:** Make yourself a copy of the ***"Affidavit of Service by Certified Mail"*** and a copy of the green receipt to keep for your files.

STEP 4: FILE PAPERS WITH THE COURT. File the Original ***"Affidavit of Service by Certified Mail"*** and the original green receipt with the Clerk of the Court.

STEP 5: COUNT. Note the date the other party was served the papers and start counting the days the other party has to file a Response or Answer. (When counting the days, start counting with the day **after** the other party signed the green receipt.)

DO NOT BRING CHILDREN TO COURT

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: DO2

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

Name of Respondent

HONORABLE: _____

1. I am familiar with the facts stated in this Affidavit, and I make this Affidavit to show that I have served the court papers on the other party by certified mail, postage prepaid, return receipt requested, pursuant to Arizona Rules of Civil Procedure, Rule 4.2(c).

Person served (name of other party): _____

Address where other party was served: _____

Date of receipt by the other party: _____ **Date of return of receipt to sender:** _____

2. The following documents were sent to the other party by certified mail (List all of the documents sent to the other party):

These court papers were received by the other party as shown by the **original RETURN** receipt that is attached to this Affidavit.

Date

Signature

State of Arizona)

)

County of _____)

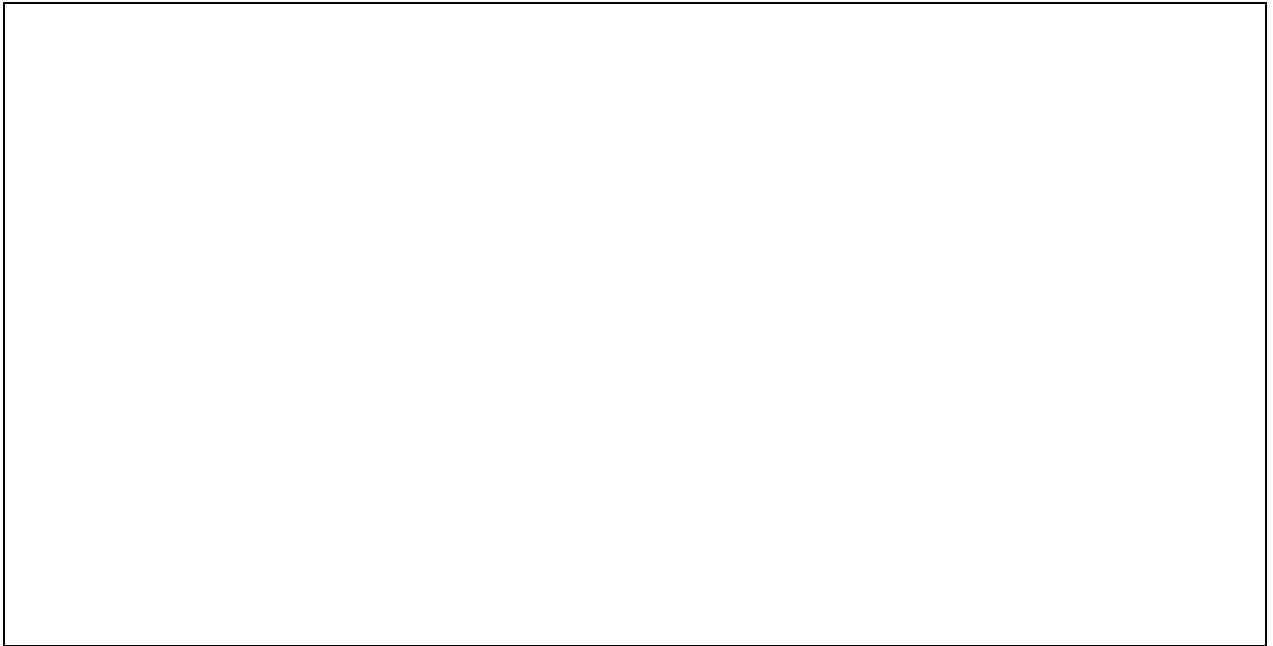
SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____

Name of Signer

Commission Expires

Notary Public



ATTACH THE ORIGINAL MAIL RETURN RECEIPT HERE

INSTRUCTIONS

How to Serve Court Papers by Registered Process Server

STEP 1: **FIND.** You must hire a Registered Process Server. You may locate process servers in the commercial section of the phone book under "Process Server," or online by using the search term "Arizona Process Servers" or similar, or at the web site of the Arizona Process Server's Association at <http://arizonaprocessservers.org/>.

NOTICE: There are fees for service of court papers.

- May offer greater flexibility in serving papers "after-hours" or on short notice.
- Are paid directly by you, not through the court.
- If you qualify, Process Server Fees may be deferred or waived within Pinal County only.
- Out of County Process Server Fees may not be deferred or waived by the court.

STEP 2: **GO.** Go to the Registered Process Server's office. **TAKE** with you the following items:

- Copy of "**Summons**" (if your case has a summons).
- Other party's set of copies of the court papers.
- A picture or a written physical description of the other party.
- A written description of the automobile that the other party drives.
- The address where the other party can be served.
- The amount you need to pay for this service. (You can call ahead of time to ask the Process Server what type of payment they require.)

STEP 3: **WAIT.** The Process Server will mail you a copy of the "**Affidavit of Service**" after he/she serves the other party with the papers. **IMPORTANT:** If the Process Server does not file an "**Affidavit of Service**" with the Clerk of the Court, you must get the "**Affidavit of Service**" from the Process Server and file it.

STEP 4: **COUNT.** Look at the "**Affidavit of Service**" to find out the date the other party was served with the court papers and start counting the days for the other party to file a Response or Answer. When counting the days, start counting with the day **after** the other party was served the papers. Look at the "**Affidavit of Service**" to find out the date the other party was served with the court papers and start counting the days for the other party to file a Response or Answer. When counting the days, start counting with the day **after** the other party was served the papers.

DO NOT BRING CHILDREN TO COURT.

PROCEDURES

How to Serve Court Papers by Sheriff

STEP 1: **GO.** Contact the Sheriff's Office in the county where the other party lives. Bring your court papers with you, **or** send a copy of the court papers to the Sheriff's Office if the other party does **not** live in the same county as you do. The Pinal County Sheriff's Office is located at:

Pinal County Sheriff's Office

971 Jason Lopez Circle, Bldg C

Florence, AZ 85132

1-800-420-8689

NOTICE: There are fees for service of court papers.

STEP 2: **WRITE.** If you are asking that the papers be served by a Sheriff's Department *other than* Pinal County's, fill out the attached sheet for identifying the other party and provide:

- Other party's set of copies of the court papers.
- A picture or written physical description of the other party.
- A written description of the automobile the other party drives.
- The address where other party can be served.
- ***"Certified Order Waiving/Deferring Fees,"*** or a \$200.00 deposit fee - cash/money order.

STEP 3: **WAIT.** The Sheriff may mail you a copy of the ***"Affidavit of Service"*** after the other party is served with the papers, **or** the Sheriff may file these papers instead of sending them back to you.

STEP 4: **COUNT.** Read the ***"Affidavit of Service"*** to find out the date the other party was served with the court papers and start counting the days the other party has to file a Response or Answer. (When counting the days, start counting with the day **after** the other party was served with the court papers.)

DO NOT BRING CHILDREN TO COURT.

(YOUR NAME)

(ADDRESS)

(CITY/STATE/ZIP)

(TELEPHONE NUMBER)

(DATE)

County Sheriff
(COUNTY NAME)

(ADDRESS)

(CITY/STATE/ZIP)

COURT CASE NO. _____

REGARDING: (NAME OF PERSON TO BE SERVED) _____

I enclose a copy of the following documents: (LIST ALL DOCUMENTS YOU WANT TO BE SERVED)

Please serve these papers on the other party. His or her current address and physical description are:

(OTHER PARTY'S NAME)

(HOME ADDRESS)

(HOME CITY/STATE/ZIP)

(WORK ADDRESS)

(WORK CITY, STATE, ADDRESS)

SEX	RACE	BIRTH	HGT.	WGT.	EYES	HAIR	SSN

Please return a notarized **"Affidavit of Service"** to my address at your earliest convenience. The court requires that each document served be named in the **"Affidavit of Service."**

- ☐ I also enclose a deposit of \$200. I understand there is a \$16.00 service fee, a travel fee of \$2.40 per mile (one way), for each attempt at service, and a \$8.00 notary fee. I understand that the difference between my deposit and the fees accrued for service will be billed, or returned, to me.
OR,
- ☐ I also enclose a certified copy of the **"Order for Waiver/Deferral of Fees for Service of Process."**

Thank you for your cooperation in this matter.

(YOUR SIGNATURE)

Enclosures

PROCEDURE

How to Serve the Court Papers by Publication

STEP 1: PUBLISH THE COURT PAPERS. As per A.R.S., Rules of Civil Procedure, Rule 4.2 (f).

A. How to serve the court papers by publication if you do not know if the other party lives in the county in which your case is pending (Pinal County) and/or the other party's last known address was not in Arizona.

1. If you are paying the costs to publish, use any paper of general circulation and that are familiar with the requirements and regularly publishes legal notices.

NOTICE: There are fees for service of court papers.

B. How to publish service if the other party's last known address is in Arizona and that address is not in the county in which your case is pending:

1. You must publish in the county in which your case is pending and you must publish in a newspaper in the county of the last known residence of the person to be served.
2. To publish in Pinal County follow the instructions in "A" above how to publish service of process if the other party lives in the same county in which your case is pending.
3. To publish in another county (not Pinal County) you will need to contact a newspaper company in that county.

C. How to publish service if the other party is known to live in another country:

1. You will have to contact an attorney to see if this method of service is appropriate for your situation.

STEP 2: WAIT. Wait for the newspaper to send you the original of the document called "***Affidavit of Service***" in about five weeks.

STEP 3: COMPLETE YOUR PAPERWORK.

A. Fill out the "*Affidavit Supporting Publication***,"** where you will list everything you did to attempt to find the other party before resorting to publication.

NOTICE: If the Court is not satisfied that you have made *every reasonable effort* to locate the other party, you may be required to take additional steps adding delay and expense to your case, including being required to publish notice again.

B. ATTACH a copy of the published notice from the newspaper(s).

C. KEEP A COPY for your records of the "***Affidavit Supporting Publication***."

STEP 4: FILE THE COURT PAPERS.

- A. File the original ***"Affidavit Supporting Publication"*** and a copy of the publication(s),
AND;
- B. File the original ***"Affidavit of Service"*** you received from the newspaper(s).

STEP 5: COUNT.

- A. Find out the date the other party was served with the court papers. You can find this date by looking at the date of the first newspaper publication. Then count the days for the other party to file a Response or Answer. (When counting down the days, start counting with the day after the first day of publication.)
- B. If the other party does not file a Response or Answer within the required time period, see a lawyer for help.
- C. If the other party files a Response or Answer, see a lawyer for help.

DO NOT BRING CHILDREN TO COURT

Arizona Rules of Family Law Procedure, Rule 6.3(h)

Print Name

Your Address

Date

Name of Newspaper

Address

To Whom It May Concern:

I need to publish notice in the newspaper about the following matter:

Court Case Number _____

Enclosed is a copy of the following documents stamped by the Clerk of Court (list all the documents here:)

1. _____
2. _____
3. _____
4. _____

Please publish a Notice in your newspaper about this court case once a week for four successive weeks. Also enclosed is (Check One Box):

☐ A check or money order in the amount of \$_____ for the cost of the publication as requested.

☐ A certified copy of the Order from the court waiving the publication costs.

When you receive this letter, please call me at to tell me when the first publication will occur. When all four weeks of publication have been completed, please send to me the original and one copy of an Affidavit of Publication.

Thank you for your help in this matter.

Yours truly,

Sign Your Name

Enclosures:

- ☐ Court documents **AND**
☐ Check or Money Order **OR**
☐ Certified copy of Court Order of Waiver/Deferral of Publication Fees

Name of Person Filing: _____

Street Address: _____

City, State, Zip Code: _____

Telephone Number: _____

Email Address: _____

ATLAS Number (if applicable) _____

☐ **Representing Self (No Attorney)** or ☐ **Represented by Attorney**

If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner _____ **CASE NUMBER:** DO2

DECLARATION OF DUE DILIGENCE AND REQUEST FOR ALTERNATE MEANS OF SERVICE (PUBLICATION)

Name of Respondent **HONORABLE:**

1. I make this Affidavit to tell the Court why service by publication is needed.
2. Pursuant to Arizona Rules of Civil Procedure, Rules 4.1(e) and 4.2(e), service by publication is the best way to notify the other party of this court case because the other party is:

☐ **Avoiding Service of Process.** I have mailed, postage prepaid, a copy of the following legal documents:

to the last known address of the other party on or before the first date of publication, **OR**

☐ The other party's residence is unknown. I have not mailed copies of the proceedings to the other party.

3. The residence and whereabouts of the other party is unknown to me, even though I have made a diligent search to find out. My search failed to reveal any information that might lead to knowledge about the other party's residence or whereabouts. This is what I did to try to find the other party. (Explain in detail here everything you did to try to find the other party.)

4. To the best of my knowledge, information and belief, the other party is not in the military service of the United States.
5. I have read this statement and know of my own knowledge that the facts stated herein are true and correct.

Date

Signature

State of Arizona)
)
County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____
Name of Signer

Commission Expires

Notary Public

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: DO2

**ORDER FOR ALTERNATE MEANS OF
SERVICE (PUBLICATION)**

Name of Respondent

HONORABLE: _____

The Court having reviewed the ***“Declaration of Due Diligence and Request for Alternate Means of Service,”*** and good cause appearing,

IT IS HEREBY ORDERED granting ***“Declaration of Due Diligence and Request for Alternate Means of Service.”***

DONE IN OPEN COURT this _____ day of _____, 20____

JUDGE/COMMISSIONER OF THE SUPERIOR COURT

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

_____ Name of Petitioner	CASE NUMBER: <u>DO2</u>
_____ Name of Respondent	AFFIDAVIT SUPPORTING PUBLICATION A.R.C.P. 4.1, 4.2 - A.R.F.L.P. 41, 42 HONORABLE: _____

1. I make this Affidavit to tell the Court why service by publication was used and to show how service by publication was done.
2. Pursuant to Arizona Rules of Civil Procedure, Rules 4.1(e) and 4.2(e), service by publication is the best way to notify the other party of this court case because the other party is:

☐ Avoiding service of process. I have mailed, postage prepaid, a copy of the following legal documents:

to the last known address of the other party on or before the first date of publication, OR

☐ The other party's residence is unknown. I have not mailed copies of the proceedings to the other party.

3. The residence and whereabouts of the other party is unknown to me, even though I have made a diligent search to find out. My search failed to reveal any information that might lead to knowledge about the other party's residence or whereabouts. This is what I did to try to find the other party. (Explain in detail here everything you did to try to find the other party.)

4. To the best of my knowledge, information and belief, the other party is not in the military service of the United States.

5. The following documents were published in a newspaper in the county where my case is pending.
(List title/name of each document. Example: Petition, Summons)

The documents above were published on the following dates:

A. _____ B. _____ C. _____ D. _____

AND/OR

The following documents were published in a newspaper in the Arizona County of the other party's last known address, or in an adjoining county if no newspaper is published in that county, and neither is the county in which my case is pending.

The documents above were published on the following dates:

A. _____ B. _____ C. _____ D. _____

6. An Affidavit of Publication for each newspaper has been filed into court record.

7. I have read this statement and know of my own knowledge that the facts stated herein are true and correct.

Date

Signature

State of Arizona)

County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____
Name of Signer

Commission Expires

Notary Public

INSTRUCTIONS: ATTACH the original of the Affidavit of Publication from the Newspaper(s) to this page.

DEFAULT



PINAL COUNTY

**How to Get a Decree by Default With or Without a Hearing
When the Other Party Has Not Filed a Response**

INSTRUCTIONS AND FORMS

**Provided as a Public Service by
CHAD A. ROCHE
Clerk of the Superior Court**

HOW TO GET A DEFAULT COURT ORDER

CHECKLIST

Which Default Works Best for You?

1. **DECREE BY DEFAULT WITH A HEARING** (See Procedures: How to Get a Default Hearing)

(Your case is eligible for entry of a Decree by Default with a Hearing if ALL the following elements apply)

- ✓ You have filed a summons and petition for one of the following:
 - Divorce
 - Legal Separation
 - Annulment
 - To establish Paternity
 - To establish a first court order for Legal Decision-Making and/or Parenting Time **OR** Legal Decision-Making, Parenting Time and Support
- ✓ The other party was served with court papers.
- ✓ Proof of service has been filed with the Clerk of the Court.
- ✓ The other party has not filed a written response or answer within the time frame set by law. (Check the court file to be sure this is true.)
- ✓ You have properly completed and filed the ***“Application and Affidavit for Entry of Default”*** (see ***“Procedures: How to Apply for Default”***).

OR

2. **DECREE BY DEFAULT WITHOUT A HEARING** (See Procedures: How to Get a Decree without a Hearing)

(Your case is eligible for entry of a Decree by Default without a Hearing if ALL the following elements apply)

- ✓ You have filed a summons and petition for one of the following:
 - Divorce
 - Legal Separation
 - Annulment
- ✓ The other party was served with court papers.
- ✓ Proof of service has been filed with the Clerk of the Court.
- ✓ The other party has not filed a written response or answer within the time frame set by law. (Check the court file to be sure this is true.)
- ✓ There are no minor children of the relationship, either natural or adopted.
- ✓ The Wife is not pregnant.
- ✓ Neither party is requesting spousal maintenance.
- ✓ The respondent is competent and is of the age of majority.
- ✓ You have properly completed and filed the ***“Application and Affidavit for Entry of Default”*** (see ***“Procedures: How to Apply for Default”***) and the ***“Motion and Affidavit for Default without a Hearing.”***

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing.

DEFAULT

HOW TO GET A DEFAULT DECREE IN FAMILY COURT CASES

This packet contains general information and instructions about how to apply for a default decree in family court cases. Be sure this packet contains the following documents:

Order	Title	# of Pages
1	Checklist: How to Get a Default Court Order	1
2	Table of Contents (this page)	1
3	Information: What is a Default Hearing • What Happens after Service	2
4	Procedures: How to Get a Default Hearing	2
5	Procedures: How to Get a Decree by Default without a Hearing	2
6	"Application and Affidavit for Default and Entry of Default"	3
7	"Motion and Affidavit for Default without Hearing"	3

You have permission to use these documents 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.

INFORMATION

What is a Default Hearing? What Happens After Service of Process?

What is a Default?

Default means that the party served with the court papers did **not** disagree with the information in the court papers and did not file a written timely ***“Response”*** or ***“Answer.”*** The party who filed the Petition/Complaint is the party who comes to the default hearing.

General Information

After the other party has been served with the court papers, one or more documents must be filed with the court to show service. For example: an ***“Acceptance of Service”*** signed by the other party and notarized, a ***“Waiver of Service”*** signed by the other party and notarized, or an ***“Affidavit of Service”*** signed by a private process server or deputy sheriff. After the other party has been served with the court papers, you are a step closer to completing your case. The next steps depend upon whether the other party files a written ***“Response”*** or ***“Answer”*** with the court.

Default Time Table

The papers the private process server or sheriff served on the other party explain that the other party has **20** days to file a written ***“Response”*** or ***“Answer”*** to the court if the papers were served in Arizona. If a private process server or sheriff served the other party outside Arizona, the other party has **30** days to file a written ***“Response”*** or ***“Answer.”***

If the other party signed an ***“Acceptance of Service,”*** the other party has **20** days to file a written ***“Response”*** or ***“Answer”*** to the court if the other party lives in Arizona. If the other party does not live in Arizona and signs an ***“Acceptance of Service,”*** the other party has 30 days to file a written ***“Response”*** or ***“Answer.”***

If the other party lives outside Arizona, you mailed the documents to the other party, and the other party signed a “Green Card” saying he/she received the court papers, then the other party has **30** days to file a written ***“Response”*** or ***“Answer.”***

If you need additional information about service by publication, refer to the Service of Court Papers packet.

Requirement for Default

If the other party has filed a written ***“Response”*** or ***“Answer”*** with the court within the time allowed by law, you **cannot** proceed by default. Both parties will be scheduled for Early Resolution Conference with Family Services of the Conciliation Court.

If you want to get a default hearing, you must complete the ***“Application for Default and Entry of Default”*** and file it with the Clerk of the Court. You must be sure service of process was complete, and that the other party **did not** file a written ***“Response”*** or ***“Answer”*** with the court.

After the Clerk of the Court enters the default, be sure you have two (2) copies of the ***“Application for Default and Entry of Default”*** conformed stamped by the Clerk. You must mail or hand-deliver one copy to the other party **the day** that you filed the ***“Application for Default and Entry of Default”*** with the Clerk of the Court.

At the time of filing the ***“Application for Default and Entry of Default”*** with the Clerk of the Court, the Deputy Clerk will provide the Petitioner with a pamphlet regarding Decree Assistance Project.

The Decree Assistance Project is designed to assist the Petitioner complete the final stage of the Dissolution process and schedule a Default Hearing.

After ten working days from the day **after** filing the ***“Application for Default and Entry of Default,”*** the Petitioner is required to contact Family Services of the Conciliation Court at (520) 866-7349 or 1-800-208-6897 x7349 to schedule a Default Hearing.

If the tenth day falls on a Saturday or Sunday or legal holiday the Respondent has until the end of the following work day to submit a Response.

If a “Response” or “Answer” is Filed

If a “**Response**” or “**Answer**” filed by the Respondent, your case cannot process through Default and your case will be scheduled for an **Early Resolution Conference**.

What is **Early Resolution Conference**:

It is an efficient and economical opportunity to resolve outstanding issues between the parties with an impartial third party who can draft your agreements. Family Services of the Conciliation Court will schedule a hearing and both parties will receive an Order to Appear for an Early Resolution Conference in the mail.

ADDRESS INFORMATION

It is **very important** for you (Petitioner and Respondent) to keep the court informed of your most current address. This means that if the address information is incorrect or if you change addresses, you must contact the Clerk of the Court and give them your new or current address.

DO NOT BRING CHILDREN TO COURT.

WHEN AND HOW TO FILE AN APPLICATION AND AFFIDAVIT FOR DEFAULT IN FAMILY COURT CASES

PROCEDURES:

WHEN TO FILE THE APPLICATION FOR DEFAULT:

- after the other party has been served with the court papers, AND
- the appropriate response period has passed (see Default Timetable below), AND
- the other party has not filed a response or answer with the court.

STEP 1: **COUNT.** Look at the **Default Timetable** below to find the method of service you used and the number of calendar days to count before you can apply for a default hearing or order.

- **BEGIN COUNTING THE DAY AFTER THE OTHER PARTY WAS SERVED WITH THE PETITION.**
- **INCLUDE WEEKENDS AND HOLIDAYS** until you reach the number of days listed.
- **If the last day for the other party to respond falls on a Saturday, Sunday, or legal holiday, do NOT count that day.**

<u>DEFAULT TIMETABLE</u>		
<u>SERVICE BY</u>	<u>COUNT</u>	<u>EVENT</u>
Acceptance of Service in Arizona	21 Days	After the other party signs the "Acceptance of Service"
Process Server in Arizona	21 Days	After other party receives papers from a process server
Sheriff in Arizona	21 Days	After other party receives papers from Sheriff
Registered Mail in Arizona	21 Days	After other party signs Green Return Receipt Card
Acceptance of Service out of State	31 Days	After the other party signs the "Acceptance of Service"
Process Server out of State	31 Days	After other party receives papers from a process server
Sheriff out of State	31 Days	After other party receives papers from Sheriff
Registered Mail out of State	31 Days	After other party signs Green Return Receipt Card
Publication	61 Days	After the 1 st date of publication

STEP 2: **WAIT.** Wait until the day after the number of days indicated in the Default Timetable above. If the other party did not file an ***Answer/Response*** with the Court you may file the Application and Affidavit for Default as instructed in Steps 3-6 below. Please read Steps 3-6 prior to completing the form. **YOU MUST TAKE THIS ACTION FOR YOUR CASE TO PROCEED.**

STEP 3: **COMPLETING THE FORM:**

- **DO NOT SIGN** and date the ***"Application and Affidavit for Default"*** before the amount of time shown in the Default Timetable has passed.
- On page one (1) of the Application and Affidavit for Default and Entry of Default please make sure the name, address, phone number for the Petitioner are provided in the top left of the form.
- On page one (1) of the Application and Affidavit for Default and Entry of Default list both party names on the document under ***"Name of Petitioner"*** this is the person who opened case and ***"Name of Respondent"*** this is the Responding party.
- On page one (1) of the Application and Affidavit for Default and Entry of Default you will list your case number. Your case number was provided and stamped on all documents

when the case was initially filed and opened with the Court.

- On page one (1) of the Application and Affidavit for Default and Entry of Default question number two (2) must be answered. One box must be checked. By checking one box you are indicating the method of service you used to serve the initial court papers upon the Responding party.
- On page three (3) of the Application and Affidavit for Default and Entry of Default the Clerk at the filing window will complete the "Entry of Default" section at the time this form is submitted to the window for filing. Please leave this blank.
- On page three (3) of the Application and Affidavit for Default and Entry of Default the Certificate of Mailing must be completed as follows:
 - ✓ The date entered must be the same date the form is submitted to the Court or any date after the filing of the document. There cannot be a date listed that is prior to filing the form with the Clerk of the Superior Court.
 - ✓ You must indicate that after filing a copy of the Application and Affidavit for Default and Entry of Default it will be either mailed or hand delivered to the Responding party. A box must be marked. If hand delivered is marked, please indicate on the line provided who will be delivering the copy to the Respondent.
 - ✓ The Respondents address must be listed in the address lines provided.
 - ✓ The Petitioner must sign their signature at the bottom of the form on the "Signed" line certifying that the actions marked will be completed.

STEP 4: AFTER FORM IS COMPLETE:

- After the form has been completed in full you must have the document signed in front of a notary. DO NOT sign the document prior to signing in front of a notary. You may have any notary notarize the document.
- **AFTER** the document has been completed, signed and notarized, you will make two (2) copies. One copy will be for your records and the additional copy will be for the Respondent.

STEP 5: FILING THE DOCUMENT WITH THE COURT

- The Application and Affidavit for Default and Entry of Default may be filed at any one of our office locations:
 - Main office in Florence, 971 Jason Lopez Circle Bldg., A, Florence, AZ 85132. Office hours are Monday – Friday open from 8:00 – 5:00 p.m.
 - Apache Junction Satellite Office, 575 N. Idaho Road Suite 109, Apache Junction, AZ 85119. Office hours are Monday – Friday open 8:00 – 5:00 p.m. **closing from 12:00 -1:00 for lunch.**
 - Casa Grande Satellite Office, 820 E. Cottonwood Lane, Bldg. B, Casa Grande, AZ 85122. Office hours are Monday – Friday open from 8:00 – 5:00 p.m. **closing from 12:00 -1:00 for lunch.**
- Hand the original and both copies of the Application and Affidavit for Default to the Clerk at the filing window. The Clerk will file and keep the original, date stamp both copies and return the stamped copies to you.

STEP 6: MAILING A COPY TO THE OTHER PARTY:

- After filing you must mail one of the date-stamped copies of the Application and Affidavit for Default to the Responding party on the same day that you have indicated in the Certificate of Mailing section located on page three (3) of the document.
- You will keep the additional copy for your records. This is your proof that you have filed this document with the Court.

STEP 7: SCHEDULING YOUR FINAL HEARING:

- At the time you submit your Application and Affidavit for Default to the Clerk of the Superior Court, the Clerk at the filing window will provide to you a Decree Assistance Project Screening Checklist. The checklist will instruct you to contact the Family Services of the Conciliation Court.
- You will contact the Conciliation Court ten (10) Court business days after the mailing of the Application and Affidavit for Default to the Responding party. You will start counting from the day after the date indicated on page three (3) of the Application and Affidavit for Default under the Certificate of Mailing or Delivery section. This is the date you indicated the document would be mailed to the Responding Party. Do not count holidays.
- The Decree Assistance Project Screening Checklist received from the Clerk of the Court's Office must be completed and with you when you contact the Conciliation Court Services.
- After answering the screening questions, if approved, the Conciliation Court will schedule your final hearing date.
- The Decree Assistance Project Screening Checklist will only be provided to customers who have filed an Application and Affidavit for Default in their case.
- **DO NOT** contact the Conciliation Court Services prior to filing the Application and Affidavit for Default.

STEP 8: PREPARE THE PAPERWORK YOU ARE REQUIRED TO BRING TO THE COURT HEARING:

- A complete list of documents you are required to bring to your default hearing is available in the Decree Assistance Project Screening Checklist that was provided to you by the Clerk of the Court under "*Items Needed for Default Hearing*".
- Any additional forms are available at www.pinalcountyz.gov/coscForms. All forms may be downloaded for free from our website. If forms are requested at a Clerk of the Court location there will be a charge of \$0.50 per page.

HOW TO GET A DECREE BY DEFAULT WITHOUT A HEARING (DISSOLUTION OF MARRIAGE, LEGAL SEPARATION OR ANNULMENT)

CHECK LIST:

(Your case is eligible for entry of a Decree by Default without a Hearing if ALL the following elements apply)

- ✓ The Respondent has failed to file a response.
- ✓ There are no minor children of the relationship, either natural or adopted.
- ✓ The Wife is not pregnant.
- ✓ Neither party is requesting spousal maintenance.
- ✓ The respondent is competent and is of the age of majority.
- ✓ You have properly completed and filed the ***“Application and Affidavit for Entry of Default”*** (see ***“Procedures: How to Apply for Default”***) and the ***“Motion and Affidavit for Default without a Hearing.”***

PROCEDURES:

STEP 1: COUNT DOWN PERIOD

- **BEGIN COUNTING THE DAY AFTER** the other party was served with the PETITION/COMPLAINT. Look at the Default Timetable to find the method of service you used and the number of days you should count.
- **INCLUDE WEEKENDS AND HOLIDAYS** until you reach the number of days listed in the Default Timetable. If the **last** day for the other party to respond falls on a Saturday, Sunday, or legal holiday, **DO NOT COUNT THAT DAY**. The Respondent has until the end of the following business day to submit a Response.

IF THE OTHER PARTY FILES A RESPONSE/ANSWER WITH THE COURT, YOU CANNOT FILE FOR DEFAULT.

<u>DEFAULT TIMETABLE</u>		
<u>SERVICE BY</u>	<u>COUNT</u>	<u>EVENT</u>
Acceptance of Service in Arizona	21 Days	After the other party signs the “Acceptance of Service”
Process Server in Arizona	21 Days	After other party receives papers from a process server
Sheriff in Arizona	21 Days	After other party receives papers from Sheriff
Acceptance of Service out of State	31 Days	After the other party signs the “Acceptance of Service”
Process Server out of State	31 Days	After other party receives papers from a process server
Sheriff out of State	31 Days	After other party receives papers from Sheriff
Registered Mail out of State	31 Days	After other party signs a Green Card
Publication	61 Days	After the 1 st date of publication

STEP 2: COURT PAPERS.

COMPLETE: Complete the ***“Application for Default and Entry of Default”*** and ***“Motion and Affidavit for Default without a Hearing”*** in this packet.

STEP 3: SIGN, NOTARIZE & COPY APPLICATION

SIGNATURE: DO NOT sign the “*Application for Default and Entry of Default*” nor the “*Motion and Affidavit for Default without Hearing*” until the right amount of time has passed.

Go to a Notary Public. Make sure you have a US Issued Photo ID with you. Sign both the “*Application for Default and Entry of Default*” and the “*Motion and Affidavit for Default without Hearing*.” **Make sure** you date both documents with the date you are signing it.

COPIES: Make **two copies** of your “*Application for Default and Entry of Default*” and “*Motion and Affidavit for Default without Hearing*” after your signature has been notarized.

STEP 4: FILE AND MAIL

(Bring the original and two copies of your documents to any of the following Clerk of the Superior Court offices)

FLORENCE

971 N. Jason Lopez Circle Bldg. A
Florence, AZ 85132

CASA GRANDE

820 E. Cottonwood Lane Bldg. B
Casa Grande, AZ 85122

APACHE JUNCTION

575 N. Idaho Rd. Suite 109
Apache Junction, AZ 85119

MAMMOTH

(TEMPORARILY CLOSED)
118 Catalina
Mammoth, AZ 85618

CLERK: Hand the Clerk at the filing counter the original and both copies of the “*Application for Default and Entry of Default*” and the “*Motion and Affidavit for Default without Hearing*.” The Clerk will keep the original and will conform stamp both set of copies and return them to you. **Make sure** you have **both** copies stamped.

MAIL: Mail or hand-deliver one of the copies of the “*Application for Default and Entry of Default*” and the “*Motion and Affidavit for Default without Hearing*” to the other party on the **SAME DAY** you file the papers with the Clerk of the Court. Keep the other copy for your records.

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: DO2

**APPLICATION AND AFFIDAVIT
FOR DEFAULT & ENTRY OF DEFAULT**

Name of Respondent

HONORABLE: _____

NOTICE: THIS IS AN IMPORTANT COURT DOCUMENT. When this document is properly completed and filed, Default has been applied for and entered. The Default will be effective ten (10) days after the filing of this completed document, unless the Respondent files an Answer/Response or otherwise defends before the ten day period expires.

1. I am the Petitioner in this court case. I understand and make the following statements under oath. I give notice that I am requesting entry of default against the other party, the Respondent because they have **not** filed an Answer/Response.
2. Service of the court papers on Respondent has been accomplished as follows: (check **ONLY** one box)

☐ The Respondent has signed an **"Acceptance of Service"** and has accepted service of the **"Summons,"** Complaint or Petition and other papers. The Respondent has **not** filed an **"Answer/Response,"** or otherwise appeared or defended in this court case. Default may be entered.

OR

☐ I have served the Respondent according to law with the **"Summons,"** Complaint or Petition and other papers. Respondent has **not** appeared, answered, responded or otherwise defended in the time required by law.
3. The Respondent is either **not** in the active military service of the United States or has otherwise waived his/her rights under the Service Members Civil Relief Act (formerly "Soldier's and Sailor's Civil Relief Act").
4. By completing the Certificate of Mailing or Delivery at the bottom of this form, I certify that I am mailing or delivering a copy of this Application and Affidavit to the Respondent as notice that I have applied for default and default has been entered in this court case.

NOTE: If the Respondent fails to file a responsive pleading or otherwise defend in this action within **10 days** of the filing of this Application, a default judgment will be entered. The Petitioner must still attend the default hearing at the court.

Date

Signature

State of Arizona)

County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____

Name of Signer

Commission Expires

Notary Public

ENTRY OF DEFAULT

It appearing to the Clerk of this Court from the ***“Application of Default and Entry of Default”*** that the respondent in this action, having been regularly served with process (or waived the same) has failed to plead or otherwise defend as to the Petition for Dissolution, Annulment, Legal Separation, Paternity, Legal Decision-Making or Parenting Time on file in this action, and the time allowed having expired, the default of the respondent is hereby entered. This default shall not be effective if respondent pleads or otherwise defends prior to the expiration of ten (10) days from the date hereof.

GIVEN UNDER MY HAND AND SEAL OF THE COURT

Date

CHAD A. ROCHE
Clerk of the Superior Court

By _____

Deputy Clerk

CERTIFICATE OF MAILING OR DELIVERY

On (date) _____ a copy of this document was (check ONLY one box):

☐ **Mailed** postage pre-paid, **OR**

☐ **Delivered** by _____ (name of person who did the delivery) to the

Respondent at the following:

Address: _____

Signed: _____

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: DO2

**MOTION AND AFFIDAVIT FOR DEFAULT
WITHOUT HEARING OF:**

☐ **DISSOLUTION**
☐ **LEGAL SEPARATION**

Name of Respondent

HONORABLE: _____

Petitioner requests the Court enter a decree by default without a hearing pursuant to Arizona Rules of Family Law Procedures, Rule 44(B)(1). This motion is based upon the attached affidavit, and seeks entry of an appropriate decree awarding the relief requested in the petition or as agreed to by the parties in writing.

RESPECTFULLY SUBMITTED THIS _____ day of _____, 20 _____

Signature of Petitioner

AFFIDAVIT OF PETITIONER

I, _____, being first duly sworn upon oath, deposes and says:

1. I have read the foregoing motion.
2. Neither party in this matter is either an infant or an incompetent person.
3. a. The respondent has made no appearance in this matter. Petitioner's Application for Default has been filed AND, the Respondent's default has been entered; OR

b. The parties had agreed by written stipulation, if an appearance has been made by the Respondent, that this matter may proceed as if by default.
4. At least one of the parties has lived in the State of Arizona for at least 90 consecutive days prior to the petition being filed.
5. The availability of the services of the "Conciliation Services" of this Court, as provided by A.R.S. §25-381.09, have been met since the filing of the petition, or do not apply.
6. The marriage is irretrievably broken.
7. There are no minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage, and the wife, to affiant's knowledge, is not pregnant.
8. Neither party has any ownership interest in real property (for example, land or a house) wherever situated.
9. The parties waive any right to spousal maintenance.
10. There are no unpaid debts in excess of \$10,000 incurred by either or both of the parties from the date of the marriage.
11. The total fair market value of community personal property assets, subtracting all debts, is less than \$15,000.
12. All of the statements, including those concerning property and debts listed in the petition were true at the time of its filing and remain true as of this date, except these material changes:(If none, write NONE)

13. All the requested relief in the petition is equitable; it is not unfair as to the disposition of property, or allocation of debts.
14. The relief to be awarded in the submitted decree is the same as the relief requested in the petition filed in this matter, or if different, the relief to be awarded has been approved by each party, as reflected in the approved decree.

THEREFORE, I respectfully request this Court sign the submitted decree.

Date

Signature

State of Arizona)
)
County of _____)

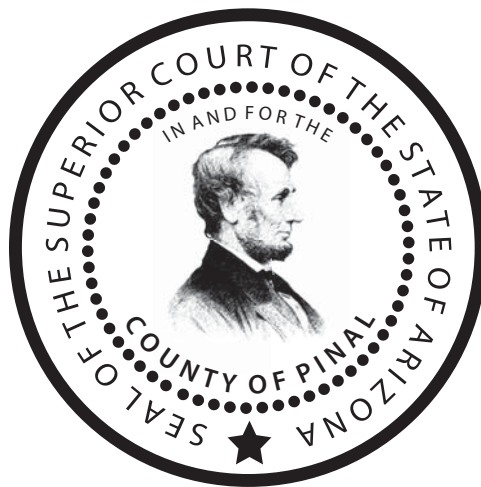
SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____
Name of Signer

Commission Expires

Notary Public

DECREE OF LEGAL SEPARATION WITHOUT CHILDREN



PINAL COUNTY

FORMS

**Provided as a Public Service by
CHAD A. ROCHE
Clerk of the Superior Court**

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

_____ Name of Petitioner	CASE NUMBER: <u>DO2</u>
_____ Date of Birth	DECREE OF LEGAL SEPARATION WITHOUT CHILDREN
_____ Name of Respondent	<input type="checkbox"/> By Consent <input type="checkbox"/> By Default <input type="checkbox"/> By Trial
_____ Date of Birth	HONORABLE: _____

THE COURT FINDS:

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 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 and the provisions of this Decree are fair and reasonable under the circumstances.
3. **The Court finds that:**
 - a. **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.
 - b. **Conciliation Court.** The provisions relating to the Conciliation Court either do not apply or have been met.
 - c. **Live Apart.** The marriage is irretrievably broken or the parties desire to live separate and apart.

- d. **No Objections.** The other party does not object to the Decree of Legal Separation.
- e. **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 spousal support (alimony), and the division of property and/or debts.
- f. **Community Property and Debt.**
☐ 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, **OR**
☐ There is no agreement as to division of community property and debt, but all community property and debt is divided pursuant to this Decree.
- g. **Pregnancy.**
☐ Wife is **not** pregnant, **OR**
☐ Wife is pregnant, and the husband ☐ **IS** OR ☐ **IS NOT** the father of the child.
- h. **Spousal Maintenance/Support.**
☐ The Petitioner, **OR** ☐ The Respondent
 Lacks enough property, including property given to them as part of this divorce, to provide for their reasonable needs, and are unable to support themselves through an appropriate job, or they are 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 themselves, 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 themselves.

THE COURT ORDERS:

1. **LEGAL SEPARTATED:** 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) _____

☐ are satisfied in full or ☐ judgment is awarded against the party with the obligation with the highest legal interest allowed by law, for the total amount of \$_____.
3. **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 ☐ Respondent or ☐ Petitioner the sum of \$_____ per month 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 this Court by automatic 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.

4. PROPERTY, DEBTS AND TAX RETURNS:

- 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 their separate property and Petitioner must pay their separate debt, and Respondent must pay their 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 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 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 the 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.

5. FINANCIAL INFORMATION EXCHANGES:

The parties shall exchange financial information (tax returns, spousal affidavits, earning statements and/or other related financial statements) every twenty-four months.

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

7. OTHER ORDERS. (List any other orders.)

DONE IN OPEN COURT this _____ day of _____, 20____.

SUPERIOR COURT JUDGE

APPROVED BY PETITIONER:

Date

Signature

State of Arizona)

County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____
Name of Signer

Commission Expires

Notary Public

If You Are Filing A Consent Decree Or If There Has Been A Trial, The Respondent Must Sign:

Date

Signature

State of Arizona)

County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____
Name of Signer

Commission Expires

Notary Public

If Either Party Is Represented By A Lawyer, The Lawyer Must Sign:

Petitioner's Lawyer: _____ Date: _____

Respondent's Lawyer: _____ Date: _____

(If you are the Petitioner and have a Default Hearing, and the Respondent was served with the court papers by signing an Acceptance of Service, or by Registered Process Server or Sheriff, you must mail or give a copy of the Decree to the Respondent after the Judge has signed it. You must tell the court you will do this.)

By signing below, Petitioner promises that a copy of the Decree will be mailed to Respondent at the following address:

Respondent's Name: _____

Address: _____

City, State, Zip code: _____

Email: _____

Petitioner's signature: _____

Date: _____

EXHIBIT A: PROPERTY AND DEBTS

1a. DIVISION OF COMMUNITY PROPERTY:

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

1b. LIST OF COMMUNITY PROPERTY. Be specific

AWARD TO:

Petitioner Respondent

<input type="checkbox"/>	Household furniture/furnishings	<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"/>	Appliances	<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"/>	VCR	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	TV	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Personal Computer	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Stereo	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	State Income Tax Refund	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Federal Income Tax Refund	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Cash, bonds of \$ _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ Award each party the personal property in his or her possession.

☐ Continued, see attached list.

1c. 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.)

☐ Award each party 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 a lawyer.

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.

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 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.

1e. 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
_____	\$ _____	<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 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.	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"/>

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

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

APPROVED BY PETITIONER:

Signature

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____

Name of Signer

Notary Public

Signature

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____
by _____
Name of Signer

Notary Public

Respondent's Lawyer: _____ Date: _____