

## **If I am divorced, is my ex-spouse held responsible for debts incurred during the marriage?**

Generally, yes. If a court finds that both spouses received some benefit from a debt, both can be liable for the debt. If there is a judgment already entered and both the husband and the wife were named in the original judgment, the creditor may be able to assert collection against one or both parties.

## **If I am divorced and the court ordered a judgment that my ex-spouse is responsible for paying, how can I reclaim the money owed me?**

You can pursue your ex-spouse's assets civilly, which, for example, can include garnishing his or her wages. This type of action is for nonpayment of a money judgment. One example would be if one party received a judgment for attorney fees against the ex-spouse. When you have a money judgment against another party (e.g., your ex-spouse), you now become "the judgment creditor."

To collect on your money judgment, you will have some options including filing an application for a writ of garnishment. The garnishment checklist for filing an application for a writ can be found on the Superior Court website:

<http://www.superiorcourt.maricopa.gov/SuperiorCourt/CivilDepartment/forms.asp>

The garnishment forms can be found on the Arizona Judicial branch website. Click on Self Service forms. Click on the packet you are in need of and be sure to print all the forms and instructions.

<http://www.azcourts.gov/selfservicecenter/Self-Service-Forms/asp>

Once you complete and file the forms with the Clerk of the Court, the garnishment portion of your family case will be forwarded to the civil court. You (the judgment creditor) *must* take your **conformed** copies of your filed garnishment paperwork to the civil court administration office as soon as possible. Civil Court Administration will assign a civil commissioner to your case and forward your documents to the appropriate judicial officer.

**Conformed copies** are exact copies as the filed documents that are stamped by the Clerk of the Court as copies.

Please deliver your conformed copies to the following Civil Court Administration offices:

**DOWNTOWN**

**125 West Washington, Lower Level Suite 003  
Phoenix, AZ 85003**

**SOUTHEAST**

**222 E. Javelina  
Mesa, AZ 85210**

**NORTHEAST**

**18380 N. 40<sup>TH</sup> Street  
Phoenix, AZ 85032**

**NORTHWEST**

**14264 W. Tierra Buena Lane  
Surprise, AZ 85374**

**The judicial officer who has handled your case in Family Court will not be handling your civil garnishment.**

If you do not take your **conformed** copies of your paperwork to civil court administration, it will prevent your garnishment application from moving forward.

Once the Clerk's office signs the writ of garnishment you need to have the writ of garnishment served on the other party, (now called "the judgment debtor"), the debtor's employer or any other entities with which the debtor has assets.

**Judgment Debtor** is the person who is responsible for the debt that needs to be paid.

**Final Judgment** occurs when all of your children have been emancipated and the child support arrears has been reduced to a judgment, or spousal maintenance has terminated and arrears have been reduced to a final judgment, or when a judgment was entered in the decree for debt and or attorney fees. Enforcement of ongoing child support or spousal maintenance arrears should be handled in Family Court.

**Certified copy** is a copy of the original document which is stamped by the Clerk of the Court stating that it is a true copy of the original document.