

Instructions: How to fill out divorce forms

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 child(ren). Domestic violence also includes verbal abuse used to control you and/or your child(ren).

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 in order to protect yourself or your children from further violence, you must file a “Request for Protected Address” 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 divorce papers, just write "protected" in the space where the Court asks you for this information. You must tell the Clerk of Superior Court your address and phone number as soon as possible.

General Information:

- In order to be allowed to file for divorce in Arizona, the following statements must be true:
 - you do not have a “covenant” marriage.
 - your marriage is irretrievably broken.
 - you have been to Conciliation Services – or that it would not help.
 - you OR your spouse has 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 Dissolution of Marriage (Divorce) Without Children”

Note: To have a “Covenant Marriage”, both husband and wife would have had to:

1. sign papers requesting to have a covenant marriage or to convert to a covenant marriage,
2. attend pre-marital counseling (unless converting an existing marriage to a covenant marriage, AND
3. Your marriage license would say “Covenant Marriage.”

If you still have questions about whether you have a “covenant” marriage, contact a lawyer for help.

“Irretrievably broken” means that your marriage is broken beyond repair and there is no chance of getting back together with your spouse.

Information About Property and Debt:

- 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 your spouse, 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. 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.

Descriptions of Types of Property:

- ✓ Real Property (property (land) or home). 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 this legal description. A cemetery plot is considered real property.
- ✓ Household furniture. This includes sofas, beds, tables, and so forth.
- ✓ Household furnishings. This includes things in the house other than furniture, for example: dishes, small appliances, rugs, and so forth.
- ✓ 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.) You must see an attorney about a document called a Qualified Domestic Relations Order or QDRO in order to split the retirement plan. A QDRO is a very specialized legal document that requires professional assistance to prepare. The Law Library Resource Center and the Court do not have Qualified Domestic Relations Order forms.

Information About Spousal Maintenance/Support (Alimony):

- Spousal Maintenance/Support (Alimony) is the term used to describe money paid from one spouse to the other spouse as part of a divorce 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.

All forms: type or print in black ink

Most court forms can be filed electronically (eFile), and some forms in this packet may be auto generated by the eFiling system. If you will be eFiling your forms, you will not need to complete all forms in this packet. For more information about eFiling and which forms will be auto generated by the eFiling system, read the eFiling instructions first: <https://superiorcourt.maricopa.gov/media/7446/dref13i.pdf>.

Petition for Dissolution of Marriage (Divorce) Without Minor Children

- Use this form ONLY if you are getting a divorce 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 Dissolution of Marriage (Divorce) Without Children.”
- 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; Attorney Bar Number, if represented by a lawyer; then check the box to say whether you are representing yourself or not.
- Fill in your name in the space that says, "Name of Petitioner/Party A." Remember, you will be the Petitioner/Party A throughout the entire case. (This includes any emergency petitions, temporary petitions, and post-divorce decree petitions.) In the space that says, "Name of Respondent/Party B," fill in the name of your spouse. Your spouse will be the Respondent/Party B for throughout the entire case. (This includes any emergency petitions, temporary petitions, and post-divorce decree petitions.)
- Leave line blank for Case Number. When you file your papers, you will receive a case number from the Clerk of Superior Court.
- Wait to sign this form until you are in front of a notary or Clerk of Superior Court.

Family Department/ Sensitive Data Cover Sheet

- Write in the information requested about the Petitioner/Party A and the Respondent/Party B.
- 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: Dissolution (Divorce).
- 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.

Summons and Preliminary Injunction

Fill in the following information: Your name; street address (if not protected); city, state and zip code; telephone number; leave the ATLAS number blank; Attorney Bar Number if you are represented by an attorney; then check the box to say whether you are representing yourself or not. Then print the name of Petitioner / Party A (your name); name of Respondent/Party B (your spouse's name). Do not fill out the rest of the form, except on Page 2 of the “Preliminary Injunction” where you must provide a description of the other party. The Clerk of Superior Court will complete it later.

Notice of Right to Convert Health Insurance

This is an important document that explains what to do about health care coverage for yourself. Read it carefully and be sure a copy is served with the other divorce papers on your spouse.

Notice Regarding Creditors

This is an important document that tells you and your spouse that you are both 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.