

## Instructions: How to fill out forms for legal separation without minor children

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>.

### Important information about Legal Separation:

- If your spouse does not want a Legal Separation, the Court will not order a legal separation. However, the Court can change the Petition for Legal Separation into a Petition for Dissolution of Marriage (divorce), if you and/or your spouse have lived in Arizona for the last 90 days prior to filing the Petition for Legal Separation and your spouse wants a divorce and not a legal separation.
- Residency requirements. You OR your spouse must have lived in Arizona or been stationed in Arizona while in the Armed Forces, before the day you filed the Petition for Legal Separation. If it is not true, you cannot file for legal separation.
- 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

### Domestic Violence:

- Domestic violence can be part of any marriage. Domestic violence includes physical violence directed against you or your children, such as hitting, slapping, pushing, or kicking. Domestic violence includes threats of physical violence against you and your children, or verbal abuse used to control you.
- 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, and the other party does not know where you live, you must file a “Request for Protected Address” and ask that your address not be disclosed on court papers. With that Request, you do not need to put your address and phone number on your court papers. Instead, 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 so that the Court can get in contact with you.

## 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 inheritance, all property gotten (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.
- If you have questions, or have a lot of community property or debt, you should speak with an attorney before filing your Petition and other papers.
- You should also know that the Judge will order that the community property rights and liabilities acquired by marriage end as to all property, income, debts, liabilities received or incurred after the entry of a decree of legal separation, unless both parties agree to the contrary
- Types of property:
  - a) Real Property (property or home). 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 description in the Petition along with the complete address of the 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) 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, for the number of years you were married. 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.) If you or your spouse have one of these plans, 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. The Law Library Resource Center and the Court do not have Qualified Domestic Relations Order forms.

## Information About Spousal Maintenance/Support

- A term used to describe money paid from one spouse to the other spouse as part of a divorce, annulment, or legal separation. You may know the term as “alimony”.
- Spousal maintenance/support is designed as a safety net for a spouse who cannot provide for his or her needs or who meets other requirements listed on the Petition under paragraph 7. 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.

## General instructions for filling out the forms in this packet

- Print or type in black ink.
- Fill in your name in the space that says, "Name of Petitioner / Party A." Remember, you will be Party A through the whole case. (This includes any emergency petitions, temporary petitions, and divorce petitions.) In the space that says, "Name of Respondent/Party B," fill in the name of your spouse. Your spouse will be Party B for the rest of this case. (This includes any emergency petitions, temporary petitions, and divorce petitions.)
- Leave the Case Number blank. When you file your papers, you will receive a case number.
- Wait to sign the Petition until you are in front of a notary or deputy Clerk of Superior Court.

Next Step: After you fill out all of the forms in this packet, read the form called Procedures: How to file papers for Legal Separation without Minor Children.