

## Instructions and procedures to submit the default decree for legal separation without minor children

### Information about the Separation Decree

- What the Decree Means to You. The Decree is the Court Order that legally separates you and your spouse. You cannot get married to another person if you only have a decree of legal separation.
- Getting a Legal Separation Decree. Before you and your spouse become legally separated, a judge or commissioner must sign what we call the Decree of Legal Separation. The Decree tells you who gets the property, who pays the debts, who pays support, and so forth.
- Failure to do what the Decree tells you to do could get you into trouble with the Court. This does not mean that the court will police whether you are following the Decree. It does mean you or your spouse can request a Contempt Order or an Order to enforce parts of the Decree if you or your spouse fail to do what the Decree tells you to do.
- Legal Separation by Default. If you are seeking a Default Decree, you must repeat as closely as possible what you requested in your Petition for Legal Separation. You cannot mark something different in the Decree from what you asked for in the Petition. If you try to do this, the judge or commissioner will not sign the Decree. If you want to change your requests to the court, you must file an amended Petition. It is a good idea to have your Petition handy when you follow the instructions to fill out your Decree.
- The Decree. Instructions for completion:
  - When filling out any court forms, type or print with black ink only.
  - Do not fill in the spaces allocated for the judge's signature and date.
  - If the judge disagrees with anything you have written, they may change it before signing the Decree or they may ask the parties to come to a hearing.
  - If you are seeking a Default Decree, you must also promise to mail a copy of the Decree to the other party after the judge has signed it.
- Complete the Spousal Maintenance Worksheet, if applicable:
  - ✓ Use the free online spousal maintenance calculator at the following website to complete a spousal maintenance worksheet:

<https://www.superiorcourt.maricopa.gov/app/selfsuffcalc/>

- ✓ After completing the worksheet, print it out and submit it with your papers.

If you are asking for a Default Decree with a hearing:

- You must first submit your papers (Decree and Spousal Maintenance Worksheet) for review to Family Department Administration before you are granted a Default Hearing. You may email your original documents to [DefaultReview@jbazmc.maricopa.gov](mailto:DefaultReview@jbazmc.maricopa.gov). If you are unable to email your papers, you may submit your papers in person at any Superior Court location.
- Family Department Administration will review the forms to see if you are ready to proceed to a hearing.
  - If you present your documents in person, they may review while you are present.
  - If you email your documents or the Family Department Administration is not able to review them with you present, they will review them within 3 business days of receipt.
  - After the review, they will contact you by phone.
- If your documents are hearing-ready, the Family Department Administration will schedule a Default Hearing and provide any further instructions.
  - However, if there are issues with your documents, the Family Department Administration will provide you information about what to fix. You will then need to resubmit your corrected documents to Family Department Administration before your hearing will be scheduled.
- The Default Hearing
  - Will be set by Family Department Administration at least 60 days from the date the responding party was served the divorce or legal separation papers. (A.R.S. § 25-329)
  - Hearings are usually by video. Do not be late for your hearing. If you are late, your hearing will be rescheduled to a different day.

If you are using the default process and you wish to proceed without a hearing, see the instructions, procedures, and forms also in this packet.