

**YAVAPAI COUNTY
Self-Service Center**

**INSTRUCTIONS: COMPLETING DOCUMENTS FOR LEGAL SEPARATION
WITHOUT MINOR CHILDREN**

USE THIS PACKET ONLY IF YOU WANT TO FILE FOR LEGAL SEPARATION AND YOU AND YOUR SPOUSE DO NOT HAVE MINOR CHILD(REN) TOGETHER AND NEITHER SPOUSE IS CURRENTLY PREGNANT WITH A CHILD COMMON TO BOTH SPOUSE'S.

Type or print in **BLACK** ink only.

REQUEST FOR ORDER FOR PROTECTED ADDRESS:

If your address is not known to the other party and you reasonably believe that physical or emotional harm may result to you or a minor child if your address is not protected. If the court grants this request, the other party will serve you by delivering your copy of any filed documents to the Clerk of the Superior Court. The Clerk will then mail you the papers at the address you provide. **YOU MUST KEEP YOUR ADDRESS CURRENT WITH THE CLERK.**

CONFIDENTIAL SENSITIVE DATA SHEET:

Most court files are open to the public for review. Use this form to keep your sensitive information confidential. By writing your sensitive data on this form and then writing "SEE CONFIDENTIAL SENSITIVE DATA FORM" on the papers you file with the court, the public will not have access to this information.

DOMESTIC RELATIONS COVER SHEET:

Complete the Petitioner and Respondent information and the attorney information if applicable. Also mark the appropriate box in the Nature of Action section. Leave the rest of the form blank.

SUMMONS:

Fill in the following information: Your name, mailing address (if not protected), and **daytime** telephone number in the upper left corner of each document. Fill in your name as Petitioner and your spouse's name as Respondent. You will be given a case number at the time you file. Fill in your spouse's name on the line below the shaded box. Do NOT fill out the rest of the form. The Clerk of Court will complete it when you file.

PRELIMINARY INJUNCTION:

READ THE FORM CAREFULLY, then fill in the following information: Your name, mailing address, and **daytime** telephone number in the upper left corner of each document. Fill in your name as Petitioner and your spouse's name as Respondent. You will be given a case number at the time you file. Complete the information requested near the bottom of the second page. Do NOT sign the form. The Clerk of Court signs the form.

PETITION FOR LEGAL SEPARATION OF NON-COVENANT MARRIAGE WITHOUT CHILDREN:

1. Make sure your form is titled PETITION FOR LEGAL SEPARATION OF MARRIAGE WITHOUT MINOR CHILDREN in the upper right-hand part of the first page
2. In the top left corner of the first page, fill out the following information: your name, mailing address (if not Protected) and DAYTIME telephone number.

3. Fill in the name of the "Petitioner" and "Respondent" the same way you did on the Summons and Preliminary Injunction. You are the Petitioner; your spouse is the Respondent. You must do that for every document you file with the court regarding this case from now on. **You will always be the Petitioner; your spouse will always be the Respondent.**
4. You will be given a new case number at the time you file all your documents. You must use that case number for every document you ever file with the court regarding this case from now on.

GENERAL INFORMATION:

Note: If both you and the other party are in agreement as to how to resolve this case, you may proceed by Consent Decree (see Rule 45, Arizona Rules of Family Law Procedure).

1. **Information about you.** Fill in your (the Petitioner's) name, address (if not protected), date of birth, occupation, and length of time lived in Arizona. This is basic information about you, the PETITIONER.
2. **Information about your spouse.** Fill in your spouse's (the Respondent's) name, address (if not protected), date of birth, occupation, and length of time lived in Arizona. This is basic information about your spouse, the RESPONDENT.
3. **Information about your marriage.** Fill in the date that you were married, and the city, state and country where you were married. **If you did not enter into a covenant marriage, check the box.** Please review A.R.S. §25-901 for the definition of a covenant marriage.
4. **Residency requirement.** This tells the Court that you and/or your spouse has lived in Arizona or been stationed here while in the Armed Force prior to the date your spouse filed the separation papers. **This MUST be true. IF IT IS NOT TRUE, you cannot file until it is true.**

INFORMATION ABOUT PROPERTY AND DEBT:

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 (vehicles, furniture, real estate, etc.) you and/or your spouse purchased or paid for during the marriage, no matter who used the property or who paid the money. Unless the property was a gift or inheritance, all property acquired during the marriage is community property, and both you and your spouse are entitled to approximately an equal share of this property.
- ✓ Community debt or bills are generally any debt you and/or your spouse acquired during your marriage.
- ✓ If you have questions you should speak with a lawyer **BEFORE** you file for dissolution of marriage.

5a. Property acquired during the marriage (Community Property).

If you and your spouse do not have any property from the marriage, check the first box.

If you and your spouse 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 equitably, unless there are good reasons to divide it differently. It is unlikely that the court will give most or all of the property to either spouse. If you and your spouse cannot agree, the Court may order that the property be sold and any money received divided between you and your spouse or may decide which party will get the property.

List the property that you want the court to award to your spouse (the Respondent) and list the property that you want the court to award to you (the Petitioner). Describe the property thoroughly for identification purposes and tell the court how much you think the property is worth. You can use the brand name and model where applicable, and serial numbers.

Types of property:

- a. **Real Property (land or home).** Check who you think should keep the property. You can ask the court to give you the home, to give the home to your spouse, or to sell the home and divide the proceeds. Write the complete address of the property. Most property has a legal description such as "LOT 77, PINE TREE ACRES, according to Book 111 of Maps", which appears on your deed. Use the legal description. 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 already 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, 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). **Check this box if you want to divide your interest in a pension or profit sharing/retirement/401K plan. If you check this box will need a document called a Qualified Domestic Relations Order or QDRO.** The Self-Service Center and the Court do not have Qualified Domestic Relations Order forms.
- f. **Motor vehicles.** List the vehicle identification number (VIN), the year and make of the car (Ford, Honda) and the model (Mustang, Lumina). The VIN is on the title or registration. If you owe money on the vehicle, fill in the name of that person or institution as lien holder.

5b. Property acquired before marriage. Separate property.

If you did not have 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 second box.

If you or your spouse brought property into the marriage, 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.

List the separate property you want the court to award. Put a check in the box to award the property to which person. You should describe the property thoroughly for identification purposes. You can use the brand name and model where applicable, and serial numbers.

6a. Debts incurred during the marriage.

If you and your spouse do not owe money on any debts from the marriage, check the first box and go directly to paragraph 6b.

If you and your spouse owe money on any debts from the marriage, 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. Generally, the Court will attempt to make a fair division of the debts. If you get the property on which money is owed, you probably will be given the debt. Ordering one person to pay all the debt is unusual. Think about what is a fair division of the debts before answering this question. Put enough information to identify each debt.

If you and your spouse have been separated and have acquired new debts on your own before filing for dissolution of marriage, you may want the court to order that each of you pay for any new debt after the date you separated. You can make this request on the last page of your

Petition under Letter E "Community Debts."

- 6b. Separate debts. Debts incurred prior to marriage.** If you and your spouse did not owe money on any debts before you were married, check the first box. If you owed money on debts before you were married, check the second box. If your spouse owed money on debts before you were married, check the third box. If either you or your spouse owe money on any debts you or your spouse brought into the marriage, 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 income tax returns. Check any box that applies to you.

INFORMATION ABOUT SPOUSAL MAINTENANCE (ALIMONY)

- 8. Spousal Maintenance** is the term used to describe money paid from one spouse to the other spouse as part of a divorce or legal separation. You may know the term as alimony. Spousal maintenance is designed as a safety net for a spouse who cannot provide for his or her needs or who meets other requirements listed in the Petition under paragraph 8. Look at paragraph 8 to see if spousal maintenance applies to you or your spouse. If spousal maintenance applies, check the box that is most applicable. If none of the boxes apply, or you do not want spousal maintenance, go to paragraph 9. Check as many boxes as apply to your situation. **Spousal maintenance is paid separately from child support and is not a substitute for or a supplement to child support.**

INFORMATION ABOUT A PARTY'S PREGNANCY STATUS

- 9. Neither party is not pregnant or if a party is pregnant, whether the child is common to both parties.**

OTHER STATEMENTS TO THE COURT. Check only one box for each statement:

Status of Marriage and Conciliation. Your marriage is irretrievably broken or one or both parties desire to live separate and apart, **AND** the conciliation requirements do not apply or have been met. This means you do not think marriage counseling through the Court will help you get back with your spouse.

If you think marriage counseling through the Court will help you save your marriage, you can request the Court to order you and your spouse to attend a counseling screening session. Complete a PETITION FOR CONCILIATION and file it in the Clerk's office. There is no filing fee for a Petition for Conciliation. The form and instructions are available at the Self-Service Center.

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.** Mark the box.
- B. SPOUSAL MAINTENANCE.** Check this **only** if you want yourself or your spouse to pay spousal maintenance to the other. Check the box if you (the Petitioner) will be paying spousal maintenance. Check the second box if your spouse (the Respondent) will be paying spousal maintenance. If you or your spouse should not pay spousal maintenance, check the first box and **GO ON. (You can check a box only if you checked the same box in the spousal**

maintenance section on page 5, paragraph 8.) If you request spousal maintenance, 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 spouse paying this money.

- C. **COMMUNITY PROPERTY.** This tells the Court you believe your division of the property is fair, and the Court should divide the property as requested by you in your Petition.
- D. **COMMUNITY DEBT.** This tells the Court you believe your division of the debt is fair, and 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 ACQUIRED AFTER YOU SEPARATED.**
- E. **SEPARATE PROPERTY.** This states that you will keep the property you owned before the marriage and that your spouse will keep the property he or she owned before the marriage.
- F. **OTHER ORDERS:** Tell the Court anything else you may want ordered that has not been covered in your Petition.

OATH AND VERIFICATION OF PETITIONER.

Sign this form in front of a notary public. By doing so, you are telling the Court that everything contained in the Petition for Legal Separation is true.

NOTICE: RE CREDITORS

This document explains about what happens and what does not happen to debts you and your spouse have incurred during your marriage. Read it carefully and **be sure to serve a copy of the Notice with the other papers you will serve on your spouse.**

RESOLUTION STATEMENT

This form is not needed unless the Court requests it or the other party files a response. If this happens, follow the instructions provided with the form.

CONSENT DECREE INFORMATION

If both parties are in agreement on dividing their property, they may proceed by Consent Decree (Rule 45, Arizona Rules of Family Law Procedure). Generally, this means that both parties (and their attorneys, if any) must sign the Decree and any attachments. The Respondent must also pay an appearance fee to the Clerk of the Superior Court.

IMPORTANT!!

The judge cannot sign and file a Consent Decree until the 61st day after the Petition was served on the Respondent.

IF A RESPONSE IS FILED:

DISCLOSURE AND DISCOVERY. Parties are generally required to exchange information and documents about the case. For more complete information, see Rules 49-65 of the Arizona Rules of

Family Law Procedure (ARFLP). If your case proceeds to trial, the Self-Service Center has a PRETRIAL PACKET and WITNESS & EXHIBIT PACKET available.

Self-represented persons are required to know and follow proper procedures, just like an attorney. The Arizona Rules of Family Law Procedure, which are found in the Law Library, contain the rules you are required to follow. No allowance is made for a person who does not understand or is unaware of things that must be done.

WARNING! IF YOU IGNORE A COURT ORDER, FAIL TO ADEQUATELY PREPARE FOR A SCHEDULED CONFERENCE OR HEARING, OR FAIL TO ATTEND A CONFERENCE OR HEARING, THE JUDICIAL OFFICER MAY ORDER SANCTIONS AGAINST YOU, INCLUDING HOLDING YOU IN CONTEMPT OF COURT OR REQUIRING YOU TO PAY THE OTHER PARTY'S ATTORNEY FEES.

IF YOU DO NOT HEAR FROM THE COURT WITHIN A REASONABLE AMOUNT OF TIME, CONTACT THE COURT TO SEE IF THERE IS SOMETHING ELSE YOU MUST DO.

GO ON TO: WHAT TO DO AFTER I HAVE COMPLETED ALL THE FORMS