

YAVAPAI COUNTY
Self-Service Center

INFORMATION: FILING FOR LEGAL SEPARATION

INTRODUCTION:

There are several steps to getting a Legal Separation.

- File your case **AND** serve (legal notice) the Legal Separation papers to your spouse.
- If your spouse does not file a timely Response, file for Default and get a Default Hearing **OR**
- If your spouse files a written Response disagreeing with what you say you want in the Legal Separation Petition, request the case be set for trial **OR**
- Reach an agreement with your spouse on the disputed issues in your Petition and proceed by Consent Decree **AND**
- Get a Decree of Legal Separation.

TO FILE FOR LEGAL SEPARATION IN ARIZONA, THIS IS A REQUIREMENT:

- You or your spouse must have made Arizona your home, or been stationed in Arizona while a member of the Armed Forces, when the Legal Separation Petition is filed.

IMPORTANT TERMS TO USE:

Generally, because you are filing the Petition, YOU will **ALWAYS** be called the PETITIONER on all documents relating to your case now and for any filings in the future. YOUR SPOUSE will **ALWAYS** be called the RESPONDENT on all documents.

DEFERRAL OF FILING FEES OR SERVICE COSTS:

The Court charges a filing fee to file for a Legal Separation. If you believe you are unable to afford the fees and service costs, you may request a deferral or waiver. If the Court denies your request for a deferral or waiver, you must pay all filing fees at the time of filing and for service after filing.

ADVICE AND HELP FROM ATTORNEYS AND MEDIATORS:

Even if you are representing yourself in court, it is always a good idea to ask an attorney to look over the papers to see if they are correct. An attorney can also help you decide many important legal issues about spousal maintenance, division of community property and debt, and division of pension or retirement plans.

There are also people in the community who will help you with your legal problems instead of, a judge. They are called mediators. The court also offers mediator services.

A LEGAL SEPARATION IS DIFFERENT FROM A DISSOLUTION OF MARRIAGE. ONLY YOU CAN DECIDE WHICH IS BETTER FOR YOUR SITUATION. IF YOU DO NOT KNOW THE DIFFERENCE, OR WHICH IS RIGHT FOR YOU, WE RECOMMEND YOU CONTACT AN ATTORNEY FOR LEGAL ADVICE.