



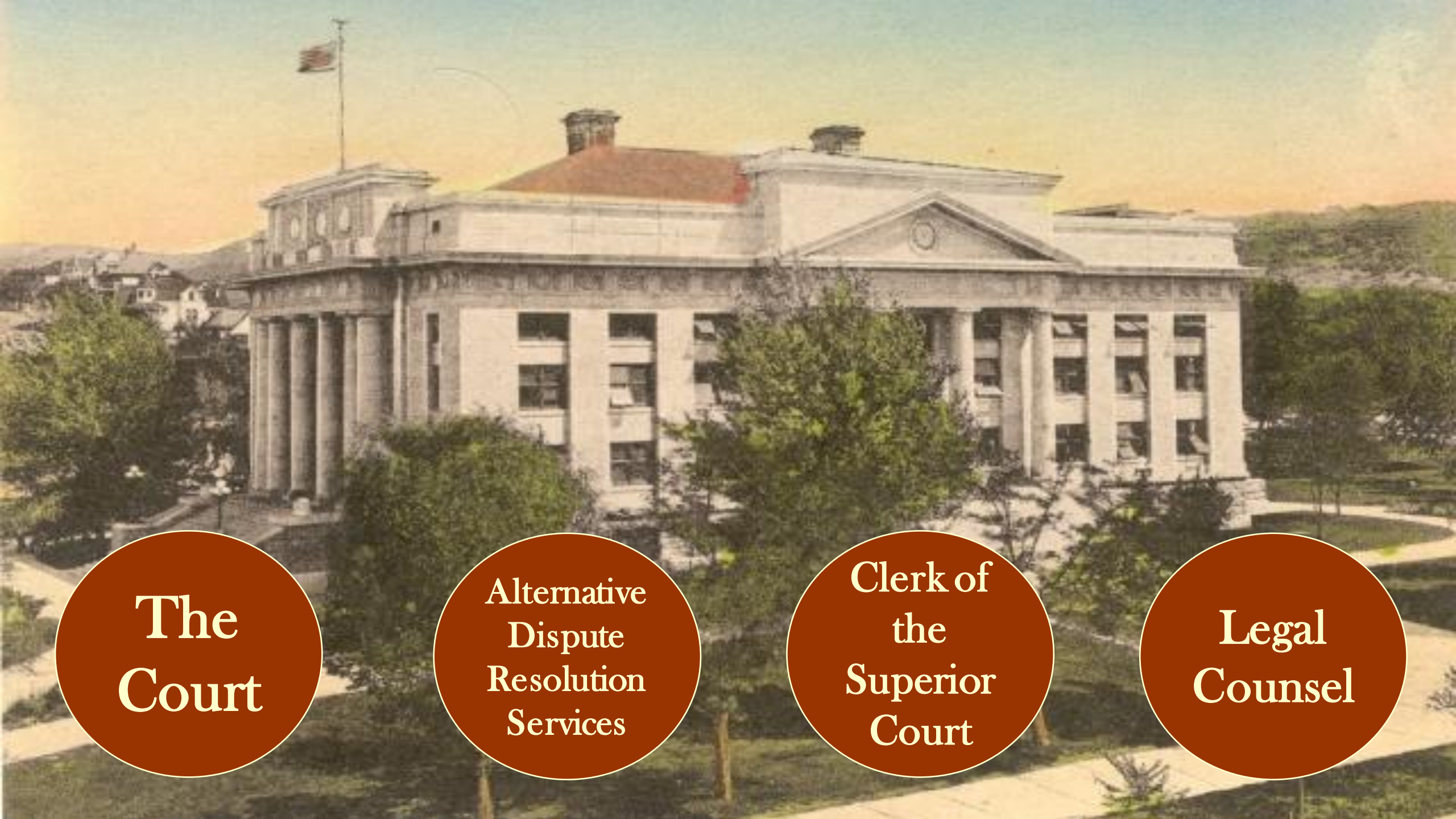
Yavapai County Divorce 101



Welcome to Family Court



Divorce 101: A helpful guide through the divorce process in the Yavapai County Superior Court



**The
Court**

**Alternative
Dispute
Resolution
Services**

**Clerk of
the
Superior
Court**

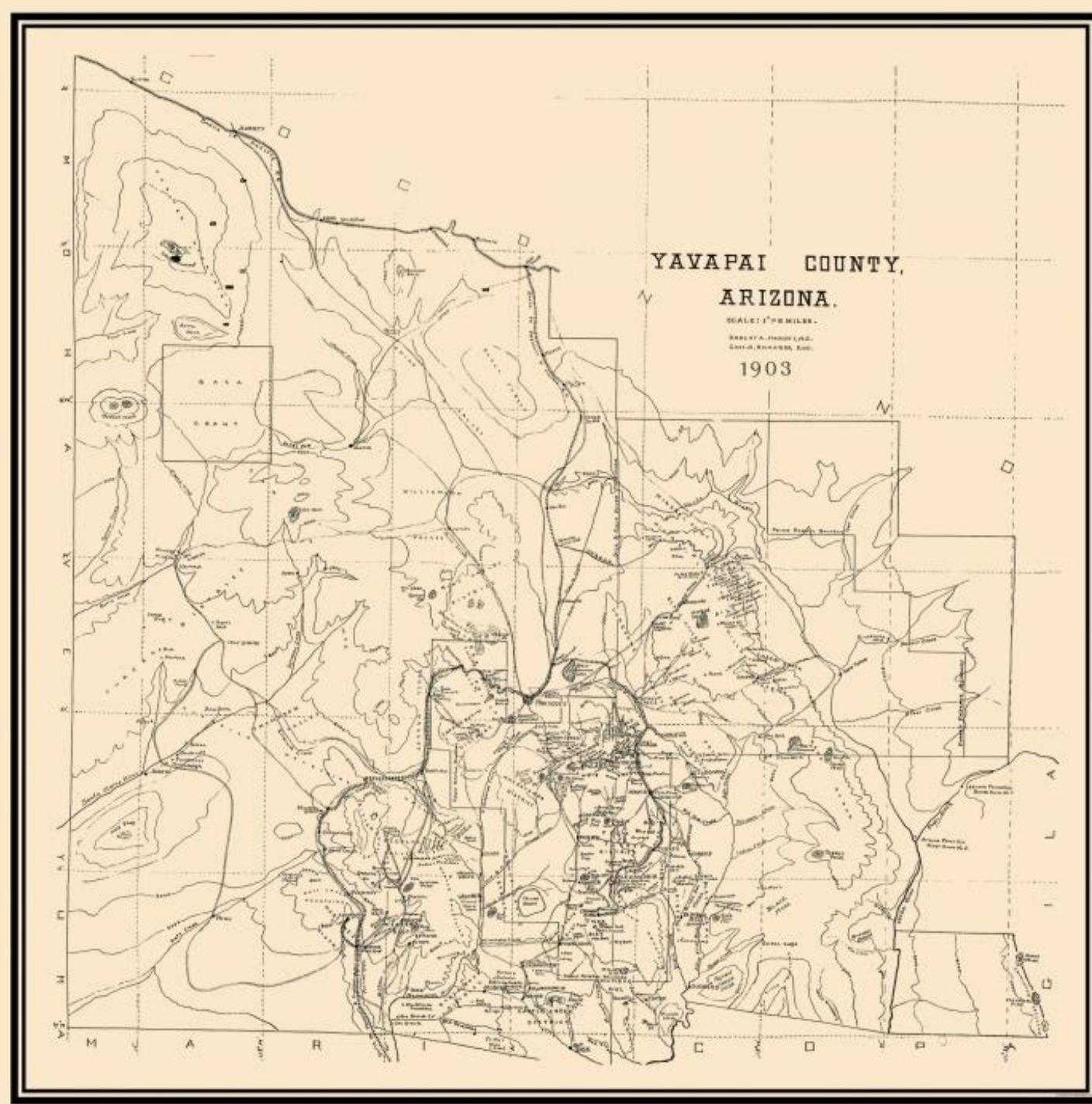
**Legal
Counsel**

The Court



Honorable John D. Napper

Presiding Judge
Division 2
Superior Court Yavapai County

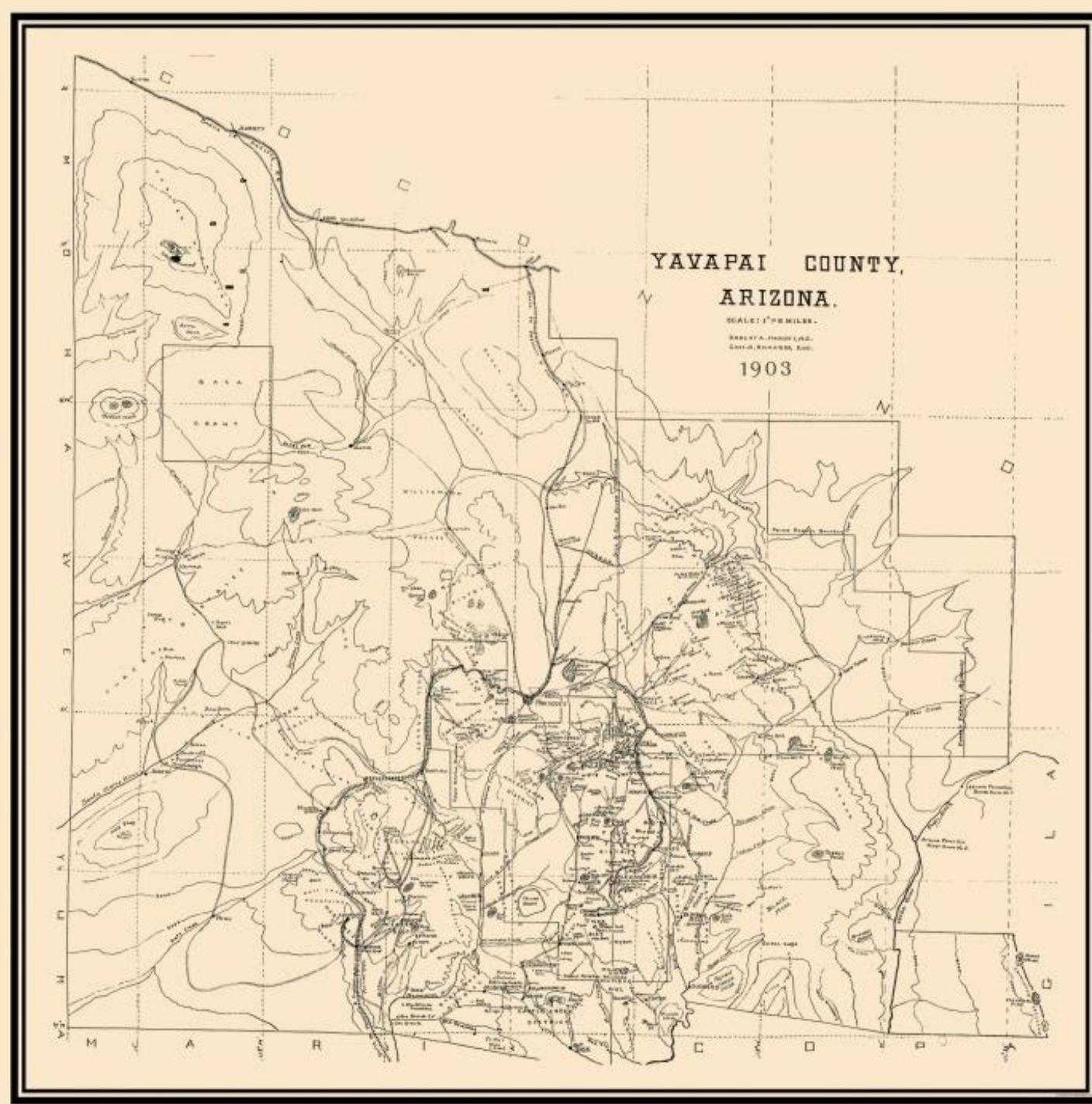


The Court



Honorable Michael P. McGill

Division 1
Superior Court Yavapai County

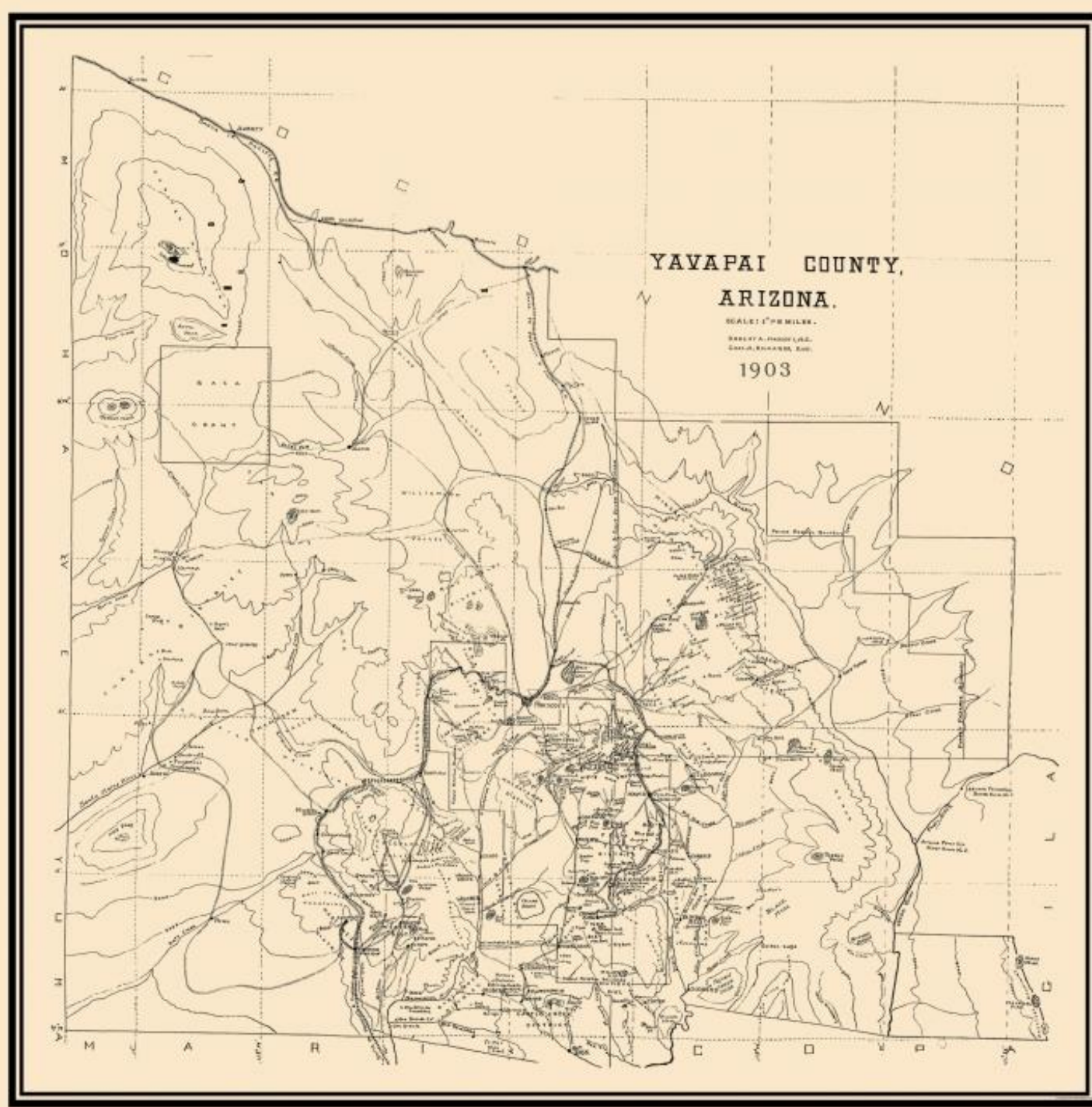


The Court



Honorable Tina R. Ainley

Presiding Domestic Judge
Division 3
Superior Court Yavapai County

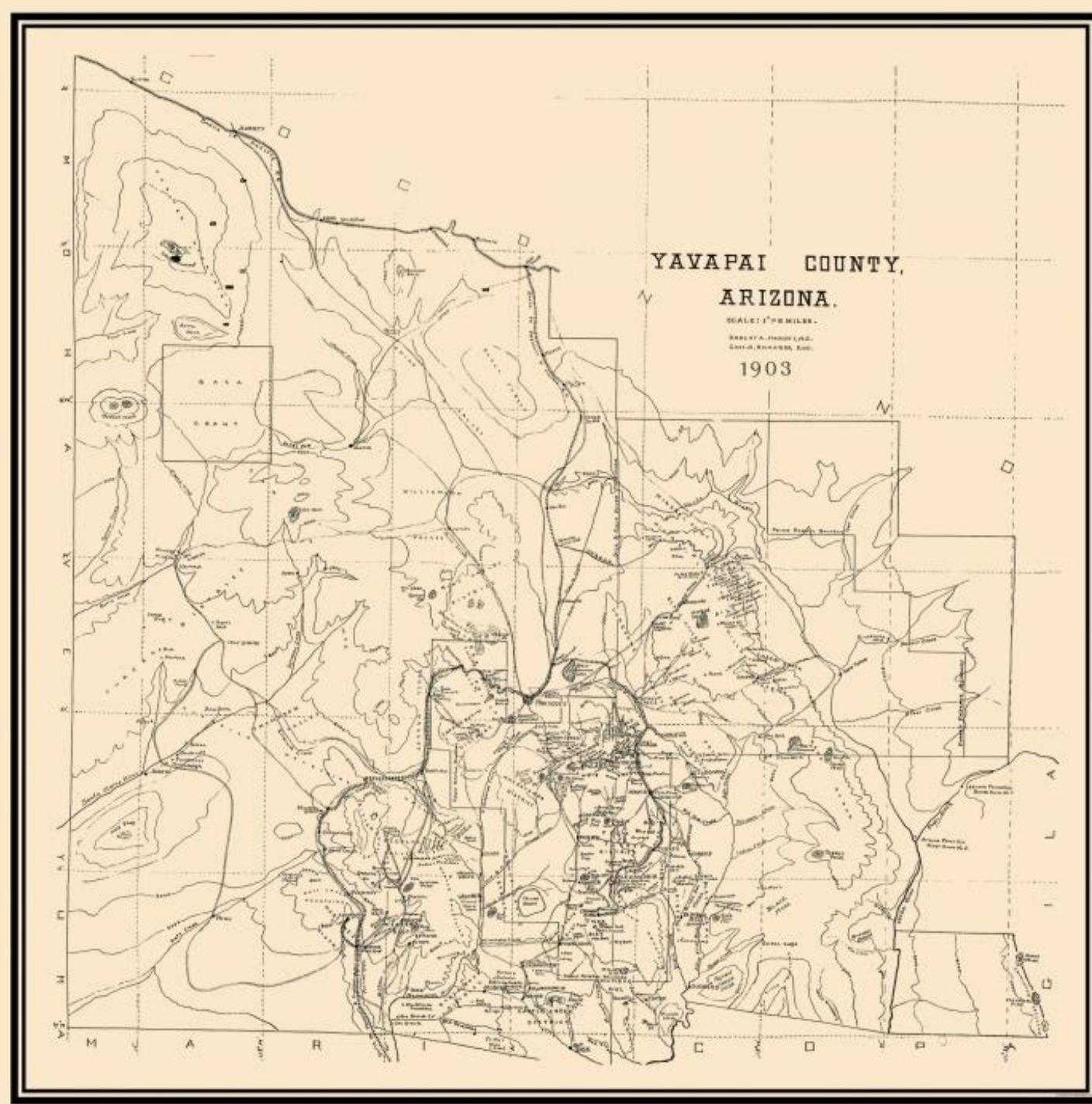


The Court



Honorable Krista M. Carman

Associate Presiding Judge/Presiding Criminal Judge
Division 4
Superior Court Yavapai County

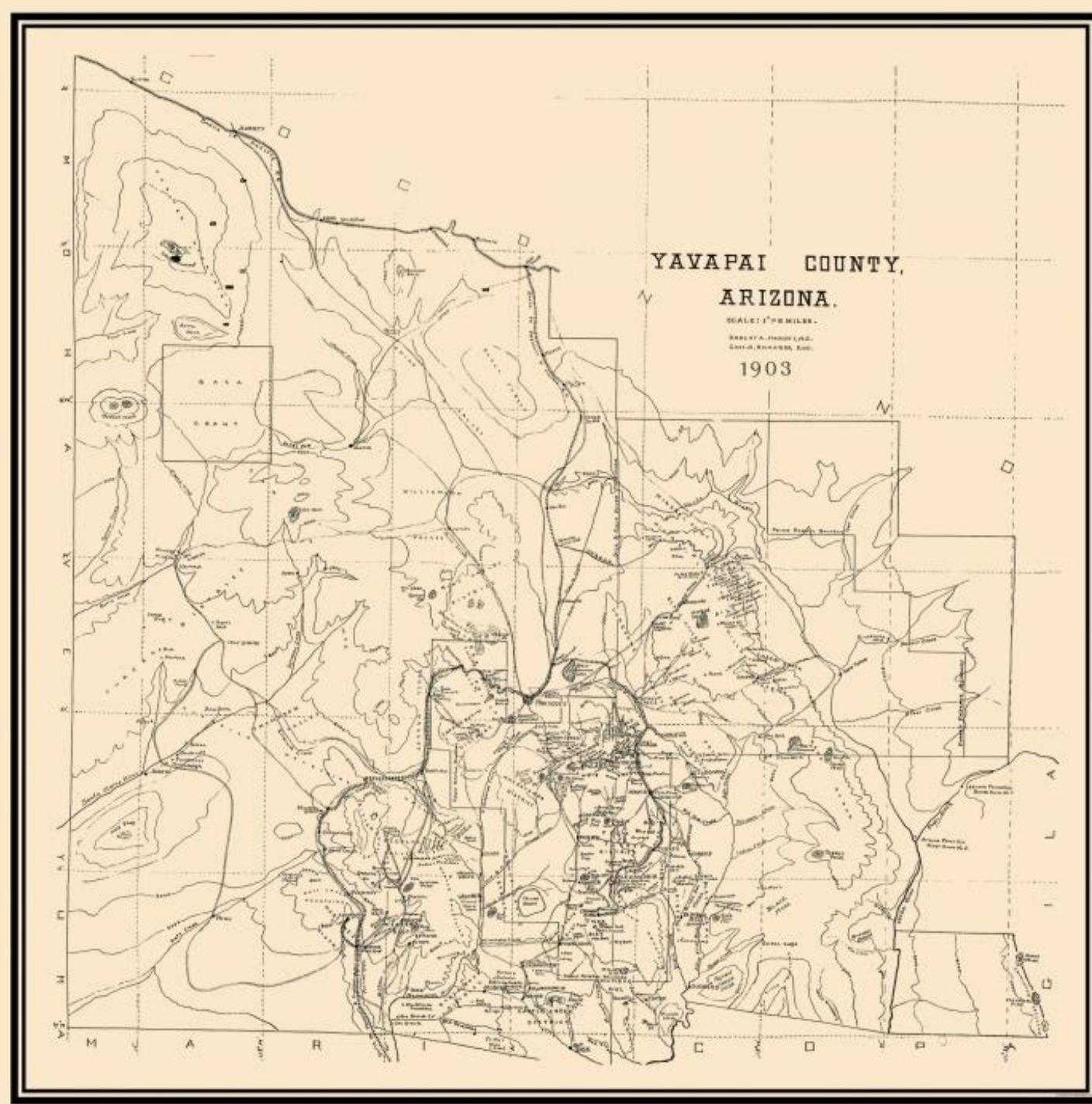


The Court



Honorable Danalyn Savage

Division 5
Superior Court Yavapai County

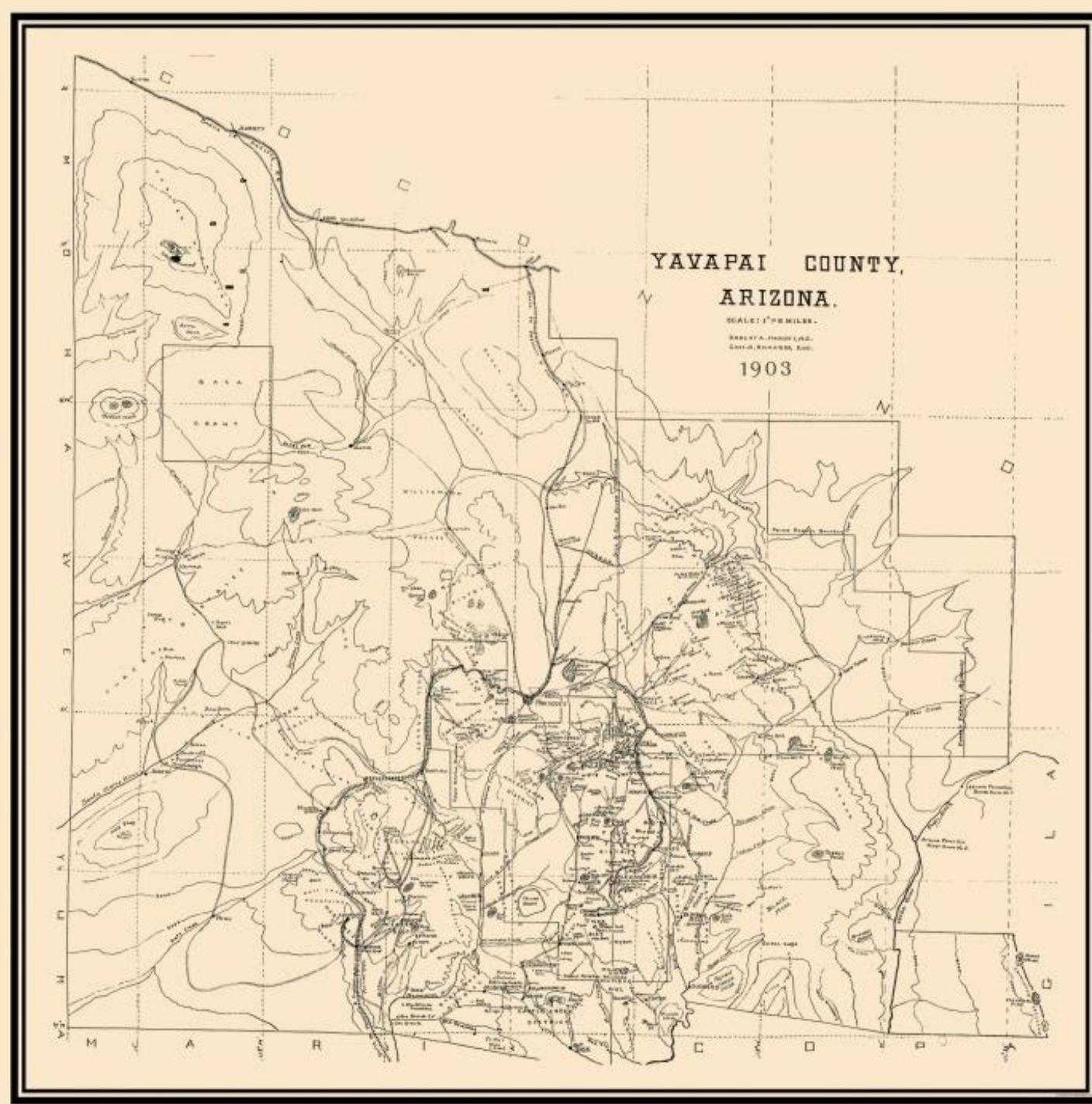


The Court



Honorable Anna C. Young

Presiding Juvenile Court Judge
Division 6
Superior Court Yavapai County

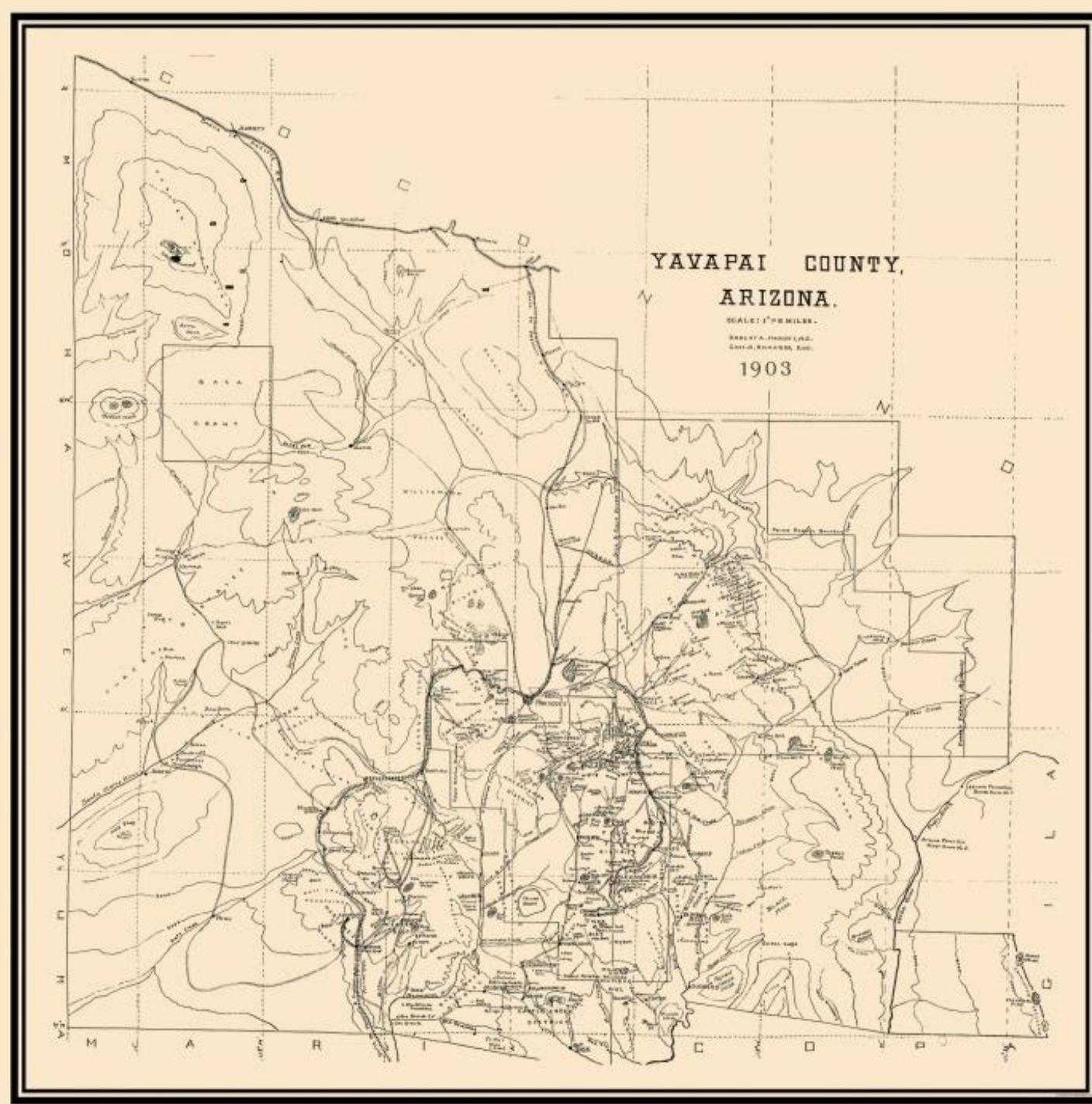


The Court



Honorable Michael R. Bluff

Division 7
Superior Court Yavapai County

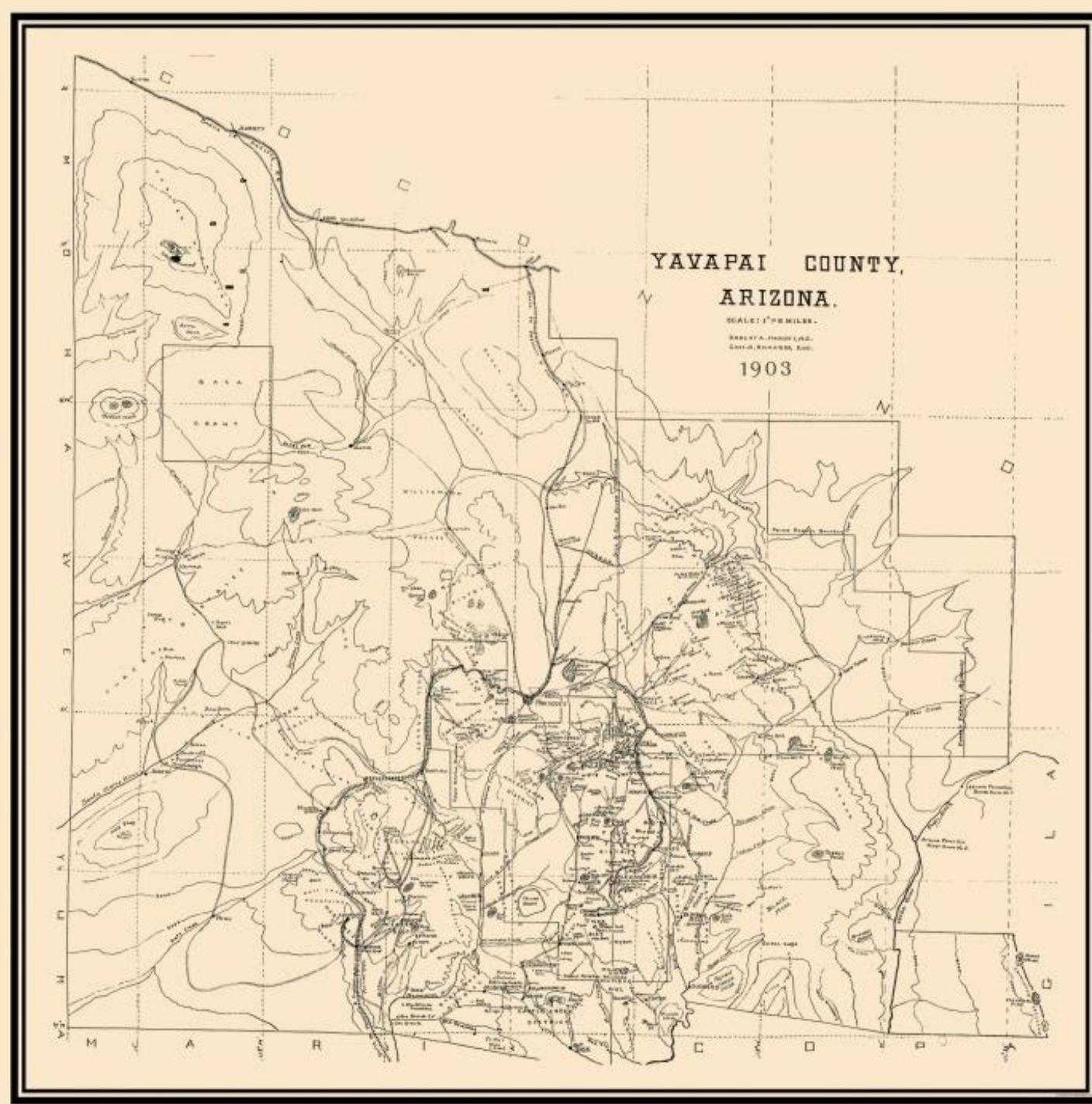


The Court



Honorable Debra R. Phelan

Division 8
Superior Court Yavapai County

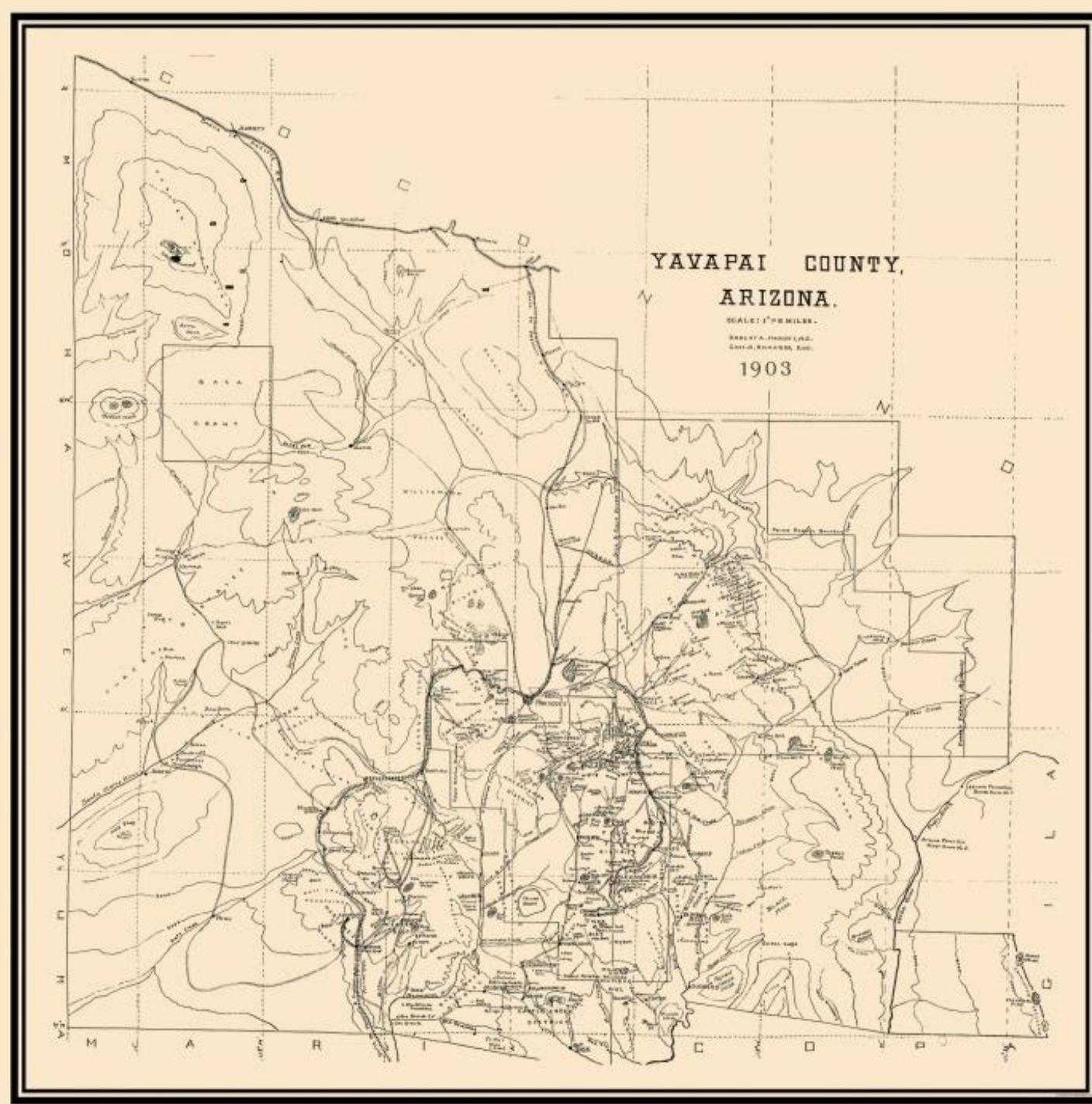


The Court



Honorable Kristyne M. Schaaf-Olson

Division PTA
Superior Court Yavapai County

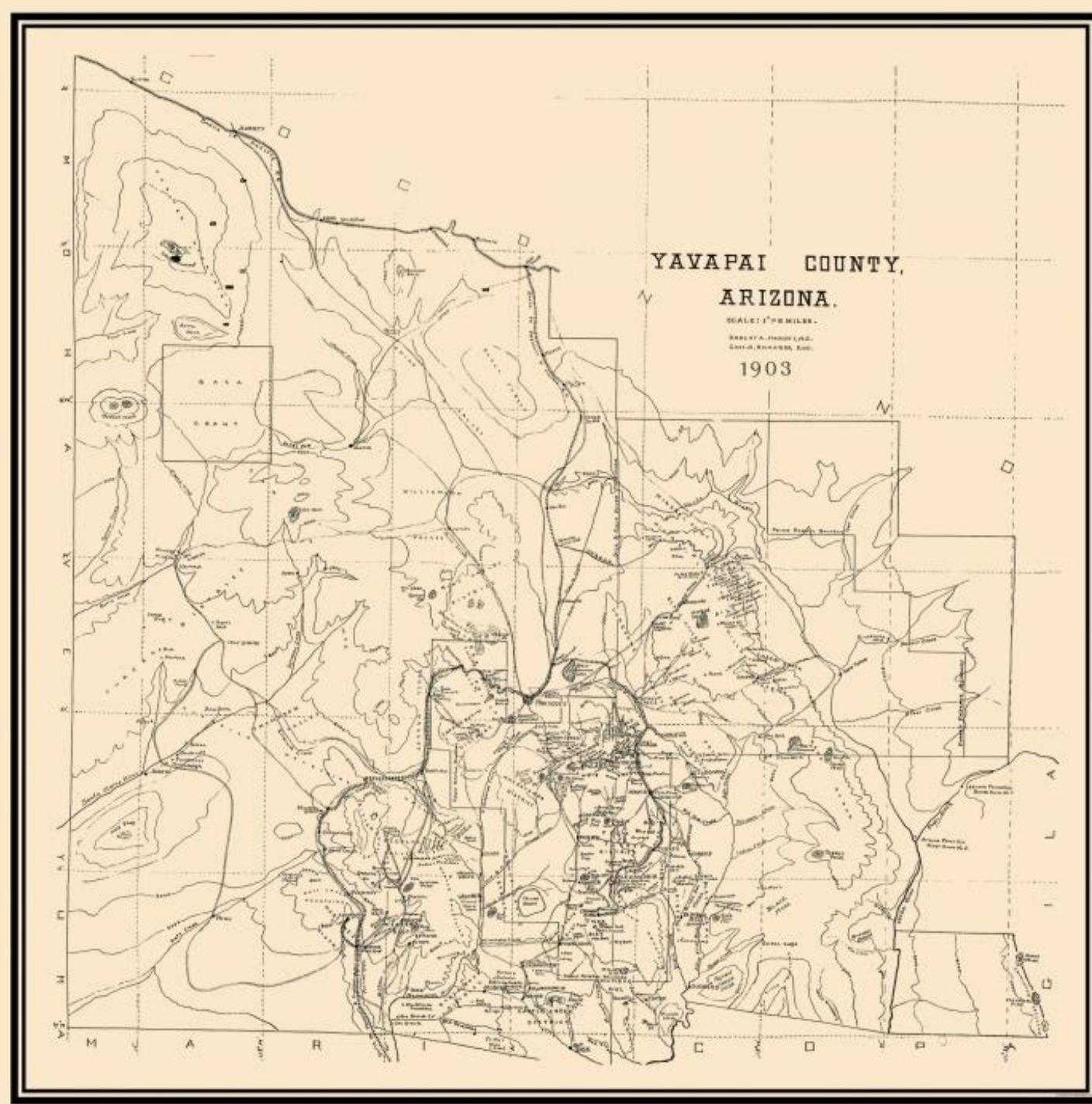


The Court



Honorable Linda Wallace

Division Pro Tem B
Superior Court Yavapai County

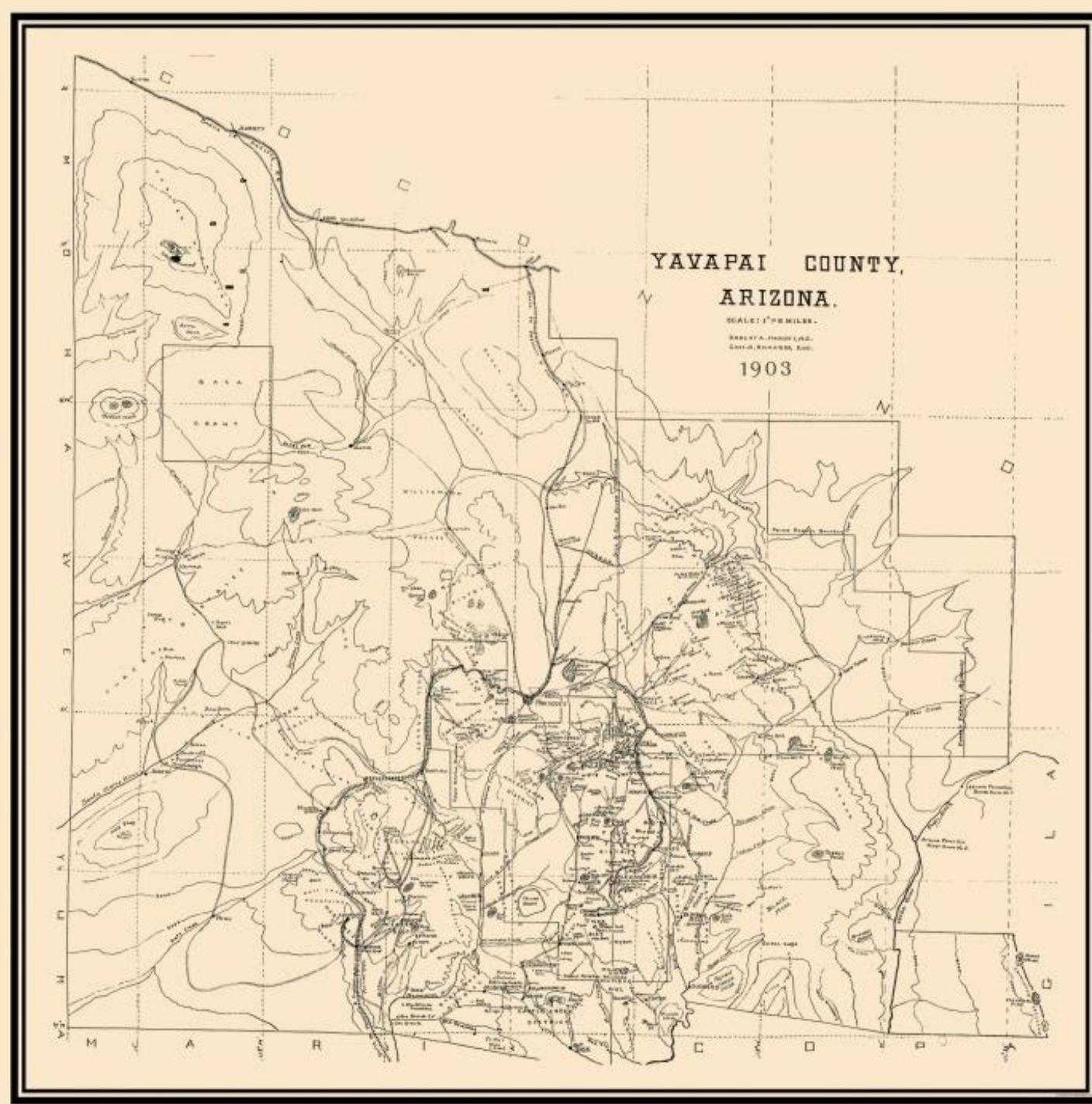


The Court

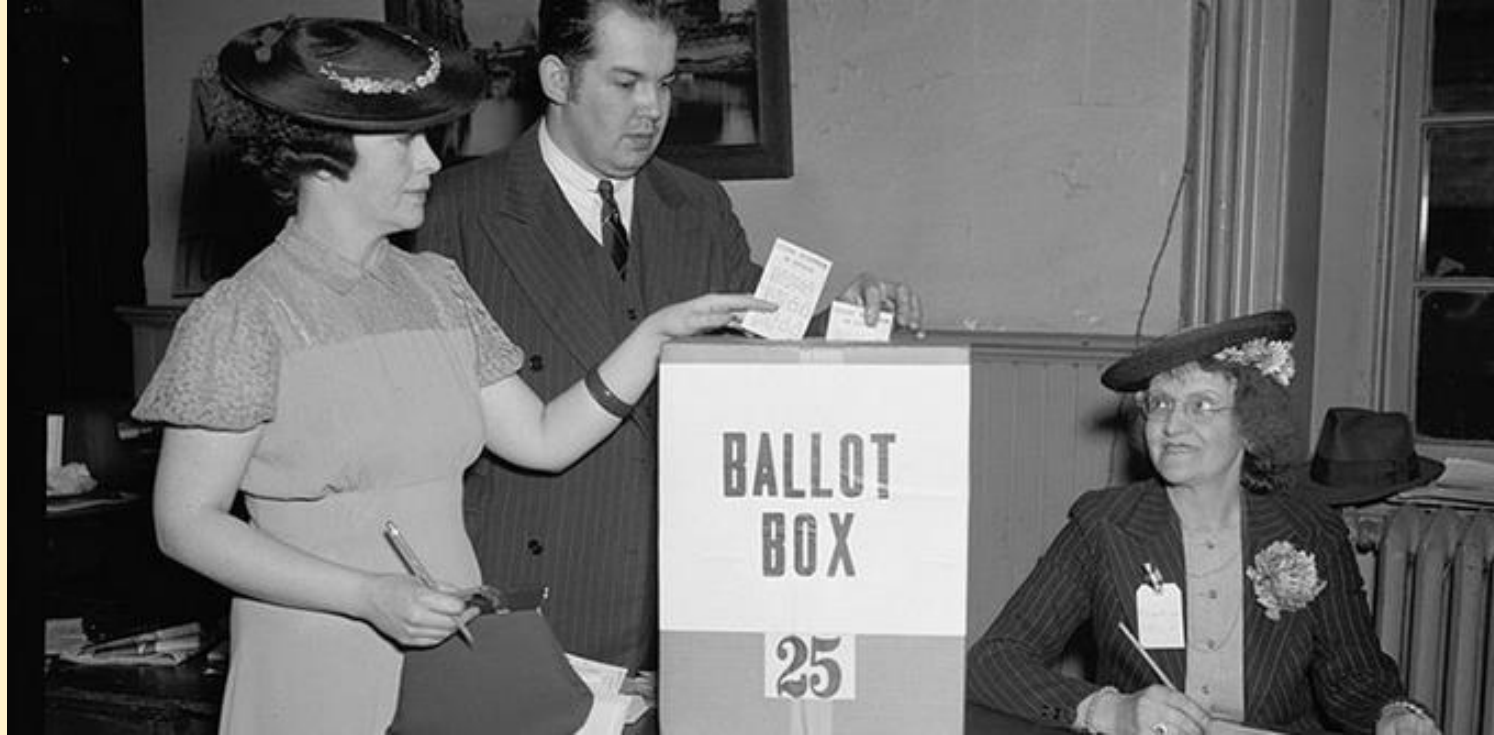


Honorable Joseph P. Goldstein

Family Law Division
Superior Court Yavapai County

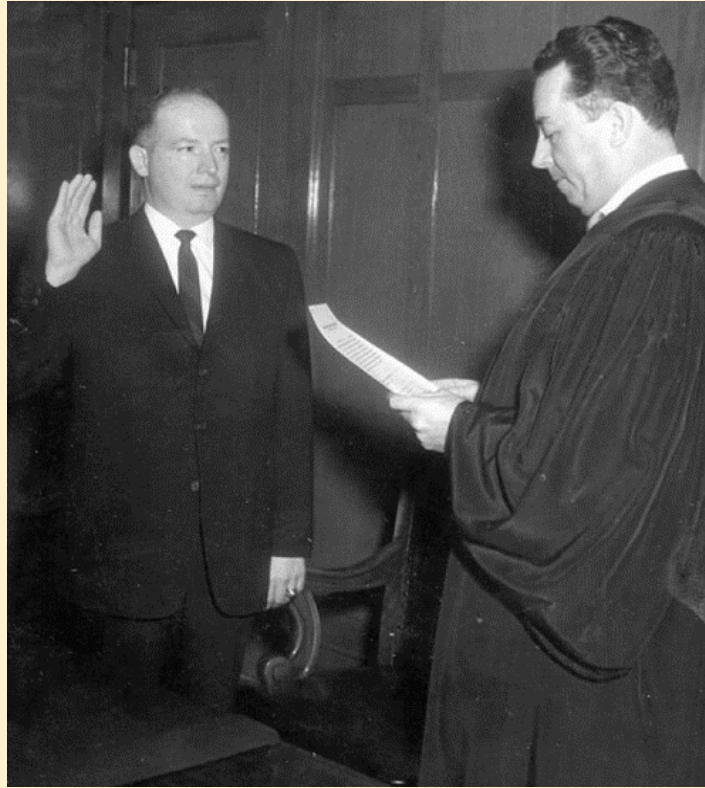


Judges Are:



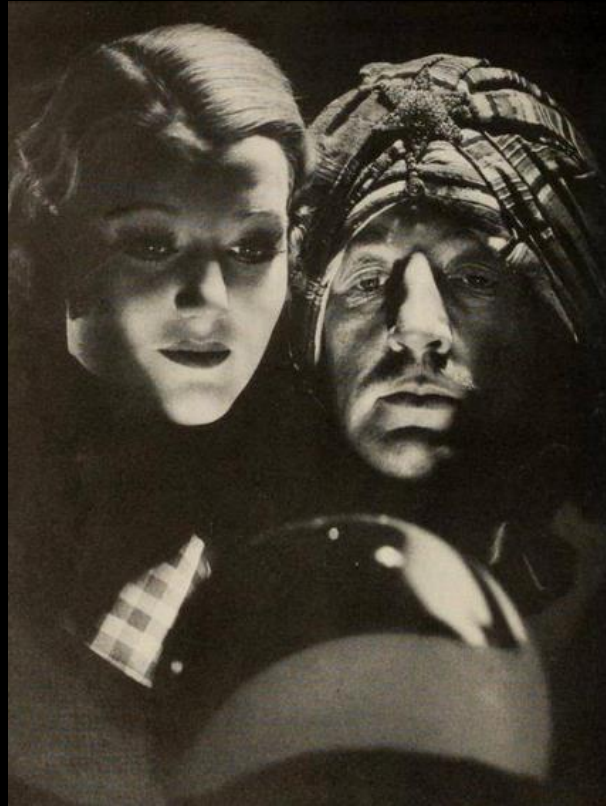
Elected or Appointed

Judges Are:



**Sworn to uphold the Laws of Arizona and
The Constitution of the United States**

Judges Are Not:



Mind Readers

Judges Are Not:



Investigators

An aerial photograph of a historic town, likely Prescott, Arizona. The town is built on a hillside, with a river flowing through the lower left. A prominent red brick building, possibly a government or institutional structure, stands out in the center-right. The town is surrounded by fields and some distant mountains.

Court and Community Resources

Yavapai County Self Service Center

Prescott Law Library (928) 771-3309

Yavapai County Superior Court Clerk's Office – Prescott (928) 771-3312

Yavapai County Superior Court Clerk's Office – Verde (928) 567-7741

An aerial, sepia-toned photograph of a historic town. A river flows through the left side of the image. The town is densely packed with buildings, mostly two or three stories high. A prominent red building, possibly a church or a government building, stands out in the center-right. The streets are laid out in a grid pattern. The overall scene depicts a well-established community from a past era.

Court and Community Resources

Yavapai County Self Service Center

Your Source for:

Court Information

Forms and Instructions

Information about Professional Service Providers

An aerial photograph of a historic town, likely Prescott, Arizona. The town is built on a hillside, with a river winding through the lower left. A prominent red brick building, possibly a government or military installation, stands out in the center-right. The town is surrounded by fields and forests.

Court and Community Resources

Community Legal Services

Prescott Office (928) 445-9240

Verde Valley Sanctuary

Cottonwood Office (928) 639-2079

An aerial, sepia-toned illustration of a historic city. A river flows through the left side of the image. The city is densely packed with buildings, mostly in shades of brown and tan. A prominent, tall, red brick building with a clock tower stands out on the right side. The overall style is that of a vintage postcard or historical map.

Court and Community Resources

Modest Means Project

(866) 637-5341 or AZLawHelp.org

Online Legal Help Resources

<https://azbf.org/get-involved/i-need-legal-help>

An aerial, sepia-toned photograph of a historic city. A river flows along the left side, curving around a bend. The city is densely packed with buildings, mostly multi-story structures. A prominent red building with a tall tower is visible on the right side. The streets are laid out in a grid pattern. The overall scene depicts a thriving urban center from a past era.

Court and Community Resources

Private Attorneys and the State Bar Association

See Bar Directories available in the Law Library

www.azbar.org/findalawyer/

An aerial, sepia-toned photograph of a historic city. A river flows along the left side. The city is densely packed with buildings, mostly in shades of brown and red. A prominent, tall, red building with a tower-like structure is visible on the right side. The overall scene depicts a well-established urban area from a past era.

Court and Community Resources

Certified Legal Document Preparers

List available in the Law Library

<https://www.azcourts.gov/Portals/26/LDP/Directory/2021%20Directory/LDP%20Master%20Directory%2010-1-2021.pdf?ver=2021-10-13-120421-390>

An aerial photograph of a historic town, likely Prescott, Arizona. A river flows through the left side of the image. The town is characterized by a grid of streets and numerous buildings, including a prominent large red building with a tower on the right side. The overall scene is a detailed historical illustration.

Court and Community Resources

Yavapai County Website

<https://courts.yavapaiaz.gov/Departments/Law-Library/Self-Service-Center>

Types of Domestic Cases

Dissolution of
Marriage
(Divorce)

Legal
Separation

Annulment



Paternity

Legal
Decision-
Making

Support

Parenting Time and/or Visitation

Different Ways Your Case Can Proceed Through Court

Arizona Rules of Family Law Procedure Rule 44: Default (When no response is filed)

- **By Motion** (Without a Hearing)
(ARFLP Rule 44. 1)
- **Default Hearing** (ARFLP Rule 44.2)
 - Publication
- **Consent Decree** (ARFLP Rule 45)
 - By agreement on all issues (no hearing necessary)
- **Trial**



Spousal Maintenance



To qualify for spousal maintenance, you must meet the requirements of Arizona Revised Statutes § 25-319 and a financial affidavit must be filed unless there is an agreement signed by both parties for spousal maintenance.

Communicating with the Court



Judges cannot give you legal advice, cannot talk to you on the phone, or meet with you in their office regarding your case.

This would be considered an “Ex Parte” (one-sided) communication.

Communicating with Court Staff



Court Staff can give you scheduling and procedural information, but they cannot talk with you about the facts in your case.

Who Are You?

Parties in cases may be referred to as the following:

- Husband / Wife
- Father / Mother
- Petitioner / Respondent
- Obligor / Obligee
- Pro Per (Self-Represented Litigant)



Who Are We?

Throughout the course of your case, you will come into contact with many, if not all of the following:

- Superior Court Judge
- Judicial Assistant
- Courtroom Bailiff
- Court Reporter
- Courtroom Clerk
- Court Administration
 - Mediator
 - Parent Education Teacher
 - Domestic Relations Secretary
 - Family Law Navigator
- Clerk of the Superior Court



Yavapai County
Courthouse –
Prescott, Arizona



Yavapai County
Courthouse –
Camp Verde, Arizona

Court and Clerk Staff

Superior Court
Judge



Presides over the
judicial
proceedings in
court and over
your case

Court and Clerk Staff

Judicial Assistant



Direct assistant to
the Judge.
Handles files,
phone calls, and
generates court
documents

Court and Clerk Staff

Bailiff



Keeps order in the
Court and
provides logistical
assistance to the
Judge and parties
while in the
courtroom

Court and Clerk Staff

Court Reporter



Is responsible for
the recording of
every spoken word
while in the
Courtroom

Court and Clerk Staff

Courtroom Clerk



Administers the
oath and
documents the
details of the
courtroom
proceedings

Questions?



Court Administration

C. Rolf Eckel



Yavapai County
Superior Court
Administrator

Court Administration

Carlos Reyes



Senior Court
Interpreter

Court Interpreter Services

Court Administration



Christy Kalbach, ADR Program Manager

Alternative Dispute Resolution Services (ADR)

Court Administration

Teri Koressel,
ADR Program
Coordinator



Jessica Villafaña,
Domestic Relations
Secretary

Alternative Dispute Resolution Services (ADR)

Court Administration

Shannon Muñoz, Family Law Navigator

Assistance with:

Learning about the family law case flow process

Reviewing completed forms for completeness

Providing Resources

Contact: (928) 777-3082 or

YavapaiFLN@courts.az.gov

Alternative Dispute Resolution Services (ADR)



Conciliation Counseling

Alternative Dispute Resolution Services (ADR)



Legal Decision Making &
Parenting Time Mediation

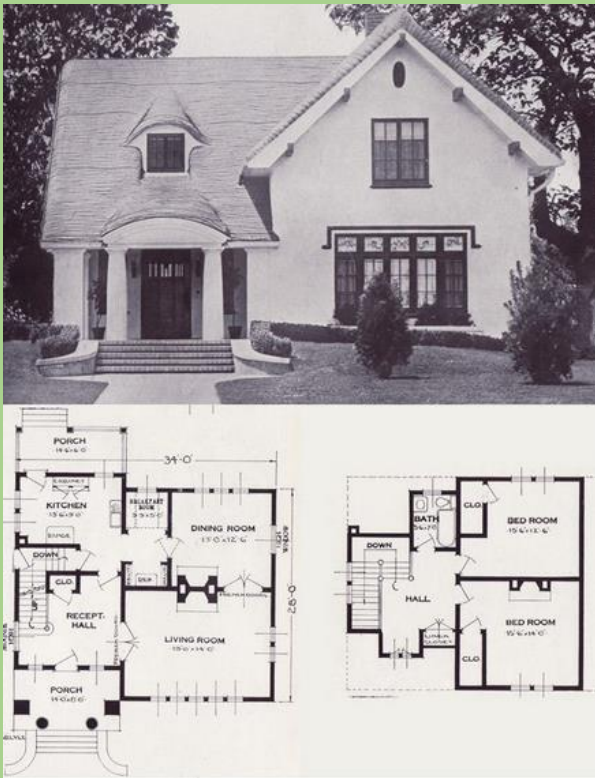
Alternative Dispute Resolution Services (ADR)



Parent Education

Parenting Time Guidelines are distributed in the Parent Education Class

Alternative Dispute Resolution Services (ADR)



Civil Mediation

Alternative Dispute Resolution Services (ADR)



Questions?

Clerk of the Superior Court

Honorable
Donna
McQuality



Yavapai County
Clerk of the
Superior Court

Clerk of the Superior Court



The Clerk of the Superior Court is the keeper of the record and keeps all original documents for the record.

Clerk of the Superior Court

Starting Your Case



The dissolution of marriage begins when you or your spouse files a “Petition for Dissolution of Marriage” with or without minor children.

Clerk of the Superior Court

Sample Dissolution of Marriage Packet

- Petition for Dissolution of Marriage
- Preliminary Injunction
- Notice of Rights about Health Insurance
- Notice to Creditors
- Summons
- Confidential Sensitive Data

Clerk of the Superior Court

Document Requirements

For all Papers Filed with the Clerk

- Black Ink, 13 -point type size (Times New Roman, Bookman, Century, Garamond, Book Antiqua).
- White, 8 ½ x 11 Paper.
- Margin Specifications – 2” from the top, 1” from the left, ½” from the right, and ½” from the bottom.
- Text should be double spaced on one side of the page only.
- Pages shall be numbered.
- Leave upper right-hand corner of all documents being filed blank.

Clerk of the Superior Court

Document Requirements

For all Papers Filed with the Clerk

- All documents must have the filing party's information in the upper left-hand corner.
- The caption and case number remain the same throughout your case. Whoever starts as the Petitioner, stays as Petitioner, no matter who is filing a document.
- All documents must be completely filled out. Incomplete information may cause your request to be denied.
- Refer to Rule 20
- Only originals may be filed
- *Forms provided by the Court are acceptable.*

Clerk of the Superior Court

Starting Your Case



All paperwork should be signed and notarized before you come to the Clerk's Office, but the Clerk can "verify" respondent's signature on an Acceptance of Service. You will also need to bring two sets of copies of the documents, one for your records and one for you to serve upon the other party.

Clerk of the Superior Court

Starting Your Case

Photograph and description of said chauffeur:

(a) Age... 27
(b) Color... White
(c) Sex... male
(d) Height... 5' 8 1/2"
(e) Weight... 175 lbs.
(f) Color hair... brown
(g) Color eyes... blue
(h) Glasses... no

Witness my hand and the seal of
office of the Secretary of State
at the City of Albany, this
1 day of Feb
one thousand nine hundred
and eleven.

Edward Lazansky
Secretary of State

(Over) This Registration Expires January 31, 1912

Signature of Chauffeur

Bring your driver's license or photo identification with you when you file your paperwork.

Clerk of the Superior Court

Starting Your Case



A fee is charged when you file your case.
The person who starts the case is
referred to as the Petitioner.

If a response or a consent decree is filed,
the respondent's appearance fee must also be paid.

Clerk of the Superior Court

Starting Your Case



The Clerk accepts checks, money orders, most credit cards, and cash.
If you need time to pay your fees, you may file for a deferral.

Clerk of the Superior Court

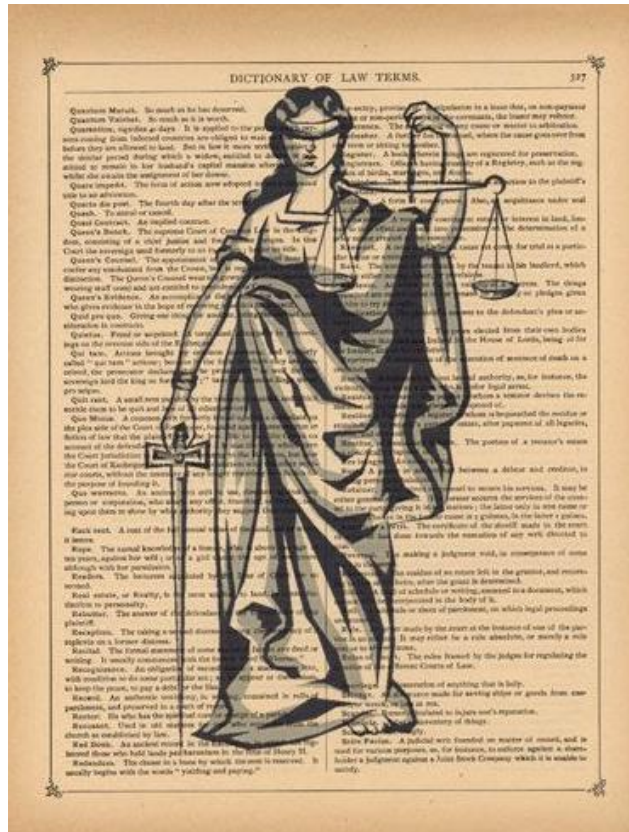
Important Information

The Clerks can explain the meaning of legal terms and documents used in court processes.

The Clerks do attempt to give you options of where you can find information.



Important Information



If a clerk sees something missing, they can call it to your attention. They cannot tell you how to fill out papers. They cannot give legal advice.

Clerk of the Superior Court

Important Information

You must notify the Clerk
IMMEDIATELY in writing if
your address changes.

If you do not notify the Court of
your new address, you may not get
notices and your case may be
dismissed or orders may be
entered without your knowledge.
A form is available in our office
and online to do so.



Clerk of the Superior Court

Common Concerns

Situations that may cause a delay in your case.



**DOCUMENTS
NOT SERVED**

You are responsible for having the other party served. The Court does not have the other party served.

Clerk of the Superior Court

Common Concerns

Situations that may cause a delay in your case.



**DOCUMENTS
NOT SERVED**

You can serve the other person through the Sheriff's Office, a private process server, certified restricted mail, or a courier service with a receipt signed by the other party, or by a notarized acceptance of service.

Clerk of the Superior Court

Common Concerns

Situations that may cause a delay in your case.



**THE WRONG PERSON
IS SERVED**

The Affidavit or
Acceptance of Service
does not show all the
required pleadings were
served or the signature is
not notarized (if required).

Clerk of the Superior Court

Common Concerns

Situations that may cause a delay in your case.



**DEFAULT
PAPERWORK**

Application for Default
document was not filed and/or a
copy was not mailed to the
other party.

Clerk of the Superior Court

Common Concerns

Situations that may cause a delay in your case.



Parent Education Class was not taken by one or both parties.

**PARENT
EDUCATION**

Clerk of the Superior Court

Common Concerns

Situations that may cause a delay in your case.



MISSING DOCUMENTS

- Self Addressed, Stamped Return Envelopes
- Copies of Decrees
- Parenting Plan or Agreement
- Parent's Worksheet
- Child Support Order
- Income Withholding Order
- Employer Information for Income Withholding Order
- Order for Name Change

Clerk of the Superior Court

Questions?



Legal Counsel





Thank You!