

# Instructions for Dissolution of Marriage or Legal Separation With or Without Children in Coconino County



## **IMPORTANT**

This Instruction sheet provides information and links to the forms you will need to complete your case. **Print the Instruction sheet** for future reference before you leave AZTurboCourt.

If you need to return to these instructions for any reason, you must do one of the following to be able to access these instructions and forms at a later time:

1. **Save this Webpage.** Write down or save the following link or website URL:  
<http://azcourts.gov/azturbocourtinformation/InstructionsforFilingPetitionorResponse.aspx>  
to a convenient location. For example, you can add this webpage to your “favorites” list by clicking the  icon in the top left corner of your browser window.

**And / Or**

2. **Save a copy** of these instructions to your PC or any mass storage device. From the File menu select Save As... then choose a location on your PC or Storage Device.



Have you read the IMPORTANT information above?

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## STEP 1: REVIEW OF DOCUMENTS

Your printed forms set will include SOME or ALL of the following documents:

	FORM TITLE	ADDITIONAL EXPLANATION/ SPECIAL INSTRUCTION
1	Instruction Sheet	DO NOT COPY
2	Family Law Cover Sheet	MAKE ONE COPY FOR YOUR RECORDS
3	Confidential Sensitive Data Sheet	MAKE ONE COPY FOR YOUR RECORDS
4	Petition for Dissolution of Marriage WITH Children; OR Petition for Dissolution of Marriage WITHOUT Children; OR Petition for Legal Separation WITH Children; OR Petition for Legal Separation WITHOUT Children; OR	Form filed with the Court to start the divorce or legal separation proceedings. Petition must be served on your spouse. Sign this form in front of a Clerk of the Superior Court or a notary public.
5	Notice of Your Rights about Health Insurance Coverage	Notice included in divorce packet.
6	Preliminary Injunction	Form included in divorce packet that addresses actions by you or your spouse that are forbidden during the pending divorce proceedings.
7	Notice Regarding Creditors	Notice included in divorce packet that addresses debts to creditors.
8	Joint Alternative Dispute Resolution	Form included in divorce packet that addresses measures taken to settle the case through mediation and arbitration. You and your spouse must complete and file form with court.
9	Statement of Community Assets and Debts	Form is included as part of Petition only if "Community" assets and debts were noted in the petition.
10	Statement of Separate Assets and Debts	Form is included as part of Petition only if "Separate" assets and debts were noted in the petition.
11	Request for Protected Address	Form will be generated and filed with the court if you are a victim of domestic violence and do not want address information included on court papers.
12	Order for Protected Address	Order will accompany Request for Protected Address. Order will be signed by Judge if request is granted.
13	Interpreter Information	Used only in Maricopa County – A form that requires you to fill out information about your need for interpreter services.
<b>ADDITIONAL FORMS FOR CASES WITH CHILDREN</b>		
14	Notice and Order to Attend Parent Education Program	Notice included in divorce packet.
15	Affidavit Regarding Children	Form is included as part of Petition only if children have not lived in current residence for 5 years or more. Sign this form in front of a Clerk of the Superior Court or a notary public.
16	Jurisdiction of Children	Form is included as part of Petition only if children have not lived in Arizona for the past 6 months or since birth.
17	Parenting Plan	Optional form at the time of filing but will have to provide to the court at a later date.
18	Child Support Worksheet	Optional form at the time of filing but will have to provide to the court at a later date.
<b>FORMS FOR SERVICE OF PROCESS</b>		
19	Summons	Form included in divorce packet, issued by the court to be served on your spouse.
20	Affidavit of Service with Signature Confirmation	You will file this form with the court if your spouse signs the green card accepting the divorce packet by U.S. Mail or other courier. Sign this form in front of a Clerk of the Superior Court or a notary public. (See Instructions.)

## **STEP 2 : MAKE COPIES**

**Make 2 copies of the following documents:**

- Summons
- Preliminary Injunction
- Petition
- Notice of Your Rights about Health Insurance Coverage
- Notice Regarding Creditors
- Joint Alternative Dispute Resolution
- Statement of Community Assets and Debts (if applicable)
- Statement of Separate Assets and Debts ( if applicable)

**Cases WITH children may print out the following forms - make 2 copies:**

- Affidavit Regarding Children (if applicable)
- Jurisdiction of Children (if applicable)
- Notice and Order to Attend Parent Education Program
- Parenting Plan (optional)
- Child Support Worksheet (optional)

**If the forms noted below print out, make 1 copy:**

- Request for Protected Address
- Order for Protected Address
- Interpreter Information
- Affidavit of Service with Signature Confirmation

**STEP 3: SEPARATE COPIES INTO 3 SETS**

<p><b>Set 1 – ORIGINALS FOR THE CLERK:</b></p> <ul style="list-style-type: none"><li>• Family Law Cover Sheet</li><li>• Confidential Sensitive Data Sheet (DO NOT GIVE COPY TO YOUR SPOUSE)</li><li>• Summons</li><li>• Preliminary Injunction</li><li>• Petition</li><li>• Notice of Your Rights about Health Insurance Coverage</li><li>• Notice Regarding Creditors</li><li>• Joint Alternative Dispute Resolution</li></ul> <p><b>Additional forms for Cases WITH Children:</b></p> <ul style="list-style-type: none"><li>• Affidavit Regarding Children (optional)</li><li>• Jurisdiction of Children (optional)</li><li>• Notice and Order to Attend Parent Education Program</li><li>• Parenting Plan (optional)</li><li>• Child Support Worksheet (optional)</li></ul> <p><b>If additional forms below printed out:</b></p> <ul style="list-style-type: none"><li>• Statement of Community Assets and Debts</li><li>• Statement of Separate Assets and Debts</li><li>• Request for Protected Address</li><li>• Order for Protected Address</li><li>• Interpreter Information</li></ul>	<p><b>Set 2 – COPIES FOR SPOUSE (Respondent):</b></p> <ul style="list-style-type: none"><li>• Summons</li><li>• Preliminary Injunction</li><li>• Petition</li><li>• Notice of Your Rights about Health Insurance Coverage</li><li>• Notice Regarding Creditors</li><li>• Joint Alternative Dispute Resolution</li></ul> <p><b>Additional forms for Cases WITH Children:</b></p> <ul style="list-style-type: none"><li>• Affidavit Regarding Children (optional)</li><li>• Jurisdiction of Children (optional)</li><li>• Notice and Order to Attend Parent Education Program</li><li>• Parenting Plan (optional)</li><li>• Child Support Worksheet (optional)</li></ul> <p><b>If additional forms below printed out:</b></p> <ul style="list-style-type: none"><li>• Statement of Community Assets and Debts</li><li>• Statement of Separate Assets and Debts</li></ul>
<p style="text-align: center;"><b>Set 3 – COPIES FOR YOU:</b></p> <ul style="list-style-type: none"><li>• Family Law Cover Sheet</li><li>• Confidential Sensitive Data Sheet (DO NOT GIVE COPY TO YOUR SPOUSE)</li><li>• Summons</li><li>• Preliminary Injunction</li><li>• Petition</li><li>• Notice of Your Rights about Health Insurance Coverage</li><li>• Notice Regarding Creditors</li><li>• Joint Alternative Dispute Resolution</li></ul> <p><b>Additional forms for Cases WITH Children:</b></p> <ul style="list-style-type: none"><li>• Affidavit Regarding Children (optional)</li><li>• Jurisdiction of Children (optional)</li><li>• Notice and Order to Attend Parent Education Program</li><li>• Parenting Plan (optional)</li><li>• Child Support Worksheet (optional)</li></ul> <p><b>If additional forms below printed out:</b></p> <ul style="list-style-type: none"><li>• Statement of Community Assets and Debts</li><li>• Statement of Separate Assets and Debts</li><li>• Request for Protected Address</li><li>• Order for Protected Address</li><li>• Interpreter Information</li><li>• Affidavit of Service with Signature Confirmation (Keep <b>original</b> you will use this if you will send the Respondent’s copies of the legal documents by certified mail and have a copy of the returned, signed “Receipt” card to submit to the court.)</li></ul>	

## STEP 4: FILE DOCUMENTS WITH THE COURT

### 1. File the Papers at the Court:

Go to the Clerk of Court filing counters located in your county and hand all three sets of your court papers to the clerk along with the filing fee described in Paragraph 2 below.

#### Superior Court location for Coconino County:

##### Coconino County Superior Court

200 N. San Francisco St.  
Flagstaff AZ. 86001

Clerk's Office - (928) 679-7600

Law Library/Self-Help Center - 928-679-7540 OR 877-806-3187 (toll-free)

**Hours of Operation:** Monday through Friday, 8:00 a.m. to 5:00 p.m.

**Website:** <http://www.coconino.az.gov/courts>

### 2. Fees:

FAMILY COURT ACTION	FEE AMOUNT
Petition for Dissolution or Legal Separation (with or without children)	\$266.00
For a list of other court fees, please visit:	<a href="http://www.coconino.az.gov/uploadedFiles/Courts/Legal_Services/21.pdf">http://www.coconino.az.gov/uploadedFiles/Courts/Legal_Services/21.pdf</a>

#### Acceptable methods for paying fees to the Court:

- Cashier's Check \*
- Money Order\*
- Cash

\*Checks and Money Orders should be made out to the "Clerk of Superior Court"

#### Other Fees:

If you request the Clerk of the Court to make copies for you there is a .50¢ per page fee.

**Notice:** There is a filing fee for all petitions. If you are unable to afford the filing fee, you may request a waiver or deferral of the filing fees at the time you file your papers with the Clerk of the Court.

### 3. Filing Forms by Mail:

Mail-in filings are accepted. You should mail your documents to the Coconino County Superior Court location listed in Paragraph #1 above. Your mail-in packet should include the following:

- All 3 sets of your forms
- A self-addressed, stamped envelope for return of the clerk-stamped copies (please make sure the envelope is big enough for 2 sets of copies)
- Other: Include a note asking the Clerk to return the date-stamped copies to you in the envelope you have provided.

#### Acceptable payment methods for mail-in filings:

- Cashier's Check
- Money Order

\*Checks and Money Orders should be made out to the "Clerk of Superior Court"

### 4. MAKE SURE YOU GET THE FOLLOWING BACK FROM THE CLERK:

- Your Set of Copies
- Your Spouse's Set of Copies

## STEP 5: SERVE THE PAPERS ON YOUR SPOUSE

**SERVE THE PAPERS ON YOUR SPOUSE:** “Service” means giving legally required notice to your spouse that you have filed papers asking for a divorce or legal separation and an order by the court may be entered that affects their rights or property. The court papers can ONLY be delivered in a manner permitted by law and proof of proper delivery must be filed with the court. Different methods **are required depending on whether your spouse is willing to sign an Acceptance of Service**, is not in Arizona, or location is unknown, etc. The following documents contain a description and instructions for each service method. Make sure that you are using the correct method for your situation.

- By completing the steps for service, you tell the court that your spouse has received a copy of the papers you have filed, that he/she has notice of what you have told the court and of what you are asking the judge to do (to order).
- After your spouse is served, they are allowed a period of time to file a “Response” if he/she wants to inform the court that he/she disagrees with what you said or with what you asked the judge to order. The Response tells you and the court what your spouse wants.
- Your case will not proceed until the judge is satisfied your spouse has received proper notice so that he/she may act to protect their rights.
- If the papers are not served properly:
  - Your case may be delayed;
  - You may have to re-serve the papers or re-publish the notice;
  - You may incur additional costs;
  - Any court order granted may be declared invalid, revoked, or overturned
- Select one of the following methods by clicking on the method or web link below. Print out the instruction sheet to proceed with service of the documents on your spouse:
  - [Acceptance of Service](#)- Your spouse has agreed to accept the court papers and will sign an affidavit in front of a notary public or the clerk of the court.
  - [Mail or Commercial Delivery Service with Signature Confirmation](#) – The papers are sent by U.S. Mail or by a nationwide delivery service. Your spouse must sign for receipt of the court papers
  - [Registered Process Server](#)- You hire and pay a certified process server to give your spouse the court papers.
  - [Sheriff](#) - You contact and pay the Sheriff’s Office in the county where your spouse lives to give your spouse the court papers.
  - [Publication](#)- You run a legal notice advertisement for a specific number of times over a set period of time in a newspaper of general circulation. This method may only be used if you do not have a current address for your spouse and you have taken every reasonable step to find your spouse.
  - [Indian Reservation Alternatives](#)- This method applies if your spouse lives on an Indian Reservation.
  - [Special Circumstances](#)- Methods of service if your spouse is in prison or lives outside the United States.
- If your spouse is served outside the State of Arizona you need to complete the [Affidavit Supporting Out of State Service form](#) located at: <http://azcourts.gov/Portals/96/Forms/AffidavitSupportingOutOfStateServiceForm.pdf> and bring the form to the court or default hearing.

## METHODS FOR SERVING THE PAPERS ON YOUR SPOUSE

### **METHOD 1: ACCEPTANCE OF SERVICE**

This method requires you to give or mail the court papers to your spouse and include an “*Acceptance of Service*” form. The form is located at <http://azcourts.gov/Portals/96/Forms/AcceptanceofServiceForm.pdf>. Your spouse **must** sign the “*Acceptance of Service*” form **in front of a Notary Public**, or a clerk of the superior court in Arizona, and return it for you to file with the court or your spouse should file it with the court him or herself. By signing this form your spouse is not agreeing to the terms of your Petition. It only means that he or she has received the papers. Do **NOT** give the original of the Summons to your spouse. You will have to return that to the clerk where you filed.

#### **STEP 1: ASK YOUR SPOUSE TO ACCEPT SERVICE OF THE COURT PAPERS AFTER YOU HAVE FILED THE COURT PAPERS.**

- You can ask your spouse to accept service by talking to him/her, calling him/her, or sending him/her the following [letter](#). The letter is located at <http://azcourts.gov/Portals/96/Forms/acceptanceofserviceletter.pdf>.
- **WARNING:** Do **not** do this if you are the victim of domestic violence or believe your spouse will hurt you, take your money, or take your children. If you have questions about whether you should use this method, you should see a lawyer for help.
- Your spouse **cannot** sign the “*Acceptance of Service*” until **after** you have filed the court papers.

#### **STEP 2: IF YOUR SPOUSE AGREES TO ACCEPT SERVICE, YOU HAVE 3 OPTIONS:**

- A. **GO:** You and your spouse can go to the filing counter at the courthouse where you filed the court papers. Bring the original “*Acceptance of Service*” form, plus two copies (one for you and one for your spouse). Your spouse must now sign the original “*Acceptance of Service*” in front of the clerk at the filing counter. The clerk will notarize your spouse’s signature for free. Your spouse must have a valid picture I.D. with him/her for the Notary Public or clerk to sign the “*Acceptance of Service*.” **OR**
- B. **MEET:** Arrange with your spouse, a place and time to meet before a Notary Public. Bring the original “*Acceptance of Service*” plus two copies (one for you and one for your spouse). You should also bring the court papers with you in case your spouse or the Notary Public wants to see the court papers. Your spouse must have a valid picture I.D. with him/her for the Notary Public to sign the “*Acceptance of Service*.” There is usually a small cost to use a Notary Public. **OR**
- C. **MAIL:** Mail a copy of the court papers to your spouse with the original “*Acceptance of Service*.” Ask your spouse to sign the “*Acceptance of Service*” and tell your spouse **why** you have asked him or her to sign the “*Acceptance of Service*.” You may use the [letter](#) referred to in Step 1 to tell your spouse why you have asked him or her to sign the “*Acceptance of Service*.” **AND**
- D. **SIGN:** Your spouse must sign the Original “*Acceptance of Service*” and write in the date he/she signed the “*Acceptance of Service*.” Your spouse must sign the Original “*Acceptance of Service*” in front of a Notary Public. Your spouse must have a valid picture I.D. with him/her for the Notary Public to sign the “*Acceptance of Service*.” There is usually a small cost to use a Notary Public. Your spouse should then send you the signed and notarized Original “*Acceptance of Service*.” You should write the date your spouse signed the “*Acceptance of Service*” on your copy.

**Note:** If your spouse does not send back the “*Acceptance of Service*,” ask him/her again to send it back. If your spouse still does not send it back, then you have to serve your spouse by one of the other service methods.

#### **STEP 3: FILE THE SIGNED AND NOTARIZED “ACCEPTANCE OF SERVICE” AT THE COURT:**

- **GO** to the Clerk at the court where you filed the court papers and file the original “*Acceptance of Service*” signed by your spouse and notarized.
- **GIVE** the Clerk the ORIGINALS:
  1. “*Summons*,” if you had one
  2. “*Acceptance Of Service*” signed by your spouse in front of a notary public

**STEP 4: COUNT DAYS.** Note the date your spouse signed the “*Acceptance of Service*” form and count the days your spouse has to file a Response. When counting the days, starting counting with the day **after** your spouse signed the “*Acceptance of Service*.” See the Response/Default Timetable below.

**STEP 5: REQUEST HEARING.** ([SKIP TO STEP 6](#), “WHEN IS A WRITTEN RESONSE TO THE COURT PAPERS DUE?”)

**METHOD 2: MAIL OR COMMERCIAL DELIVERY SERVICE WITH SIGNATURE CONFIRMATION**

**USE THIS PROCEDURE ONLY after filing your divorce or legal separation court papers.**

You may serve court papers in-state or out of state (within the U.S.) by certain forms of U.S. Mail or by a nationwide delivery service such as FedEx, or UPS, that provides confirmation of delivery by either a signed paper receipt or by electronic means such as by a printout from the internet, by fax, or by email *so long as it includes a copy of the signature itself*. There are no fees for serving papers by this method. The only cost incurred is the cost of mailing.

**Note:**

- You must obtain a *signature* confirming delivery;
- It can ONLY be the SIGNATURE OF YOUR SPOUSE and no one else;
- You must submit a copy of the signature to the court attached to the "*Affidavit of Service with Signature Confirmation*" form. The form is located at <http://azcourts.gov/Portals/96/Forms/AffidavitwithSignatureConfirmation.pdf>.
- You can generally obtain a copy of the signature within a few hours of delivery from the delivering company's web site, or
  - by a toll-free phone call to have a copy of the signature sent to your fax machine, or
  - If using U.S. Mail with "Signature Confirmation," you may also use the same toll-free number to request a printed copy of the signature be *mailed* to you, which should reach any U.S. destination within three to five business days.

**STEP 1: GO TO THE POST OFFICE, FedEx or UPS** etc. and tell the clerk you need *signed confirmation of delivery* and that you will need a copy of the signature. Remembering that only the signature of your spouse can satisfy the requirements of the court, you may also choose to request "**Restricted Delivery.**" This means no one except the named addressee (your spouse) should be allowed to sign for receipt of the documents.

**STEP 2: GET COPY OF YOUR SPOUSE'S SIGNATURE.** If using Certified Mail, wait for the green receipt card to be returned with your spouse's signature. When you get the green receipt, note the date your spouse signed for the papers, and attach the card or attach a photocopy of both sides of the card to the third page of the affidavit. If using some other form of delivery with signature confirmation from the Postal Service, FedEx or UPS etc. you may go to the company's web site to confirm delivery and get a copy of the signature of your spouse as described in the "Note" above Step 1. Tape that copy of the signature to the third page of the affidavit, as well as the cash register receipt of other proof of mailing.

**STEP 3: PAPERS FOR THE COURT**

- **COMPLETE:** The "*Affidavit of Service with Signature Confirmation*" form. Fill in *ALL* information requested on the form before proceeding. Be sure you fill in the date your spouse received the papers. If you are unsure of the date, use the date you received the return receipt card (if using Certified Mail). If you fail to list a date, the court may not process your papers and your case may be delayed and possibly dismissed.
- **ATTACH:** You must attach a copy of your spouse's signature confirming receipt of the court documents to the third page of the Affidavit. If using Certified Mail, copy both sides of the green return receipt card and attach either the original or the photocopy to prove how and when you served your spouse.
- **COPY:** Make yourself a copy of the entire "*Affidavit of Service by Signature Confirmation*" form including the third page with the return of service.

**STEP 4: FILE PAPERS WITH THE COURT.** File the Original "*Affidavit of Service by Signature Confirmation*" with the green return receipt or other form of confirmation bearing the signature OF YOUR SPOUSE with the Clerk of the Court at the court locations previously listed.

**STEP 5: COUNT DAYS.** Note the date your spouse was served the papers and count the days your spouse has to file a Response.

When counting the days, starting counting with the day **after** your spouse signed the *receipt*. See the Response/Default Timetable below.

**STEP 6: REQUEST HEARING.** ([SKIP TO STEP 6](#), "WHEN IS A WRITTEN RESONSE TO THE COURT PAPERS DUE?")

### **METHOD 3: REGISTERED PROCESS SERVER**

This method requires you to hire and pay a certified process server to serve your spouse with court papers.

#### **Process Servers:**

- **Are not court or government employees but are authorized to act as “officers of the court” to deliver court papers to your spouse at home, work, or other location and to file proof of delivery with the court.**
- **Do not necessarily have to obtain the signature of the party receiving the court papers.**
- **May offer greater flexibility in serving papers “after-hours” or on short notice.**
- **Are paid directly by you, not through the court.**

**STEP 1: FIND.** You must hire a Registered Process Server. You may locate process servers in the commercial section of the phone book under “**Process Server,**” or online by using the search term “Arizona process servers” or similar terms, or at the web site of the Arizona Process Servers Association at <http://arizonaprocessservers.org/> .

**Notice:** There is a filing fee for all Petitions and Responses, and there is a fee for serving the papers on your spouse. You may request a waiver or deferral of the filing fees. You cannot waive or defer the service fee charged by the registered process server.

**STEP 2: GO.** Go to the Registered Process Server’s office. **TAKE** with you the following things:

- Copy of “**Summons**” (if your case has a summons).
- Your spouse’s set of copies of the court papers.
- A photograph or a written physical description of your spouse.
- A written description of the automobile that your spouse drives.
- The address where your spouse can be served.
- The amount you need to pay for this service (You can call ahead of time to ask the Process Server what type of payment will be required.)

**STEP 3: WAIT.** The Process Server will mail you a copy of the “*Affidavit of Service*” after he/she serves your spouse with the papers. **IMPORTANT: If the Process Server does not file an “Affidavit of Service” with the Clerk of the Court, you must get the “Affidavit of Service” from the Process Server and file it.**

**STEP 4: COUNT DAYS.** Note the date your spouse was served the papers on the “*Affidavit of Service*” and count the days your spouse has to file a Response. When counting the days, starting counting with the day **after** your spouse was served the papers. See the [Response/Default Timetable](#) below.

**STEP 5: REQUEST HEARING.** ([SKIP TO STEP 6](#), “WHEN IS A WRITTEN RESPONSE TO THE COURT PAPERS DUE?”)

#### **METHOD 4: SHERIFF**

This method requires you to contact the Sheriff's Office in the county where your spouse lives (or is incarcerated) to arrange for a Sheriff's deputy to give your spouse the court papers.

##### **STEP 1: GO:**

Contact the Sheriff's Office in the county where your spouse lives. Bring your court papers with you, **or** send a copy of the court papers to the Sheriff's Office if your spouse does **not** live in the same county as you do. The Sheriff's Office in Coconino County is located at:

Coconino County Sheriff's Office  
911 E. Sawmill  
Rd., Flagstaff, AZ 86004  
928-774-4523 or (toll-free) 800-338-7888

**Notice:** There is a filing fee for all petitions and a fee to have the Sheriff serve the papers. You may request a waiver or deferral of the filing fees and the Sheriff's service fees at the time you file your papers with the Clerk of the Court.

##### **STEP 2: WRITE:**

Fill out the "Sheriff's Letter" available online at: <http://azcourts.gov/Portals/96/Forms/SheriffLetter.pdf>. The letter includes identifying information on your spouse, also bring:

- Your spouse's set of copies of the court papers.
- A photograph or written physical description of your spouse.
- A written description of the automobile your spouse drives.
- The address where your spouse can be served.
- "**Certified Order Waiving/Deferring Fees**" or a deposit fee. Costs of service will be deducted and the balance refunded to you. Contact the Sheriff's Office to determine the amount of deposit required.

##### **STEP 3: WAIT:**

The Sheriff may mail you a copy of the "**Affidavit of Service**" after your spouse is served with the papers **or** the Sheriff may file these papers instead of sending them back to you.

##### **STEP 4: COUNT DAYS:**

Note the date your spouse was served the papers on the "**Affidavit of Service**" and count the days your spouse has to file a Response. When counting the days, starting counting with the day **after** your spouse was served the papers. See the Response/Default Timetable below.

##### **STEP 5: REQUEST HEARING. (SKIP TO STEP 6, "WHEN IS A WRITTEN RESPONSE TO THE COURT PAPERS DUE?")**

## **METHOD 5: PUBLICATION**

This method requires that you run a legal notice advertisement for a specific number of times over a set period of time in a newspaper of general circulation.

### **Service by Publication:**

- May be used only if you do not have a current address for your spouse, and the court is satisfied that you have taken *every reasonable step* to find your spouse and have the court papers delivered to them directly, but have been unable to do so.
- Requires you to pay the cost of publishing unless you apply and qualify for a *deferral or waiver* (to pay later or not pay at all)
- Can be expensive and may delay your court case.
- Should be your “last resort.”

### **STEP 1: PUBLISH THE COURT PAPERS:**

- A. How to serve the court papers by publication if you do not know if your spouse lives in the county in which your case is pending or your spouse’s last known address was not in Arizona.
1. **IF YOU ARE PAYING THE COSTS TO PUBLISH, USE ANY PAPER OF GENERAL CIRCULATION.** The newspaper **must** use a format acceptable to the Court. To publish:
    - Mail or deliver payment and the “[Letter to Publisher](http://azcourts.gov/Portals/96/Forms/LettertoPublisherForm.pdf)” located online at <http://azcourts.gov/Portals/96/Forms/LettertoPublisherForm.pdf> along with a copy of the summons you filed with the Clerk, to the newspaper you wish to publish in.
- OR,**
2. **If you have a court order DEFERRING SERVICE COSTS,** follow the instructions in “b” above, and include the “*Certified Order Deferring Publication Fees*” with the other papers delivered to the newspaper.

**Notice:** There is a filing fee for all petitions and there are publication fees. You may request a “*Waiver or Deferral*” of the filing fees or publication fees at the time you file your papers with the Clerk of the Court.

- B. **How to publish service if your spouse’s last known address is in Arizona and that address is not in the county in which your case is pending:** You must publish in the county in which your case is pending and you must publish in a newspaper in the county of the last known residence of your spouse.

**STEP 2: WAIT.** Wait for the newspaper to send you the original of the document called “*Affidavit of Service*” in about five weeks.

### **STEP 3: COMPLETE YOUR PAPERWORK**

- A. **Fill out** the “*Affidavit Supporting Publication*” form located online at <http://azcourts.gov/Portals/96/Forms/AffidavitSupportingPublicationForm.pdf>. Examples of steps you **MUST** take before you can serve by Publication: verify your spouse is not at any last known addresses, talk to your spouse’s friends, family members, employer, co-workers, former co-workers or employers, or anyone else you think may have a current address. Search telephone directories, the Internet, voter registration records, and obituaries. You may also have to consider hiring a private detective or a company that charges a fee to do computer searches to help you track down your spouse.
- B. **Attach** a copy of the published notice from the newspapers.
- C. **Keep a copy** for yourself of the “*Affidavit Supporting Publication*” form.

### **STEP 4: FILE THE COURT PAPERS**

- A. File the original of the “*Affidavit Supporting Publication,*” and a copy of the publications; **AND**
- B. File the original “*Affidavit of Service*” you received from the newspaper.

**STEP 5: COUNT DAYS.** Note the date of the first newspaper publication and count the days your spouse has to file a response.

When counting the days, start counting with the day **after** the first day of publication. See the Response/Default Timetable below.

**STEP 6: REQUEST HEARING.** (SKIP TO STEP 6, “WHEN IS A WRITTEN RESPONSE TO THE COURT PAPERS DUE?”)

### **METHOD 6: INDIAN RESERVATION ALTERNATIVES**

Use this procedure if your spouse lives on an Indian Reservation. Depending on the circumstances and facts of your case, there may be additional service options. An attorney can advise you.

- A. **Service by Tribally Licensed Process Server:** This method requires you to hire and pay a tribally licensed process server. This fee cannot be waived or deferred. Service is complete when the process server hands your spouse the court papers. See the instructions and forms for “*Service by Registered Process Server.*”
- B. **Service by Tribal Law Enforcement:** This method requires you to contact law enforcement on the reservation where your spouse lives to arrange for an officer to serve your spouse. Tribal law enforcement may charge a fee for service. Tribal law enforcement *may* choose to accept a court fee waiver. Service is complete when the officer hands your spouse the court papers. See the instructions and forms for “*Service by Sheriff.*”

### **ALTERNATIVE SERVICE**

**If none** of the methods listed above work for your situation because your spouse is hiding or otherwise is difficult to serve papers on, you may file a *Motion for Alternative Service* to ask for the court’s permission to serve notice by other means. A lawyer can advise as to what alternatives are available and write up or advise you how to write up the motion (which is not included in this set of documents).

(SKIP TO STEP 6, “WHEN IS A WRITTEN RESPONSE TO THE COURT PAPERS DUE?”)

### **METHOD 7: SPECIAL CIRCUMSTANCES**

- A. **SERVING NOTICE ON PRISONERS:** An inmate may be served by “*Acceptance of Service*” if he or she has access to a Notary **and** is willing to sign and return the “*Acceptance*” form to you. See the instructions and forms for “*Acceptance of Service.*” Otherwise, inmates must be served by the sheriff of the county where jailed.
- B. **SERVING NOTICE OUTSIDE THE UNITED STATES:** Service on individuals in foreign countries is governed by treaties between the U.S. and individual countries or international agreements such as the “Hague Convention on Service Abroad” and the “Inter-American Service Convention.” The latter includes most of South and Central America as well as Mexico.

#### **For Mexico and other countries belonging to the Inter-American Service Convention:**

- Documents to be served must be translated into the official language of the country of destination.
- Documents must be submitted to a “central authority” which will affect service.
- U.S. Marshal Form USM-272 or USM-272A (Spanish) also may be submitted to the central authority.
- Service by private individuals such as attorneys, investigators or private process servers are NOT considered to be valid in Mexico.

**Different rules apply to signers of the Hague Convention. For further information on service of legal documents outside the United States, refer to the web pages of the U.S. State Department or contact the U.S. central authority at:**

Office of International Judicial Assistance, Civil Division, Department of Justice  
1100 L St. N.W., Room 11006, Washington, D.C. 20530  
Telephone: (202) 307-0983; fax; (202) 514-6584  
[http://travel.state.gov/law/judicial/judicial\\_680.html](http://travel.state.gov/law/judicial/judicial_680.html)

## STEP 6: WHEN IS A WRITTEN RESPONSE TO THE COURT PAPERS DUE?

- **LOOK AT THE TIMETABLE BELOW.** If the **last day** for your spouse to respond falls on a Saturday, Sunday, or legal holiday, you **do not** count that day. The last day you count to determine if you can file the default papers and request for hearing, must be a day when the court is open for business.
- **INCLUDE WEEKENDS AND HOLIDAYS.** In counting the days, include weekends and holidays until you reach the number of days in the Timetable below. If your spouse files a written response with the court, you **CANNOT** request a default hearing.

RESPONSE/DEFAULT TIMETABLE		
<u>SERVICE BY IN ARIZONA</u>	COUNT	EVENT
Acceptance of Service	20 days	After your spouse signs the “ <i>Acceptance of Service</i> ”
Certified Mail	20 days	After your spouse signs the “Receipt of Mail” card
Process Server	20 days	After your spouse receives papers from process server
Sheriff	20 days	After your spouse receives papers from sheriff
Publication	50 days	Service is complete 30 days after the 1 <sup>st</sup> day of publication and your spouse is given an additional 20 days to respond.
<u>OUT OF STATE</u>		
Acceptance of Service	30 days	After your spouse signs the “ <i>Acceptance of Service</i> ”
Certified Mail	30 days	After your spouse signs the “Receipt of Mail” card
Process Server	30 days	After your spouse receives papers from process server
Sheriff	30 days	After your spouse receives papers from sheriff
Publication	60 days	Service is complete 30 days after the 1 <sup>st</sup> day of publication and your spouse is given an additional 30 days to respond.

## STEP 7: REQUEST A COURT HEARING

Wait the number of days indicated above to determine if your spouse will file a response with the court within the time frame indicated (day 21, 31, 51 or 61).

- **NO RESPONSE FILED:** Complete the “*Application and Affidavit for Default*” form located at <http://azcourts.gov/Portals/96/Forms/ApplicationandAffidavitDefaultForm.pdf> and request a **default hearing date**. See **Default Procedures** below.
- **RESPONSE FILED:** You may want to seek help from an attorney if you and your spouse cannot agree on all the issues that will need to be decided such as the division of property, spousal support or child custody and support.

In the response packet you receive from your spouse there should be the following document included, "Joint Alternative Dispute Resolution Statement to the Court" form located online at <http://azcourts.gov/Portals/96/Forms/JointADRStatementForm.pdf>. This form was also included in your set of forms.

Complete the "Joint Alternative Dispute Resolution Statement to the Court" form, 30 days after your meeting with your spouse or at the Resolution Management Conference, whichever is earlier.

Contact the court for a **hearing or conference date**. At the court date you and your spouse will need to present your documents for review by the judge/commissioner.

## **DEFAULT PROCEDURES**

**(Note: If the other party files a Response with the Court, YOU CANNOT GET A DEFAULT HEARING.)**

**Step 1:** BEGIN COUNTING THE DAY AFTER YOUR SPOUSE WAS SERVED WITH THE PETITION. Look at the Response/ Default Timetable above to find the method of service you used and the number of days you should count.

INCLUDE WEEKENDS AND HOLIDAYS until you reach the number of days listed in the Default Timetable. If the **last** day for your spouse to respond falls on a Saturday, Sunday, or legal holiday, **DO NOT** count that day.

**Step 2:** Depending on **how** the papers were served on your spouse, wait the number of days indicated above. **If** your spouse did not file a response with the court within the time frame indicated, **on the next day after the number of days indicated (day 21, 31, 51 or 61)**, complete the "Application and Affidavit for Default" form located online at <http://azcourts.gov/Portals/96/Forms/ApplicationandAffidavitDefaultForm.pdf>, file it and mail or deliver a copy to your spouse as instructed below. **You must take this action for your case to proceed.**

**Step 3:** **SIGNATURE:** Go to a Deputy Clerk of the Superior Court or a Notary Public and sign the "Application and Affidavit for Default" form. **Bring a valid picture ID** with you and **make sure** you date the "Application and Affidavit for Default" with the date you are signing it. Do **not** go to the Notary Public or Clerk or sign the "Application and Affidavit for Default" before the amount of time shown in the Response/Default Timetable above has passed.

**COPIES:** Make **two copies** of your notarized "Application and Affidavit for Default" form.

**Step 4:** FILE THE ORIGINAL WITH THE CLERK OF THE COURT.

**CLERK:** **Hand the original and both copies** of the "Application and Affidavit for Default" to the clerk at the filing counter. The clerk will keep the original, date-stamp both sets of copies and return the copies to you. **Make sure both** copies are stamped.

**MAIL:** **Mail or hand-deliver one of the date-stamped copies** of the "Application and Affidavit for Default" to the other party on the same day you file the papers with the Clerk of the Court. Keep the other copy for your records.

**Step 5:** COUNTING FROM THE DAY AFTER THE "Application and Affidavit for Default" WAS FILED, WAIT 10 WORKING DAYS BEFORE PROCEEDING TO STEP 6.

**Step 6:** FILL OUT THE "Default Screening Checklist" located online at <http://azcourts.gov/Portals/96/Forms/DefaultScreeningChecklistForm.pdf>.

**Step 7:** You may schedule your own default hearing by written request.

**Step 8: PREPARE FOR THE COURT HEARING**

- **GET YOUR PAPERS TOGETHER.** Read the Instructions for the Court Order/Decree that applies to your case. Fill out the Order or Decree and **MAKE COPIES** as instructed. Bring all required court papers to your hearing. If you do not bring all required documents, your hearing will be rescheduled.
- **IF THE COURT PAPERS YOU FILED INCLUDE A REQUEST TO ESTABLISH CUSTODY AND/OR PARENTING TIME** (visitation) (other than “Grandparent Visitation”), the person asking for the default hearing **must** attend the **PARENT EDUCATION PROGRAM** and file the “*Certificate of Completion*” before that person can get a default hearing. If you have questions concerning the Parent Education Program, call (928) 714-5304.

**PARENTING PLAN**

If you did not complete the Parenting Plan with your original documents or if you need to change the original Parenting Plan, you need to return to your old form set in the AZTurboCourt application.

- Log into [AZTurboCourt](https://turbocourt.com/) at <https://turbocourt.com/>
- Click on “List My Forms”
- Click on your old form set number
- On the Filing Details Screen click on “Copy for New Form Set” located on a tab at the top of the page. The “Copy for New Form Set” button will copy the information from your previous form set into a new form set. It allows you to make changes or add additional information in the same case without entering all the information over again.

(Note: There will be an application fee associated with printing your new form set and you will need to pay this fee.)

- **IF THE COURT PAPERS YOU FILED INCLUDE A REQUEST TO ESTABLISH CHILD SUPPORT** and you do not already have a Temporary Order for Child Support, you must complete the “*Child Support Worksheet*” and the “*Current Employer or Other Payor Information Form*” located at <http://azcourts.gov/familylaw/childsupportcalculator.aspx> or bring the following:
  - **Gross Monthly Income information** for both parties (if unknown, last known income, income earning potential or minimum wage may be used to calculate child support).
  - **Social Security Numbers** for both parties.
  - **Employer’s** names, addresses and telephone numbers, if known for both parties.
  - **Information about costs for children’s** day care, medical insurance, special needs, etc.

**DOCUMENTS NEEDED AT THE HEARING:**

**Dissolution or Legal Separation**

Completed Decree of Dissolution or Legal Separation and 2 copies

***If you have requested Spousal Support:***

Completed Current Employer or Other Payor Information form and 2 copies

***If your case involves minor children:***

Parent Education Program Certificate if it has not already been filed

Signed Parenting Plan and 2 copies. The Parenting Plan can be completed in the AZTurboCourt application.

Completed Child Support Worksheet and 2 copies

Completed Current Employer or Other Payor Information form and 2 copies

Wage information/pay stubs for both parties and other financial information such as childcare costs, medical insurance premiums etc.

Copy of any prior Court Order for Child Support or for Paternity

9X12 envelope addressed to the other party with appropriate postage

***If your spouse is served outside the State of Arizona***

Completed [Affidavit Supporting Out of State Service form](#) and 2 copies

**Step 9: GO TO YOUR HEARING AT THE SCHEDULED DATE AND TIME.**

**I. THE COURT HEARING: DO'S AND DON'TS**

- A. ARRIVE BEFORE THE TIME SCHEDULED FOR YOUR HEARING.
- B. DO NOT BRING CHILDREN.
- C. IF YOU ARE LATE OR BRING CHILDREN, YOUR HEARING WILL BE RESCHEDULED TO A DIFFERENT DAY.
- D. EXPECT TO BE IN THE COURTHOUSE UP TO FOUR HOURS OR LONGER. PLAN YOUR CHILD CARE AND PARKING ACCORDINGLY.
- E. DO NOT BRING FOOD OR DRINKS INTO THE COURTROOM.
- F. DO NOT CHEW GUM IN THE COURTROOM.
- G. REVIEW YOUR DECREE. Make sure your Decree does not ask for anything different from what you asked for in your Response.
- H. DRESS APPROPRIATELY. If your clothing could be worn at a swimming pool or for playing basketball, it probably is not appropriate for court (no shorts, tank tops, etc). Men should remove caps and hats in the courtroom.

**II. AT THE HEARING: WHAT TO DO IN THE COURTOOM**

- A. **Be on time.** Wait quietly in the courtroom until your name is called.
- B. **Children are not permitted in the courtroom.**
- C. **Stand when your name is called** and walk toward the “bench” where the judge is seated. Court staff will ask you to take an oath or to affirm that the information you are providing to the court is true. You will raise your right hand and swear or *affirm* that the information you are providing is true. Lying in court, or *perjury*, is a serious crime.
- D. **Sit in the witness chair** located next to the judge.
- E. Call the judge “Your Honor.”
- F. **Do not** reach over the desk to take anything from the judge or to hand anything directly to the judge, unless the judge first gives permission or asks you to do so.

**III. BE PREPARED TO ANSWER THE JUDGE’S QUESTIONS, such as . . .**

- What is your name and address?
- Is the relief you are asking for today the same as what you asked for in the Petition? (Your answer should be “yes” because you cannot change anything from the Petition unless you have written consent from the other party and have filed the consent with the court.)
- How did you serve the other party, and when was he or she served? (You should know what type of service was used: publication, service by the Sheriff, service by a registered process server, or acceptance of service.)

**If you served the other party by publication, the judge will ask:**

- What steps did you pursue to try to find the other party?
- Whom did you talk to about how to find the other party?
- What was the last date you saw, received a letter or phone call from the other party?

<b>QUESTIONS FOR DIVORCE/LEGAL SEPARATION CASES ONLY</b>
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- A. How long have you lived in Arizona? Did you or your spouse live in Arizona or was either of you a member of the Armed Forces and stationed in Arizona at least 90 days before the Petition was filed?
- B. What is the date of marriage and where were you married?
- C. Is your marriage irretrievably broken? Do you think your marriage can be reconciled? (This means: is there any reasonable chance that you can continue the marriage?)
- D. Are you aware of Conciliation Services? (Conciliation Services is a service of the Court that provides free marital counseling.) If you were not aware of the services, the judge may describe these services to you and send you to Conciliation Services.
- E. Do you want your former name restored? (Your former name will be restored, if you answer “yes” to this question.)
- F. What property and debts do you have from the marriage? (Describe your property and debts listed in your Petition and Decree.)
- G. How have you divided the property and debts? (Explain what you have asked for and put in the Decree.)

H. Do you think the division of property and debts is fair?

<b>QUESTIONS FOR DIVORCE/LEGAL SEPARATION/CUSTODY/ PARENTING TIME AND SUPPORT CASES</b>
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- A. The following questions may be asked if you have children:
1. How many children do you have and what are their ages?
  2. Are you requesting custody of your minor children?
  3. What type of parenting time do you want the other party to have?
  4. Are there any expected problems with parenting time? (If you have requested supervised parenting time or no parenting time, you should be prepared to tell the judge why. For example, you should tell the judge if there has been domestic violence, child abuse, or if the other party has a drug or alcohol problem.)
  5. Do you think the portions of the Decree dealing with custody and parenting time are fair?
  6. Who will provide medical insurance for the minor children? (Generally, this should be the parent who has insurance available through his or her employer at the most affordable cost. If no insurance is available and the minor children are on AHCCCS, you can tell the judge this.)
  7. Can the other party pay child support?
  8. Is your spouse employed? How much does your spouse earn? (The amount he or she earns should be on the *"Parent's Worksheet for Child Support"*.)

**AFTER THE HEARING, IF THE JUDGE SIGNED YOUR DECREE:**

1. **Immediately mail a copy of the Decree and all related documents that become part of it, to the other party** (such as custody agreement, parenting plan, etc.).
2. **If you have an Atlas Number**, or if DES (DCSE) is involved in your case, **mail a copy of the Completed *"Parent's Worksheet for Child Support"*** to: Child Support Enforcement, Attn.: Attorney General Department, 2323 N. Walgreen St., Ste 100, Flagstaff, AZ 86004