

# Arizona Divorce Process

## Preparing the Divorce Papers

The spouse seeking a divorce is called the petitioner; the other spouse is the respondent.

Either spouse must be a resident of Arizona for at least 90 days before either can file for a divorce in Arizona, according to a. A.R.S. 25-312. The action is filed in the Superior Court of the county in which the petitioner resides.

The required forms and fees may vary slightly from county to county.

In a divorce, the petitioner selects one of two divorce packets: one for divorce with children and one for divorce without children. The parties will find Separate packets for the petitioner (the spouse who is initiating the divorce) and the respondent (the spouse who has been served with divorce papers) and they should select the packet that fits their situation.

↳ [Read more about Arizona divorce forms](#)

## Filing the Paperwork with the Court

The petitioner makes two copies of all documents – one for the respondent, and one to keep. The original goes to the court.

The divorce papers are filed with the clerk of the courts. The petitioner must pay a fee unless he or she completes the Application for Deferral of Filing Fee, which the court reviews. If the court agrees that the fee should be waived because the petitioner cannot afford it, he or she does not have to pay to file divorce papers.

The petitioner signs the complaint in the presence of the clerk of court who date- and time-stamps the divorce papers and notarizes at no cost to the petitioner.

The papers should be served on the respondent as soon as possible after leaving.

## Serving the Documents

After filing the forms, the petitioner should immediately serve the respondent with the divorce papers. Service of process, as it is called, ensures that everyone has notice about what's going on and gives an opportunity to appear, or argue, a point of view. Service of process ensures that no one is ever ambushed in a courtroom.

Arizona gives the petitioner a maximum of 120 days to serve the divorce papers on the respondent. Failure to serve the papers within 120 days means the clerk of court dismisses the case automatically, and the petitioner who wants to get divorced must start over.

The respondent must respond to the summons and petition within 20 days (or, if he or she lives out of state, 30 days) or the court awards the petitioner a default judgment. This means the court gives the petitioner everything requested in the petition, without input from the respondent.

\*[Read more about Arizona process service](#)

## Disclosing Financial Information

Both the petitioner and the respondent must complete an Affidavit of Financial Information, which is a statement sworn in front of a notary. This document details each spouse's financial picture, from employment to assets and liabilities and monthly expenses. Certain supplemental documents, like pay stubs and tax returns, must be attached. This helps everyone to understand more about, for example, how much child support should be paid, or whether one spouse should receive alimony. This is filed with the court and served to the respondent as well.

## Uncontested vs. Contested Divorce

When a Response is filed but both parties reach an agreement as to all the issues, they can submit a Consent Decree of Dissolution of Marriage that sets forth all of their agreements for the judge to sign, as outlined in A.R.F.L.P. Rule 45(B).

In a contested divorce, if a spouse does not agree to a divorce, he or she may request that the parties attend a conciliation meeting. The divorce goes on hold for up to 60 days while that meeting takes place. If the meeting does not result in the parties agreeing to postpone the divorce, the divorce goes forward. There is no charge to request a conciliation meeting.

If the spouses do not agree on a particular issue, such as custody of children, spousal maintenance, or division of property, it may be necessary to take the case to trial. In this case, the parties must then request a trial in order to finalize their divorce.

The procedure for requesting a trial varies from county to county. In the event of a contested divorce, the parties should seek the advice of an attorney.

## Finalizing the Divorce

After the respondent is served with the Petition for Dissolution of Marriage, a 60-day "cooling off" period must transpire before the divorce may be finalized. It is not possible to get a divorce in

Arizona any faster even if both spouses agree. If the parties do not agree on the terms of the divorce, a trial will be set. Depending on the county, these proceedings could take as long as six to nine months before a divorce would become final.