



A CLIENT GUIDE · 2026-2027 EDITION

Arizona Family Law

What to know about divorce, property, custody, support, and the decisions that shape your family's future

Mays & Zitron, PLLC

A BROTHER-AND-SISTER FAMILY LAW FIRM · CHANDLER, ARIZONA

Arizona Family Law: A Client Guide

Published by Mays & Zitron, PLLC

1820 E. Ray Road, Chandler, Arizona 85225 · 480-264-5191 · www.mayszitron.com

Current as of October 2026.

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Before acting on anything in this guide, consult a licensed Arizona attorney about your specific circumstances. Examples in this guide are hypothetical and simplified, and names used in examples are fictional. Past results do not guarantee similar outcomes.

If you are in danger, call 911. The National Domestic Violence Hotline is available 24 hours a day at 1-800-799-7233.

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Welcome

If you're reading this, your family may be going through one of the hardest seasons of life. Maybe you're considering divorce. Maybe you've just been served with papers. Maybe you're a parent trying to protect your relationship with your child, or a grandparent worried about losing touch.

Whatever brought you here, we wrote this guide to give you what most people lack at the start of a family law case: a clear, honest picture of how the process works in Arizona. We are a brother and sister who have practiced family law together in the East Valley since 2013 — family law, and nothing else — and we have seen how much better people do — emotionally and financially — when they understand their options before decisions are made.

This guide covers the full landscape: the divorce process, community property, the house and retirement accounts, spousal maintenance under Arizona's newest guidelines, legal decision-making and parenting time, child support, paternity, grandparents' rights, legal separation, annulment, covenant marriage, and marital agreements. It also covers two major 2026 developments — the Alec and Lydia Act's overhaul of how courts handle domestic violence in parenting cases, and Arizona's new postnuptial agreement law.

No book can replace advice tailored to your family. But we hope this one helps you ask better questions, avoid common mistakes, and approach what's ahead with more confidence and less fear.

With care,

Amanda Nuriddin & Jordan Zitron

Mays & Zitron, PLLC

How to use this guide

KEY POINT

Rules and facts worth remembering.

PRACTICAL TIP

Strategy and advice from experience.

WATCH OUT

Common mistakes that cost people money or time.

EXAMPLE

Hypothetical scenarios that show how rules apply.

Read straight through for the full picture, or jump to the chapters that fit your situation using the contents on the next page.

Contents

PART ONE · DIVORCE & PROPERTY

1	Before You File: First Steps and Big Decisions	5
2	The Arizona Divorce Process, Step by Step.....	11
3	Community Property: Dividing What You Own.....	17
4	The House, Retirement Accounts, and Debt.....	23
5	Spousal Maintenance.....	29

PART TWO · CHILDREN

6	Legal Decision-Making and Parenting Time.....	35
7	Domestic Violence, Safety, and the Alec and Lydia Act	42
8	Relocation, Modification, and Enforcement	48
9	Child Support.....	53

PART THREE · OTHER FAMILY MATTERS

10	Paternity and Unmarried Parents	59
11	Grandparents, Stepparents, and Third-Party Rights	64
12	Legal Separation, Annulment, Covenant Marriage, and Marital Agreements	68

PART FOUR · MOVING FORWARD

13	Costs, Your Legal Team, and Taking Care of Yourself	73
----	---	----

APPENDIX

A	Frequently Asked Questions	78
B	Glossary of Arizona Family Law Terms.....	81
C	Helpful Resources.....	84

CLOSING

●	About Mays & Zitron, PLLC	86
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1

CHAPTER 1

PART ONE · DIVORCE & PROPERTY

Before You File: First Steps and Big Decisions

Most people who pick up a book like this are standing at the edge of something they never planned for. You may have decided to end your marriage, or you may have just learned that your spouse has. Either way, the weeks before anything is filed are often the most important of the entire case — and the easiest to waste. This chapter walks through the decisions you'll face first and the practical steps that protect you before the paperwork begins.

Take a breath — and take stock

Family law cases are emotional by nature. Even amicable divorces involve grief, fear about money, and worry about the children. It is normal to feel overwhelmed, and it is normal to want to act quickly. But a few calm hours spent organizing your information now will save you time, money, and stress later.

Start with three questions:

- 1. Am I safe?** If you or your children are in danger, safety comes before every other consideration. Chapter 7 explains orders of protection and how Arizona's 2026 domestic violence reforms work. If you are in immediate danger, call 911.
- 2. What do I want the next year of my life to look like?** Think about where you will live, how the children's routine will work, and what you can realistically afford. You do not need final answers — just a direction.
- 3. What do I actually know about our finances?** Many people discover during a divorce that they understood only part of the household's money picture. Now is the time to find out.

Divorce, legal separation, or annulment?

Arizona offers three ways to formally change a marriage. Each leads to a different result.

OPTION	WHAT IT DOES	WHO IT TENDS TO FIT
Dissolution of marriage (divorce)	Ends the marriage. Divides property and debt, and resolves spousal maintenance, legal decision-making, parenting time, and child support.	Most couples who want to move on with separate lives.
Legal separation	Divides property and resolves support and parenting issues, but the parties remain legally married.	Couples with religious objections to divorce, those who want to preserve certain benefits, or those not ready for a final step.
Annulment	Declares that a valid marriage never existed because of a legal defect present at the time of the wedding.	Rare situations such as bigamy, close-relative marriage, or a marriage induced by fraud or lacking genuine consent.

We cover legal separation and annulment in more detail in Chapter 12. For most readers, dissolution is the path, and the rest of Part One assumes a divorce.

Arizona is a "no-fault" state

In a standard Arizona marriage, you do not need to prove that your spouse did anything wrong. The only legal finding required is that the marriage is **irretrievably broken** — meaning there is no reasonable prospect of reconciliation. If one spouse says the marriage is over and the other disagrees, the court may order a short delay or a conciliation conference, but it cannot force anyone to stay married.

"No-fault" also means that infidelity, unkindness, or who wanted the divorce generally does **not** affect how property is divided or whether spousal maintenance is awarded. There are important exceptions — wasting community money on an affair, for example, can be addressed as "excessive or abnormal expenditures" — but the court is not in the business of punishing a spouse for ending the marriage.

KEY POINT

Covenant marriage is different. If you and your spouse chose a covenant marriage when you married (you would have signed a declaration and completed premarital counseling), Arizona limits the grounds for divorce to a specific statutory list. See Chapter 12.

Can you file in Arizona?

To file for divorce here, at least one spouse must have been **domiciled in Arizona — or stationed here as a member of the armed forces — for at least 90 days before the petition is filed.**

"Domiciled" means you live here with the intent to remain. If you have children, a separate set of rules (the Uniform Child Custody Jurisdiction and Enforcement Act) generally requires that Arizona be the children's "home state," which usually means they have lived here for the six months before filing.

Within Arizona, you usually file in the county where you or your spouse lives. For East Valley families, that is typically the Maricopa County Superior Court, which hears family cases at several facilities, including the Southeast Facility in Mesa.

The first-steps checklist

The single most valuable thing you can do before filing is gather documents. Your attorney will ask for most of these anyway, and having them early lets your lawyer give you meaningful advice at your first meetings instead of general guesses.

CHECKLIST

Financial documents to gather

- ☐ Federal and state income tax returns for the last three years, with all schedules and W-2s/1099s
- ☐ Your last several pay stubs — and your spouse's, if you can access them lawfully
- ☐ Bank, credit union, and brokerage statements for the last 12–24 months
- ☐ Retirement account statements: 401(k), 403(b), 457, IRA, Roth IRA, pension, TSP
- ☐ Mortgage statements, deeds, HELOC statements, and any refinance paperwork
- ☐ Vehicle titles and loan statements
- ☐ Credit card statements and a current copy of your credit report
- ☐ Business records if either spouse owns a business: tax returns, profit-and-loss statements, balance sheets
- ☐ Life, health, and disability insurance policies and benefit summaries
- ☐ Any premarital or postnuptial agreement
- ☐ Records of inheritances or gifts received during the marriage
- ☐ Stock option, RSU, or deferred compensation statements

Make copies — digital or paper — and keep them somewhere your spouse cannot access, such as a new email account, a cloud folder with a fresh password, or a trusted family member's home. Do **not** take or hide original documents that your spouse needs, and do not access your spouse's private email or password-protected accounts. Doing so can create legal problems for you and undermine your credibility.

Protect yourself — without escalating

There are smart, lawful steps you can take before filing:

- **Open a bank account in your own name** for your paycheck going forward. Avoid draining joint accounts; courts look poorly on that, and it can be treated as a violation once a case begins. Withdrawing a reasonable amount for living expenses and attorney fees, and documenting it, is a different matter — talk to your lawyer first.
- **Change passwords** on your personal email, phone, and social media accounts. Check your phone and car for location-sharing settings you may have forgotten about.
- **Pull your credit report** from all three bureaus so you know what debts exist in your name.
- **Keep a calendar.** If you have children, note who handles school drop-off, doctor appointments, homework, and bedtime. This record can be useful later.
- **Think before you post.** Assume anything you put on social media, text, or email will be read by a judge.

WATCH OUT

What not to do. Don't move out of the family home without first getting legal advice, especially if you have children — moving out can shape the temporary parenting schedule. Don't move the children out of state. Don't run up credit cards, hide assets, or "gift" money to relatives. And don't sign anything your spouse hands you until a lawyer has read it.

Should you hire a lawyer?

Arizona courts allow people to represent themselves, and the court's self-service centers provide forms. If your marriage was short, you have no children, few assets, and you and your spouse agree on everything, a self-prepared consent decree may be workable.

But many cases that look simple are not. A retirement account split incorrectly, a parenting plan with vague holiday language, or a missed spousal maintenance claim can cost far more to fix than it would have cost to get right. The issues that most often justify professional help include:

- Children, especially if you disagree about the schedule or relocation
- A house, retirement accounts, pensions, or a business
- A significant income difference between spouses
- Any history of domestic violence, substance abuse, or coercive control
- A spouse who already has a lawyer
- Separate-property claims, such as an inheritance or a home owned before the marriage

Even if you ultimately handle most of the work yourself, a consultation or limited-scope representation — where a lawyer reviews your documents or handles a single hearing — can be a wise investment.

What happens at a first consultation?

A good initial consultation is a two-way interview. Expect your attorney to ask about your marriage date, children, income, assets, debts, and goals. Expect to hear about likely outcomes, the range of costs, and the options available — from a fully negotiated settlement to litigation. Come with your document list (even if incomplete) and a written list of questions. What you share in a consultation is confidential, even if you don't hire that lawyer.

PRACTICAL TIP

Bring a one-page summary. Write down: date of marriage, date of separation (if any), names and birthdates of children, both spouses' jobs and approximate incomes, the major assets and debts, and the three things that matter most to you. It makes the first meeting far more productive.

2

CHAPTER 2

PART ONE · DIVORCE & PROPERTY

The Arizona Divorce Process, Step by Step

Every Arizona divorce follows the same basic path, whether it settles in two months or goes to trial after a year. Understanding the stages – and the deadlines that come with each – takes much of the mystery out of the process and helps you make better decisions along the way.

1 Petition filed Case opens; preliminary injunction takes effect	2 Service Spouse formally notified; 60-day clock starts	3 Response Due in 20 days (30 if served outside Arizona)	4 Disclosure & temporary orders Exchange financial records; interim rules	5 Settlement efforts Negotiation, mediation, settlement conference	6 Decree By agreement, default, or trial
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Step 1: Filing the petition

A divorce begins when one spouse – the **Petitioner** – files a *Petition for Dissolution of Marriage* with the Clerk of the Superior Court. The petition identifies the parties and any children, states that the marriage is irretrievably broken, and lists what the Petitioner is asking the court to do about property, debts, support, and the children.

Several other documents are filed at the same time, including a summons, a *Notice of Right to Convert Health Insurance*, a preliminary injunction, and – if there are children – notices about the required parenting class and, often, a proposed parenting plan.

Filing fees. In Maricopa County, the Clerk's published fee schedule lists \$376 to file a Petition for Dissolution (with or without children) and \$287 for the responding spouse's Response. Fees change periodically and vary by county, so check the Clerk's website for current amounts. If you cannot afford the fees, you may apply for a **deferral** (pay later, often in installments) or a **waiver**.

Step 2: The preliminary injunction

The moment a petition is filed, Arizona law puts an automatic **preliminary injunction** in place. It binds the Petitioner on filing and the Respondent once served. In plain terms, it orders both spouses to:

- Not transfer, sell, hide, encumber, or otherwise dispose of community or joint property, except in the usual course of business or for the necessities of life
- Not harass or disturb the peace of the other spouse or the children

- Not remove the children from Arizona without the other parent's written consent or a court order
- Not cancel or change health, auto, homeowners, or life insurance covering the family or remove a spouse or child as a beneficiary

KEY POINT

The injunction is a court order. Violating it can lead to contempt sanctions and may affect how the judge views you for the rest of the case. If you need to sell an asset or make a major financial move, get your spouse's written agreement or ask the court first.

Step 3: Service of process

Your spouse must be formally notified of the case. This is called **service of process**, and it can be accomplished by:

- **Acceptance of service** — your spouse signs a notarized form acknowledging receipt (common in cooperative cases);
- **Personal service** by a licensed process server or sheriff's deputy;
- **Certified mail, return receipt requested**, restricted to the addressee; or
- Alternative methods (such as service by publication) with court permission, if your spouse cannot be found.

Service matters for two big reasons. First, it starts the **60-day waiting period**: under Arizona law, a decree cannot be entered until at least 60 days after the Respondent was served. Second, the date of service is when the "community" stops accumulating — earnings and debts incurred after service are generally separate, as long as the case ends in a decree (see Chapter 3).

Step 4: The response — or a default

The Respondent has **20 calendar days** after service to file a Response if served in Arizona, or **30 days** if served outside the state. The Response states which parts of the petition the Respondent agrees with and disagrees with, and what the Respondent is asking for instead.

If the Respondent does not respond, the Petitioner may file an *Application for Entry of Default*. The Respondent then has a short grace period — generally ten court business days — to respond before the default becomes effective. After that, the Petitioner can ask the court to enter a default decree, which typically grants what was requested in the petition, as long as it is fair and supported by the evidence.

Step 5: Disclosure

Arizona family law depends on transparency. Under the Arizona Rules of Family Law Procedure, each party must make a **mandatory disclosure** of relevant documents and information — generally within about 40 days after the response is filed — without waiting to be asked. Disclosure typically includes tax returns, pay stubs, account statements, retirement records, debt statements, and an **Affidavit of Financial Information (AFI)** listing income and monthly expenses.

Disclosure is a continuing duty: if new information comes in, you must supplement. Failing to disclose can lead to sanctions, exclusion of evidence, an award of the other side's attorney fees, or — if assets are hidden — the reopening of a decree.

When disclosure is not enough, parties may use formal **discovery**: written questions (interrogatories), requests for documents, subpoenas to banks and employers, and depositions.

Step 6: Temporary orders

A divorce can take months. In the meantime, someone has to pay the mortgage, the children need a schedule, and one spouse may need financial help to get by. Either party can file a *Motion for Temporary Orders* asking the court to set interim rules for:

- Temporary legal decision-making and parenting time
- Temporary child support and spousal maintenance
- Who lives in the marital home and who pays which bills
- Use of vehicles and other property
- Interim attorney fees, in appropriate cases

Temporary orders often shape the rest of the case. A schedule that works well for six months tends to become the starting point for a final parenting plan. That's why it's worth preparing carefully for a temporary orders hearing.

Step 7: Court management and the parenting class

After a response is filed, the court usually sets a **Resolution Management Conference (RMC)**. At the RMC, the judge identifies the contested issues, sets deadlines, may refer the parties to mediation or other services, and sets a trial date if needed. Many agreements are reached at or shortly after the RMC.

If you have minor children, both parents must complete a court-approved **parent education program** about the effects of divorce on children. In Maricopa County this is commonly referred to as the Parent Information Program. Complete it early – the court may not enter final parenting orders until it's done, and whether a parent completed the class is one of the statutory factors a judge considers.

Step 8: Settlement — mediation and agreements

The vast majority of Arizona divorces settle. Common paths to settlement include:

- **Direct negotiation** between attorneys, often with written settlement proposals
- **Mediation** — a neutral mediator helps the parties reach agreement. Maricopa County's Conciliation Services offers mediation of parenting issues; private mediators can address everything, including property and support.
- **Settlement conferences** with a judge pro tem or another judicial officer

Agreements reached during a case become binding once they are put in writing and signed by the parties (or stated on the record in court) under **Rule 69** of the Family Law Rules. Read any agreement carefully: a Rule 69 agreement is very difficult to undo.

PRACTICAL TIP

Settlement isn't surrender. A negotiated agreement lets you control the outcome, tailor solutions to your family, keep private details out of a public trial, and usually spend much less. Good settlements come from good preparation — knowing your numbers and your realistic court outcome.

Step 9: The decree

A case ends with a signed **Decree of Dissolution of Marriage**. There are three ways to get there:

1. **Consent decree.** If the spouses agree on everything, they submit a decree (with any parenting plan and property settlement) signed by both. No hearing is usually required. Arizona also allows spouses who agree from the start to file jointly for a consent decree.
2. **Default decree.** If the Respondent never responded, the court enters a decree after the default process.
3. **Trial decree.** If issues remain contested, the judge holds a trial — in family court, always a bench trial with no jury — and then issues a ruling and decree.

Regardless of route, no decree can be entered until the 60-day waiting period has run.

How long does it take?

TYPE OF CASE	TYPICAL TIMEFRAME
Uncontested consent decree	About 3–4 months
Default case	About 4–6 months
Contested case that settles	About 4–9 months
Contested case that goes to trial	About 9–18 months, sometimes longer

These are general estimates only. Court calendars, the complexity of assets, the need for experts (such as business valuers or custody evaluators), and the level of conflict all affect timing.

After the decree

The decree is a court order, and it is enforceable. After it's entered, there is still work to do:

- Transfer titles and deeds and refinance joint debts as ordered
- Prepare and submit any **Qualified Domestic Relations Orders** (QDROs) needed to divide retirement accounts — don't let this slide
- Update beneficiary designations, estate documents, and insurance
- Set up child support payments through the state clearinghouse
- Calendar important dates in the parenting plan, such as holidays and summer notice deadlines

If your former spouse doesn't follow the decree, you can ask the court to enforce it. If circumstances change significantly, some terms — especially those about children and support — can be modified. Later chapters cover both.

3

CHAPTER 3

PART ONE · DIVORCE & PROPERTY

Community Property: Dividing What You Own

Arizona is one of a handful of community property states. That single fact shapes almost every financial question in a divorce: what gets divided, what stays with you, and how the court decides. This chapter explains the rules in plain language and highlights the situations where people most often lose money by misunderstanding them.

The basic rule

Under Arizona law, property acquired by either spouse **during the marriage** is presumed to be **community property**, owned equally by both — no matter whose name is on the account or title, and no matter who earned the money.

Property is **separate property** if it was:

- Owned by a spouse **before** the marriage;
- Acquired during the marriage by **gift, inheritance, or devise** (a bequest under a will);
- Acquired **after service** of a petition for dissolution, legal separation, or annulment that results in a decree; or
- Designated as separate in a valid **premarital or postnuptial agreement**.

The rents, issues, and profits of separate property generally remain separate as well — so rental income from a house you owned before marriage is ordinarily your separate property, unless it was mixed with community funds.

KEY POINT

The presumption matters. Because anything acquired during marriage is presumed community, the spouse who claims something is separate usually bears the burden of proving it — often by clear and convincing evidence. Records are everything.

When does the community end?

In Arizona, the marital community ends on the date the Respondent is **served** with the petition — not the date of separation, not the date someone moved out, and not the date of the decree — **as long as the case ultimately results in a decree**. If you separated two years ago but no one filed, your paychecks during those two years are still community property.

This has real consequences. A spouse who earns a large bonus, starts a business, or runs up debt after separation but before service may find those items treated as community. If you have been separated for a long time, filing sooner rather than later can draw a clean line.

How property is divided

Arizona law directs the court to divide community property **equitably, though not necessarily in kind**. The Arizona Supreme Court has interpreted "equitable" to mean **substantially equal** unless there is a sound reason to divide it otherwise. In practice, most community estates are split close to 50/50.

"Not necessarily in kind" means the court doesn't have to split each item in half. One spouse may keep the house while the other keeps a retirement account of similar value, or one spouse may make an **equalization payment** to balance things out.

Reasons a court may depart from an equal division include:

- **Waste** — excessive or abnormal expenditures, destruction, concealment, or fraudulent disposition of community property. Gambling losses, spending on an affair, and gifts to relatives can all qualify.
- Certain **community debts** incurred for one spouse's separate benefit
- Unusual circumstances that make an equal split unfair

Fault in the breakdown of the marriage is *not* a reason to award one spouse more.

Commingling and tracing

Separate property doesn't always stay neatly separate. When separate funds are deposited into a joint account, used to pay community expenses, or mixed with marital earnings, they can become **commingled**. If they can no longer be identified, they may be treated as community.

The cure is **tracing** — using bank records and other documents to follow separate money from its source to its current form. Arizona courts allow tracing, but the spouse claiming separate property must do the work. This is where good recordkeeping (and sometimes a forensic accountant) pays for itself.

EXAMPLE

Example. Maria inherited \$80,000 from her grandmother during the marriage and deposited it into a savings account in her name only. She never added marital funds and never used it for household bills. That account is very likely still her separate property. If instead she had deposited the inheritance into the joint checking account the couple used for everything, and then spent and replenished that account for years, proving what remains separate would be far harder.

Gifts between spouses and title changes

If one spouse puts the other spouse's name on separate property — for example, by deeding a pre-marital home into joint names — that can be treated as a gift to the community. Arizona courts also look closely at **disclaimer deeds**, which spouses sometimes sign at a lender's request during a refinance. A disclaimer deed can affect whether a home is community or separate, and the results are fact-specific. If you signed one, tell your lawyer.

Businesses and professional practices

A business started during the marriage is generally community property. A business owned before the marriage is separate, but the community may have a claim to part of its growth in value if that growth came from a spouse's work during the marriage rather than the inherent nature of the business. Courts use established methods to apportion that growth.

Valuing a business usually requires an expert. Questions include:

- What is the business worth as a going concern?
- How much of its value is **enterprise goodwill** (divisible) versus **personal goodwill** tied to one person's skills?
- Was the owner-spouse paid a reasonable salary during the marriage?
- Are the books accurate, or are personal expenses being run through the business?

Common categories of property

ASSET	HOW IT'S USUALLY TREATED
Wages earned during marriage	Community, until service of the petition
Bank and brokerage accounts	Community to the extent funded during marriage; separate portions must be traced
Retirement accounts and pensions	Community portion (earned during marriage) divided; pre-marital portion separate. See Chapter 4.
Family home	Community if bought during marriage; if separate, the community may have a lien for mortgage principal paid with community funds. See Chapter 4.
Vehicles	Community if acquired during marriage; usually awarded to the spouse who drives it, with equalization
Inheritances and gifts from third parties	Separate, if kept separate
Personal injury awards	Portions for pain and suffering often separate; lost wages during marriage and medical expenses paid by the community may be community
Stock options and RSUs	Often partly community and partly separate, depending on when granted and when they vest
Pets	Treated as property, though courts increasingly consider the animal's well-being
Frequent-flyer miles, crypto, digital assets	Treated like any other asset — disclose and value them

Personal property: the "stuff"

Furniture, household goods, tools, and collectibles are often worth far less than the cost of fighting over them. Many couples use a simple approach: each spouse keeps what's in his or her possession, or they alternate picks from a list. Items with sentimental value — family heirlooms, photos, the children's artwork — are best handled with patience and creativity. Digital photos can be copied; heirlooms from one side of the family usually go back to that side.

PRACTICAL TIP

Do the math on fights over furniture. If you are paying a lawyer by the hour to argue over a sofa worth \$800, you may have already lost money. Save your resources for the assets that matter.

Hiding assets — and how it's found

Arizona courts take concealment seriously. Under the disclosure rules, each spouse must reveal all assets, and community property that was left out of a decree can still be divided later, and a spouse caught concealing assets may face sanctions, an unequal division to account for the misconduct, and an order to pay the other side's attorney fees. Common red flags include sudden drops in business income, unexplained cash withdrawals, new accounts, overpayments to the IRS, and "loans" to friends or relatives. Subpoenas, tax-return analysis, and forensic accounting are effective tools for uncovering them.

4

CHAPTER 4

PART ONE · DIVORCE & PROPERTY

The House, Retirement Accounts, and Debt

For most families, three things make up the bulk of the financial picture: the home, the retirement accounts, and the debts. Each has its own rules and its own traps. Getting them right is often the difference between a fresh start and years of financial entanglement with a former spouse.

The family home

Options for the house

When a home is community property, there are three basic paths:

1. **Sell it and divide the proceeds.** This is the cleanest break. The parties agree on a listing agent and price, share the costs of sale, and split the net proceeds after paying off the mortgage.
2. **One spouse keeps it and buys out the other.** The spouse keeping the home pays the other half of the equity — in cash, by refinancing, or by offsetting it against other assets such as a retirement account.
3. **Defer the sale.** Sometimes spouses agree to keep the home jointly for a period — for example, until the youngest child finishes the school year. This keeps both parties tied together and works only with a detailed written agreement.

Valuing equity

Equity is the home's fair market value minus what is owed. Value is usually established by a licensed appraiser, though some couples agree on a broker's opinion. Remember that selling costs — commissions, closing costs, repairs — reduce what you actually receive. If one spouse is keeping the home, the parties should agree whether to account for hypothetical selling costs.

WATCH OUT

Removing a name from the deed does not remove it from the loan. If your spouse keeps the house and you sign a deed transferring your interest, you remain liable on the mortgage until it is refinanced or paid off. Any late payments will affect your credit. Insist on a refinance deadline — and a consequence (such as a forced sale) if it isn't met.

Can I afford to keep it?

Many people want to keep the home for emotional reasons, especially for the children's stability. That's understandable — but run the numbers. Can you qualify to refinance on your income alone (counting spousal maintenance or child support only if your lender will)? Can you cover taxes, insurance, HOA fees, maintenance, and Arizona summer utility bills? A home that strains your budget can become a trap.

When the house is separate property

If one spouse owned the home before the marriage, it starts as separate property. But if community funds — such as wages earned during the marriage — were used to pay down the mortgage principal, the community may have an **equitable lien** on the home. Arizona courts have developed formulas to calculate that lien, which generally give the community credit for the principal it paid plus a proportional share of the home's appreciation during the marriage. The calculation depends heavily on the specific facts, including the home's value at the time of marriage and any refinances.

Retirement accounts and pensions

Defined contribution plans

Accounts such as **401(k)s**, **403(b)s**, **457s**, **IRAs**, **Roth IRAs**, and the federal **Thrift Savings Plan** have a current balance. The portion attributable to contributions and growth during the marriage is community property; contributions made before marriage (and their growth) and after service are separate.

Determining the community portion can be straightforward (if the account was opened during the marriage) or require careful tracing (if there was a pre-marital balance and years of market swings).

Defined benefit pensions

A traditional **pension** promises a monthly payment at retirement rather than a lump-sum balance. Arizona courts commonly divide pensions using a **time-rule formula**: the community share is based on the fraction of the employee's service earned during the marriage. The non-employee spouse can receive a share when the benefit is paid ("deferred distribution") or, in some cases, the employee spouse may buy out that interest now based on a present-value calculation.

Common Arizona plans include the **Arizona State Retirement System (ASRS)**, the **Public Safety Personnel Retirement System (PSPRS)**, and city and county systems — each with its own rules about how a former spouse's share is paid. **Military retirement** is divisible under the federal Uniformed Services Former Spouses' Protection Act, which has its own requirements.

QDROs and similar orders

Most employer retirement plans cannot be divided by the decree alone. A separate court order — a **Qualified Domestic Relations Order (QDRO)**, or a similar order for government plans — tells the plan administrator how to split the account. The order must satisfy the plan's own requirements.

KEY POINT

Don't leave the QDRO for later. One of the most common post-divorce problems is a retirement division that was agreed to but never completed. If the employee spouse retires, remarries, or dies before the order is entered, the non-employee spouse's share can be delayed, reduced, or lost. Make preparing the QDRO part of the settlement — not an afterthought.

Taxes and penalties

Transfers between spouses under a QDRO are generally tax-free. A distribution paid to an alternate payee under a QDRO from a qualified employer plan may also be exempt from the 10% early-withdrawal penalty — a valuable exception if you need cash. IRAs are divided by a transfer "incident to divorce," but early withdrawals from an IRA typically do not get the same penalty exception. Before you cash anything out, talk to a tax professional.

Comparing apples to apples

A dollar in a traditional 401(k) is not the same as a dollar in a Roth IRA or a savings account, because taxes will eventually be paid on the traditional account. When trading one asset for another — the house for the retirement account, for example — consider the after-tax value.

Stock options, RSUs, and deferred compensation

Equity compensation can be partly community and partly separate. A common question is whether an option or RSU granted during the marriage but vesting after service was intended to reward past work (more likely community) or future work (more likely separate). Courts look at the employer's plan documents and the purpose of the award. These cases benefit from careful review of the grant agreements.

Debts

Community and separate debts

The same principles apply to debts as to assets. Debts incurred **during the marriage** are presumed to be community obligations, regardless of whose name is on the account. Debts from before the marriage or after service are generally separate.

The court will allocate community debts between the spouses, often by assigning each debt to one spouse and balancing the totals with other assets.

Creditors are not bound by your decree

Here is the hard truth: your divorce decree binds you and your former spouse — **not your creditors**. If a joint credit card is assigned to your ex in the decree and your ex stops paying, the credit card company can still pursue you. Your remedy is to go back to family court to enforce the decree against your ex, which takes time and money.

Ways to protect yourself include:

- Paying off joint debts at the time of the divorce, often from sale proceeds
- Requiring refinances out of joint names by a deadline
- Closing joint accounts so no new charges can be made
- Monitoring your credit report after the divorce
- Including indemnification language and security provisions in the decree

Student loans, tax debts, and medical bills

Student loans incurred during the marriage are presumed community, though courts may consider who benefited from the education. Tax liabilities from joint returns are typically joint; the IRS has its own "innocent spouse" relief rules. Medical bills for family members during the marriage are generally community debts.

Putting it together: the property spreadsheet

Most settlements are built on a spreadsheet that lists every asset and debt, its value, whether it's community or separate, and who will receive it. When the totals don't balance, an equalization payment closes the gap.

EXAMPLE

Example. Riley and Casey have a home with \$200,000 in equity, a 401(k) with a \$150,000 community balance in Riley's name, and \$20,000 of community credit card debt. Casey keeps the house (\$200,000) and the card debt (-\$20,000), for a net of \$180,000. Riley keeps the 401(k) (\$150,000). To equalize, Casey owes Riley \$15,000, bringing each to \$165,000. If Casey can't raise the cash, the parties might agree on payments over time secured by a lien on the house. And because the 401(k) is pre-tax money while home equity is not, Riley may reasonably argue that the 401(k) is worth less than its face value — a point worth negotiating.

5

CHAPTER 5

PART ONE · DIVORCE & PROPERTY

Spousal Maintenance

Spousal maintenance — what many people still call alimony — has changed more in Arizona over the last few years than almost any other area of family law. Since 2022, awards have been governed by statewide guidelines and a calculator, and the Arizona Supreme Court revised those guidelines again effective September 1, 2025. If you heard about spousal maintenance from a friend who divorced years ago, much of what you heard may no longer be true.

The two-step test

Arizona spousal maintenance is decided in two stages.

Step one: eligibility. The spouse requesting support must first prove that at least one of the following is true. Under A.R.S. § 25-319(A), the requesting spouse:

1. **Lacks sufficient property**, including property awarded in the divorce, to provide for his or her reasonable needs;
2. **Lacks earning ability** in the labor market adequate to be self-sufficient, or cannot be self-sufficient through appropriate employment;
3. **Contributed to the educational opportunities** of the other spouse;
4. Had a **marriage of long duration** and is of an age that may preclude finding employment adequate to be self-sufficient; or
5. **Significantly reduced his or her own income or career opportunities** for the benefit of the other spouse.

If none of these applies, there is no award — and the calculator is never reached. The calculator cannot be used to *prove* eligibility.

Step two: amount and duration under the Guidelines. If the requesting spouse is eligible, the court must apply the **Arizona Spousal Maintenance Guidelines** and their calculator to determine a range for both the amount and the length of the award. The governing principle, written into the statute, is that maintenance is awarded only for the time and in the amount needed for the receiving spouse to **become self-sufficient**.

How the calculator works

The Spousal Maintenance Calculator, published on the Arizona Supreme Court's website, uses federal consumer expenditure data to estimate what households of similar size and income spend. In simplified terms:

1. **Family size** is determined as of the date the petition was served — the spouses plus children whom at least one spouse is legally obligated to (and actually does) support.
2. **Spousal Maintenance Income** is calculated for each spouse. It starts with actual income from nearly every source — wages, bonuses, self-employment income, investment income, and more. Income may also be **attributed** (imputed) to a spouse who is voluntarily underemployed.
3. The calculator estimates the family's combined **expenditures**, and the requesting spouse's share is calculated in proportion to his or her income.
4. The **amount range** is what's left after subtracting the requesting spouse's share from the combined expenditures.

Some details from the September 2025 revision worth knowing:

- **Overtime** regularly earned during the marriage should be included, averaged over the three years before the petition was served.
- The calculator includes a **High-Income Adjustment** that starts at \$175,000 of intact family income per year and adds 1% for every additional \$2,500, up to a 70% increase.
- If combined Spousal Maintenance Income is under **\$44,000** per year, the range begins at zero, and the court may deny maintenance without it being considered a deviation.
- **Debt is not an input** in the calculator, though the court may consider debt when setting the award.
- When both spousal maintenance and child support are at issue, **spousal maintenance is determined first**.

Property and retirement assets

The court may consider income-producing property — including separate property — and may attribute a modest rate of return (the Guidelines reference 4%) when equitable. Retirement accounts get special treatment: the court generally will not attribute income from a retirement account that would require a penalty to access, and won't treat Social Security retirement benefits as income before the spouse reaches full retirement age.

Duration: the ranges

Unlike the amount, **duration ranges cannot be deviated from** in a contested case. Marriage length is measured in months from the wedding date to the date the petition was served.

LENGTH OF MARRIAGE	DURATION RANGE UNDER THE 2025 GUIDELINES
Less than 2 years (under 24 months)	3 to 12 months
2 to under 5 years (24–59 months)	6 to 36 months
5 to under 10 years (60–119 months)	6 to 48 months
10 to under 16 years (120–191 months)	12 to 60 months
16 years or more (192+ months), not under the Rule of 65	12 months up to 144 months (12 years) or 50% of the marriage length, whichever is greater

Source: Arizona Spousal Maintenance Guidelines, Arizona Supreme Court Admin. Order No. 2025-101 (effective Sept. 1, 2025).

The Rule of 65

When the requesting spouse's **age plus the length of the marriage equals 65 or more**, the duration is set case by case at the court's discretion. Three conditions must all be met:

- The requesting spouse is at least **42 years old**;
- The marriage lasted at least **16 years** (192 months); and
- Age plus marriage length is **65 or more**, both measured as of the date of service.

EXAMPLE

Examples. A 42-year-old married 23 years ($42 + 23 = 65$) qualifies. A 50-year-old married 15 years does not, because the marriage is under 16 years. A 40-year-old married 25 years does not, because of the age requirement — but the 50%-of-marriage rule could still allow up to 12.5 years.

Other special situations

- **Disability.** If the requesting spouse has a disability but its future effect is uncertain, the court sets a fixed term within the standard range; the recipient may ask to extend it before it expires. If the disability will permanently prevent self-sufficiency, duration is set case by case.

- **Extraordinary circumstances.** If a spouse proves by clear and convincing evidence that extraordinary circumstances — such as caring for a child whose condition prevents employment, or a catastrophic illness — will delay self-sufficiency, the court may set duration case by case.
- **No "lifetime" awards.** Arizona doesn't award lifetime maintenance. Indefinite awards are possible in limited cases, but they remain modifiable.

Deviations

A court may set the *amount* outside the calculator's range if an amount within the range would be inappropriate or unjust, after considering factors such as the marital standard of living, each spouse's age, health and earning history, contributions to the other's career, the cost of health insurance, excessive or abnormal spending, cost-of-living differences, tax rates, and the debts each spouse is assigned. The court must make written findings explaining any deviation.

It is **not** a deviation to order a step-down award that stays within the range, to round the payment, or to approve the parties' own agreement.

Agreements outside the Guidelines

Spouses can agree to any amount and duration — or to no maintenance at all — as long as each acknowledges awareness of the Guidelines and calculator. Parties can also agree that maintenance will be **non-modifiable**, which gives both sides certainty but removes the safety valve if circumstances change. That decision deserves careful thought.

Temporary maintenance

While a case is pending, the court can order temporary maintenance using the Guidelines' amount range. At the temporary stage, income generally isn't attributed to a receiving spouse who hasn't held full-time employment for 24 months before filing; but if that spouse is currently working, actual earnings can be used. The court also allocates community expenses — such as who pays the mortgage — and may reserve reimbursement claims for trial. Unless the court orders otherwise, temporary maintenance does **not** count toward the final award's duration.

Modification and termination

A spousal maintenance award may be modified on a showing of **substantial and continuing changed circumstances**, unless the parties agreed it would be non-modifiable. A payor's post-divorce raise alone usually isn't enough to increase support, because the former spouse has no ongoing right to share in later earnings. A payor's good-faith retirement may justify a modification once it actually happens.

To extend a fixed-term award, the recipient must file before the award ends. Unless the decree says otherwise, maintenance ends automatically on the death of either party or the remarriage of the recipient.

Taxes

For divorces finalized after 2018, spousal maintenance is **not deductible** by the payor or taxable to the recipient for federal income tax purposes. Older decrees may follow the prior rules. Because tax treatment affects real dollars, confirm the current rules with a tax professional before agreeing to an amount.

PRACTICAL TIP

Run the calculator early. Because the Guidelines make outcomes more predictable, an early calculation — with realistic incomes and any income attribution arguments — is one of the best ways to narrow a dispute and avoid paying for a fight over a number the court is unlikely to change much.

6

CHAPTER 6

PART TWO · CHILDREN

Legal Decision-Making and Parenting Time

For parents, nothing in a family law case matters more than the children. Arizona law no longer uses the word "custody" in its statutes. Instead, it divides what most people think of as custody into two separate concepts – legal decision-making and parenting time – and decides both based on one overriding question: what is in the best interests of the child?

The vocabulary

Legal decision-making is the authority to make major, non-emergency decisions about a child's:

- Education
- Health care, including mental health care
- Religious training
- Personal care decisions of significance

Parenting time is the schedule of when the child is in each parent's care. During your parenting time, you make the day-to-day decisions – meals, bedtime, homework, activities that don't conflict with the other parent's time.

Legal decision-making can be:

- **Joint** – both parents share major decisions and must confer in good faith. If they can't agree, the parenting plan should explain what happens next (for example, mediation, or one parent having final say on a particular subject after consultation).
- **Sole** – one parent has the authority to make major decisions. The other parent still has rights to information and records.
- **Joint with final say** – the parents share decision-making, but one has the final word on a defined category if they reach an impasse.

Joint legal decision-making does **not** require equal parenting time, and sole legal decision-making does not mean the other parent loses parenting time.

Arizona's policy: both parents matter

Arizona law declares it to be the state's public policy that, absent evidence to the contrary, it's in a child's best interests to have **substantial, frequent, meaningful, and continuing parenting time** with both parents, and for both parents to participate in decision-making. The statute directs courts to adopt a parenting plan that maximizes each parent's parenting time, consistent with the child's best interests.

Arizona law also says courts may **not** prefer a parent based on that parent's sex, or on the parent's or child's gender. Mothers and fathers start on equal footing.

KEY POINT

There is no automatic 50/50 rule. Equal parenting time is common in Arizona, especially when both parents live near each other and have been involved. But the statute calls for maximizing each parent's time *consistent with the child's best interests* — not a mathematical presumption. Distance, work schedules, the child's age, and safety concerns all matter.

The best-interest factors

When parents can't agree, the judge decides based on all relevant factors, including those listed in A.R.S. § 25-403(A). In summary, the court considers:

1. The past, present, and potential future **relationship between each parent and the child**
2. The child's **interaction and relationships** with parents, siblings, and others who significantly affect the child
3. The child's **adjustment to home, school, and community**
4. The child's **wishes**, if the child is of suitable age and maturity
5. The **mental and physical health** of everyone involved
6. **Which parent is more likely to allow** the child frequent, meaningful, and continuing contact with the other parent
7. Whether one parent **intentionally misled the court** to cause delay, increase costs, or gain an advantage
8. Whether there has been **domestic violence or child abuse**
9. Whether a parent **coerced** the other into an agreement
10. Whether the parents **completed the required parent education program**
11. Whether either parent was convicted of an act of **false reporting** of child abuse or neglect

When the case is contested, the court must make specific findings on the record about the relevant factors and why its decision serves the child.

Joint decision-making factors

When deciding whether to award joint legal decision-making, the court also considers whether the parents agree on it, whether a parent's lack of agreement is unreasonable or influenced by an issue unrelated to the child's best interests, the past, present and future ability of the parents to cooperate, and whether joint decision-making is logistically possible.

Special statutory concerns

Separate statutes address situations that can override the usual analysis, including domestic violence (now governed by the 2026 Alec and Lydia Act — see Chapter 7), substance abuse (if a parent has abused drugs or alcohol, or was convicted of a drug offense or DUI, within the twelve months before the request was filed, there is a rebuttable presumption against awarding that parent sole or joint decision-making), and registered sex offenders or parents convicted of certain crimes against children.

What about the child's wishes?

Children don't get to "choose" in Arizona, and there is no magic age at which a child's preference controls. The judge weighs the child's wishes alongside everything else, giving more weight to an older, mature child with sound reasons. Courts are wary of preferences that seem coached, or that reflect a desire for fewer rules.

How a child's views reach the court is handled carefully. Judges may interview a child in chambers, appoint a **Best Interests Attorney** or **Court-Appointed Advisor**, or order a **Child Interview** or evaluation through Conciliation Services. Parents should never ask children to testify, sign statements, or carry messages.

Evaluations and experts

In high-conflict cases, the court may order:

- A **custody evaluation** by a psychologist, who interviews parents and children, reviews records, and makes recommendations
- A **parenting conference** or other assessment through Conciliation Services
- **Drug and alcohol testing**

- Appointment of a **Best Interests Attorney** or **Court-Appointed Advisor** to represent or investigate on behalf of the child

These tools are valuable but can add months and significant cost.

The parenting plan

Every Arizona case involving children ends with a **parenting plan** — a detailed document that governs the parents' relationship going forward. A good plan addresses:

- Legal decision-making (joint or sole) and how disagreements will be resolved
- The regular weekly schedule
- **Holidays** and special days: Thanksgiving, winter break, spring break, Mother's Day, Father's Day, birthdays, Halloween
- **Summer** schedules and vacation notice requirements
- Exchanges: where, when, and who transports
- Communication between parents (many use co-parenting apps such as OurFamilyWizard or TalkingParents)
- Communication between child and the other parent during each parent's time
- Access to school, medical, and activity records
- Travel, passports, and out-of-state notification
- Rights of first refusal, if desired
- A process for periodic review or resolving future disputes

PRACTICAL TIP

Vague plans breed conflict. "Reasonable parenting time as agreed" sounds friendly but gives no guidance when parents stop agreeing. Specific pick-up times, holiday rotations, and notice deadlines protect both parents — and the children.

Common Arizona schedules

SCHEDULE	HOW IT WORKS	OFTEN USED WHEN
5-2-2-5	Parent A has Mon–Tue, Parent B has Wed–Thu, parents alternate Fri–Sun	Equal time; school-age children; parents live close together
2-2-3	Two days, two days, three days, rotating each week	Equal time with younger children who benefit from shorter separations
Alternating weeks	One week with each parent, exchanged on a set day	Older children and teens; parents with fewer exchanges preferred
3-4-4-3	Three days with one parent, four with the other, then switch	Equal time with a predictable weekly anchor
Alternating weekends plus midweek	One parent has every other weekend and a midweek visit or overnight	Distance between homes, work constraints, or a parent rebuilding time
Long-distance	Most of the school year with one parent; most of summer and alternating breaks with the other	Parents living in different states or far apart

The Arizona Supreme Court publishes a guide — *Planning for Parenting Time: Arizona's Guide for Parents Living Apart* — with model schedules by age. It's a helpful starting point for discussion.

Infants and young children

Very young children benefit from frequent contact with both parents and consistent routines. Schedules for infants and toddlers often involve shorter, more frequent blocks of time, with gradual step-ups as the child grows. Many plans build in automatic changes at defined ages.

Teenagers

Teens have school, jobs, friends, and activities. Rigid schedules can backfire. Many parenting plans for teens build in flexibility while keeping a clear default.

Temporary orders and "status quo"

Courts often look at how the family has functioned — who has been doing what for the children — especially at the temporary orders stage. If you've been an involved parent, keep being one: attend school events and medical appointments, communicate with teachers, and follow the schedule.

Co-parenting after the order

The parenting plan is only as good as the parents' willingness to follow it. A few principles help:

- Keep communication **brief, informative, friendly, and firm** — and child-focused
- Never use the children as messengers or discuss the case with them
- Never speak badly about the other parent in front of the children
- Follow the plan precisely, especially exchange times
- Document violations calmly; don't retaliate

If the other parent repeatedly denies parenting time, Arizona law provides remedies, including make-up time, parenting classes, counseling, fees, and contempt. Chapter 8 covers enforcement and modification.

7

CHAPTER 7

PART TWO · CHILDREN

Domestic Violence, Safety, and the Alec and Lydia Act

On June 22, 2026, Arizona enacted the most significant overhaul of how family courts handle domestic violence in decades. Known as the Alec and Lydia Act, House Bill 2995 took effect immediately and rewrote the statute that governs domestic violence in legal decision-making and parenting time cases. This chapter explains the new framework, how protective orders work, and what to do if you or your children are not safe.

WATCH OUT

If you are in immediate danger, call 911. For confidential help 24 hours a day, contact the National Domestic Violence Hotline at 1-800-799-7233 (text START to 88788), or reach Arizona's statewide domestic violence resources through the Arizona Coalition to End Sexual and Domestic Violence. Safety planning comes before legal strategy.

Why the law changed

The Act is named for Alec and Lydia, two young Arizona siblings killed by their father in 2024 during a custody dispute, after their mother had repeatedly raised concerns about his history of domestic violence. Their deaths prompted lawmakers to rethink how family courts evaluate abuse allegations. The bill passed with broad bipartisan support and carried an emergency clause, so it became effective the day it was signed.

What the Alec and Lydia Act does

The Act rewrote A.R.S. § 25-403.03 and made conforming changes to the statutes governing temporary orders (§ 25-404) and modifications (§ 25-411). The key changes include:

Safety is the highest priority

The statute now declares, as Arizona public policy, that domestic violence and child abuse are contrary to a child's best interests, and that the physical, mental, and emotional safety of the child and the victim is the highest priority in any legal decision-making or parenting time case.

Allegations must be resolved first — with written findings

When domestic violence is alleged, the court must resolve the allegation and make **specific written findings** on the evidence **before** entering legal decision-making or parenting time orders — including temporary orders.

A clear standard of proof, with no corroboration requirement

Domestic violence is established by a **preponderance of the evidence** — meaning it is more likely true than not. The statute expressly states that **corroborating evidence is not required**. A judge may make a finding based on credible testimony alone.

Coercive control is domestic violence

Arizona's family court definition of domestic violence now expressly includes **coercive control** — a pattern of threatening, controlling, or emotionally abusive behavior. Depending on the facts, this can include financial abuse, isolation from friends and family, surveillance or tracking, threats, degrading treatment, and using the court process itself as a weapon. Other acts of domestic violence against a different person can be considered as evidence of coercive control.

Evidence the court must consider

The court must consider, among other things, determinations of fact by another court, reports and evidence from law enforcement, the Department of Child Safety, or other agencies, school records, witness testimony, and — with the victim's consent or waiver — medical, behavioral health, and shelter records.

A rebuttable presumption against the abusive parent

If the court finds a parent committed domestic violence, a **rebuttable presumption** arises that awarding that parent legal decision-making or parenting time is contrary to the child's best interests. To overcome it:

- For **sole or joint legal decision-making** or **unsupervised parenting time**, the parent must rebut the presumption by **clear and convincing evidence**.
- For **supervised parenting time**, the parent must rebut it by a **preponderance of the evidence**.

In weighing whether the presumption has been rebutted, the court may not rely on the fact that the child was absent from or unaware of the violence, or on the child's wish to keep or increase contact with the abusive parent.

Protective conditions and limits on joint programs

The statute lists precautions the court must take to protect the child and the victim parent. The court may **not** order a victim to participate in counseling, treatment, or a forensic assessment jointly with the abusive parent, and it may not order reunification therapy without both parents' consent — continuing a limit Arizona first adopted in 2024.

Effect on modifications

If a parent doesn't overcome the presumption, it carries forward into later modification proceedings. On a petition to modify, the court considers preliminarily whether there is new evidence that overcomes the presumption, along with whether circumstances have changed.

KEY POINT

Open questions remain. Because the Act is so new, courts will be interpreting it for years — including how it applies to cases pending when it took effect, how broadly "coercive control" reaches, and what happens when both parents allege abuse. If domestic violence is an issue in your case, get advice specific to the current state of the law.

If you are accused

The new framework raises the stakes for parents accused of domestic violence. If you are facing allegations, take them seriously from the first day. Do not contact the other parent in violation of any order. Preserve your own records, messages, and witnesses, and get legal help before any hearing — including a protective order hearing, because findings there can carry into the family case.

Protective orders in Arizona

Arizona offers several types of civil protective orders.

ORDER	WHO IT'S FOR	HOW LONG IT LASTS
Order of Protection (OP)	Victims of domestic violence by a spouse or former spouse, a person you live or lived with, a co-parent, a relative, or a current or former romantic partner	Two years from service on the defendant
Emergency Order of Protection (EOP)	Issued by an on-call judicial officer, often at law enforcement's request, when there is immediate danger outside court hours	A short period (about a week, unless continued); file for a regular OP promptly
Injunction Against Harassment (IAH)	Harassment by someone who doesn't have a qualifying family or dating relationship with you	One year from service

An order that isn't served within one year after it's issued expires.

What an Order of Protection can do

An OP can order the defendant to:

- Stop committing domestic violence
- Have no contact with the plaintiff (and, in some cases, the children)
- Stay away from the plaintiff's home, workplace, school, and other protected locations
- Leave a shared home, giving the plaintiff exclusive use
- Surrender firearms, if the court finds a credible threat to physical safety

How to get one

You can file a petition with any superior court, justice court, or municipal court, and in many cases online through the Arizona courts' AZPOINT system. A judicial officer reviews your petition, usually the same day, and may issue the order without the defendant present. Once served, the defendant may request a hearing, where both sides can present evidence.

If a family court case is already pending between you and the other parent, the protective order may be handled within that case, and the family court judge will consider it when making parenting decisions.

Protective orders and the family case

A protective order is not a parenting plan. If you have children together, a protective order may temporarily limit contact, but it doesn't create a long-term parenting schedule. You will usually need to file for legal decision-making and parenting time orders — often on an emergency or expedited basis.

Emergency custody orders

If a child is at risk of irreparable harm, a parent can request **temporary orders without notice** (an "emergency" or *ex parte* order) in the family case. The request must be supported by a sworn statement showing specific facts. If granted, the court sets a prompt return hearing where the other parent can respond. Courts take these requests seriously and expect them to be used only in genuine emergencies.

Address confidentiality

Arizona's **Address Confidentiality Program** allows victims of domestic violence, sexual offenses, and stalking to keep their actual address out of public records. Legislation signed in 2026 strengthened these protections — including providing that a parent's participation in the program cannot be treated by the court as evidence of instability, alienation, or failure to cooperate, and adding criminal penalties for wrongfully obtaining or disclosing a participant's information.

A safety-first checklist

CHECKLIST

- ☐ Keep a secure log of incidents: dates, what happened, witnesses, injuries, police report numbers
- ☐ Save threatening texts, emails, voicemails, and social media messages — screenshots with dates, plus backups in an account the other person can't access
- ☐ Photograph injuries and property damage
- ☐ Check your phone, car, and accounts for tracking apps, shared locations, and unknown devices
- ☐ Identify a safe place to go and a trusted person who knows your plan
- ☐ Keep copies of important documents (IDs, birth certificates, financial records) in a safe place
- ☐ Tell your children's school who is authorized to pick them up, and provide a copy of any protective order

8

CHAPTER 8

PART TWO · CHILDREN

Relocation, Modification, and Enforcement

Parenting plans are written for the family as it exists today — but children grow, jobs change, parents remarry, and people move. Arizona law provides structured ways to change orders when life changes, and to enforce them when the other parent won't follow them. This chapter covers both, starting with one of the most hotly contested issues in family law: moving away with the children.

Relocation

When the relocation statute applies

Arizona's relocation statute, A.R.S. § 25-408, applies when there is a written agreement or court order for legal decision-making or parenting time, and **both parents live in Arizona**. In that situation, a parent who wants to move with the child must give notice if the move is:

- **Outside Arizona**, or
- **More than 100 miles away within Arizona**

Notice requirements

The parent planning to move must give the other parent **at least 45 days' advance written notice**, sent by **certified mail, return receipt requested**, or served under the court rules. The other parent then has **30 days after receiving notice** to petition the court to prevent the move.

If the non-moving parent doesn't object within that window, the move may proceed — though the parenting time schedule will still need to be adjusted, ideally by agreement or court order.

WATCH OUT

Don't move first and ask later. Moving without proper notice or over a timely objection can backfire badly. The court may order the child returned, count the failure to give notice against you, and award the other parent attorney fees. Separately, the preliminary injunction in a pending divorce prohibits removing children from Arizona without consent or a court order.

How the court decides

The parent seeking to relocate bears the burden of proving the move is in the child's best interests. In addition to the general best-interest factors, the court considers relocation-specific factors, including:

- Whether the move is being made or opposed **in good faith** — not to interfere with the other parent's relationship

- The **prospective advantage** of the move for improving the general quality of life for the custodial parent or the child
- The **likelihood that the moving parent will comply** with a substitute parenting schedule
- Whether the move will allow a **realistic opportunity for parenting time** with each parent
- The **potential effect** of the move on the child's stability
- The extent to which **moving or not moving** will affect the child's emotional, physical, or developmental needs
- The motives of each parent and whether either is seeking a financial advantage in support
- The **child's need** for continuing contact with extended family

Relocation cases are fact-intensive. A strong case includes concrete details: the new job offer, the new school's ratings, the proposed long-distance schedule, and a plan for sharing transportation costs.

Temporary moves and military parents

Arizona law contains special provisions for parents in the military. A deployment or temporary duty assignment generally may not, by itself, be the basis for a permanent change in legal decision-making or parenting time, and a military parent may be able to delegate parenting time to a family member during deployment. If you or the other parent serves, talk to a lawyer about these protections.

Modifying legal decision-making and parenting time

Timing rules

To promote stability, Arizona generally doesn't allow a parent to file to modify legal decision-making or parenting time until **one year** after the last order — unless:

- There is reason to believe the child's present environment **may seriously endanger** the child's physical, mental, moral, or emotional health; or
- Other exceptions apply, such as domestic violence or child abuse occurring since the last order, or a parent's failure to comply with the parenting plan, which may allow a petition after a shorter period.

The standard

The parent seeking modification must show a **material change of circumstances affecting the child's welfare** since the last order. If the court finds such a change, it then decides whether modification is in the child's best interests, using the same factors described in Chapter 6 — and, after June 2026, the domestic violence framework in Chapter 7.

Common reasons for modification include:

- A child's changing developmental needs (a plan built for a toddler rarely fits a teenager)
- A parent's move, new work schedule, or remarriage
- A parent's consistent failure to exercise parenting time
- Substance abuse, neglect, or safety concerns
- A mature child's well-reasoned preference
- Repeated interference with the other parent's relationship with the child

PRACTICAL TIP

Try agreement first. If both parents agree on a change, they can submit a stipulated modification to the court for approval. Informal agreements that are never filed are risky — the old order stays enforceable, and memories differ later.

Enforcing parenting time

When a parent refuses to follow the parenting plan, the other parent can file a **Petition to Enforce Parenting Time**. Arizona law gives the court broad tools. If the court finds a parent has failed to comply without good cause, it may:

- Order **make-up parenting time**
- Order parent education classes or family counseling
- Order **mediation** or other services
- Order the noncompliant parent to pay the other parent's **attorney fees and costs**
- Hold the parent in **contempt** of court
- Order supervised exchanges or a parenting coordinator
- Consider the conduct in any later modification

Courts expect parents to follow orders even when the other parent is difficult. Withholding a child because child support is late, or refusing to pay support because parenting time is being denied, are both improper. The obligations are independent.

Parenting coordinators

In high-conflict cases, the court may appoint a **parenting coordinator** — a neutral professional who helps parents resolve day-to-day disputes about the parenting plan (exchange logistics, schedule conflicts, activities) without returning to court each time. Parenting coordinators can make binding recommendations on certain issues, subject to the court's review.

Modifying property orders

Unlike parenting and support orders, the **division of property is generally final** once the decree is entered. It can be reopened only in limited circumstances — such as fraud, mistake, or newly discovered evidence, usually within strict deadlines — or to divide property the decree failed to address. That finality is why careful disclosure and review matter so much before you sign.

Enforcing financial orders

If a former spouse fails to make an equalization payment, transfer property, refinance a loan, or pay a debt as ordered, you can ask the court to enforce the decree. Remedies can include a money judgment, liens, garnishment, contempt, and attorney fees. Chapter 9 covers child support enforcement specifically.

9

CHAPTER 9

PART TWO · CHILDREN

Child Support

Every Arizona parent has a legal duty to support his or her children. Child support is calculated using statewide guidelines adopted by the Arizona Supreme Court, and the result is presumed to be correct unless a judge finds that applying the guidelines would be inappropriate or unjust in a particular case. This chapter explains how the number is calculated, what can change it, and how support is paid, modified, and enforced.

The income shares model

Arizona uses the **income shares model**. The idea is simple: a child should receive the same proportion of parental income that he or she would have received if the parents lived together. The guidelines estimate what intact families at various income levels spend on children, then divide that amount between the parents in proportion to their incomes.

The Arizona Child Support Guidelines in effect as of this writing took effect January 1, 2022. The Supreme Court must review the guidelines at least once every four years, so check for updates — a new review cycle is underway in 2026.

Step by step

1. Determine each parent's Child Support Income

Child Support Income is broadly defined and includes salaries, wages, commissions, bonuses, self-employment income, rental income, dividends, pensions, Social Security benefits, unemployment, workers' compensation, disability benefits, and spousal maintenance received. Some things are excluded — for example, child support received for other children and means-tested public assistance such as TANF and SSI.

For self-employed parents, income is gross receipts minus ordinary and necessary business expenses; courts look carefully at personal expenses run through a business.

2. Consider income attribution

If a parent is unemployed or working below his or her ability without good reason, the court may **attribute** income based on earning capacity — considering work history, education, skills, and the local job market. At a minimum, the guidelines generally presume a parent can earn at least **full-time minimum wage** (Arizona's 2026 minimum wage is \$15.15 per hour). Income generally won't be attributed in certain situations, such as a parent who is incarcerated, a parent caring for a young child where childcare would be prohibitive, or a parent pursuing reasonable education or training.

3. Make adjustments to income

Each parent's income is adjusted for:

- **Spousal maintenance** paid (subtracted from the payor, added to the recipient)
- **Court-ordered child support** paid for children of other relationships
- Support for **other children** living with the parent

4. Find the Basic Child Support Obligation

The parents' adjusted incomes are combined, and the **Schedule of Basic Support Obligations** provides the basic amount for that combined income and number of children. The schedule covers combined monthly incomes up to \$30,000. Above that, the court generally uses the top of the schedule but may order more if it's in the child's best interests.

5. Add other costs

The following are added to the basic obligation:

- **Medical, dental, and vision insurance premiums** attributable to the children
- **Childcare costs** reasonably necessary for a parent to work or attend school
- **Extraordinary education expenses** (such as private school), if the court finds them appropriate
- **Extraordinary child expenses**, such as costs for a gifted or special-needs child, when appropriate

6. Allocate between the parents

The total is divided according to each parent's percentage of combined income.

7. Apply the parenting time adjustment

Because the parent with less parenting time still pays for food, housing, and entertainment while the child is in his or her care, the guidelines reduce that parent's obligation based on the amount of parenting time. Parenting time is counted using defined time blocks, and a table assigns the adjustment percentage. The more time, the larger the reduction. With **equal parenting time**, the guidelines apply a special approach, and the higher-earning parent will usually still pay some support.

8. Consider other factors

Additional adjustments may apply, such as an allocation of travel expenses for long-distance parenting time, and a **self-support reserve** test that helps ensure a low-income paying parent can meet his or her own basic needs.

EXAMPLE

Simplified example. Parent A earns \$6,000 per month and Parent B earns \$4,000, for a combined \$10,000. Under the 2022 schedule, the basic obligation for one child at that combined income is about \$1,274 per month. Parent A's share is 60%, or about \$764 before any additions. If Parent A also pays a \$200 monthly premium for the child's health insurance and Parent B pays \$600 a month in work-related childcare, those amounts are added to the total and allocated 60/40, with each parent credited for what he or she pays directly. Finally, Parent A's obligation is reduced by the parenting time adjustment that matches the schedule. *This is a teaching illustration only – always run the official calculator with real figures.*

Deviations

The guideline amount is presumed correct, but a court may **deviate** if applying the guidelines would be inappropriate or unjust, after considering the child's best interests. The court must make written findings explaining why. Parents can also agree to a deviation, but the court must still find the agreed amount is in the child's best interests. Courts take deviations seriously; support belongs to the child, and parents cannot simply bargain it away.

Uncovered medical expenses

Medical, dental, vision, and counseling costs not covered by insurance are typically shared in proportion to income. The guidelines set out a procedure: the parent who incurs the expense must provide documentation to the other parent within a set time, and the other parent must reimburse his or her share within a set time. Follow the procedure – it protects your right to reimbursement.

Tax benefits

The guidelines generally allocate the federal tax benefits associated with the children – such as the dependency-related credits – between the parents in proportion to their incomes, often by alternating years. A parent may be required to be current on support to claim a benefit. The decree should spell out who claims each child in which years, and the parties may need to sign IRS Form 8332.

How long does support last?

Child support generally continues until the child turns **18**. If the child is still attending high school or a certified equivalent program at 18, support continues until the child graduates or turns **19**, whichever comes first. Support may continue past majority for an adult child with a severe disability that began before the age of majority, if the court finds it appropriate. Arizona does not require parents to pay for college, though parents can agree to share those costs.

Paying and receiving support

Child support in Arizona is generally paid through the **Arizona Support Payment Clearinghouse**, which keeps an official record of payments. In most cases the court issues an **income withholding order**, so support is deducted directly from the paying parent's paycheck. Payments made directly to the other parent outside the clearinghouse may not be credited — avoid them unless the court has approved direct payment.

Modification

Either parent may ask to modify support when there has been a **substantial and continuing change of circumstances** — for example, a job loss or significant raise, a change in parenting time, a new child of another relationship, or a change in childcare or insurance costs.

Arizona provides a **simplified modification** process when applying the guidelines to the parents' current circumstances would change the support amount by at least **15%**. If the other parent doesn't request a hearing, the court may enter the modified amount without one.

KEY POINT

File promptly. A modification generally takes effect no earlier than the first day of the month after the other parent receives notice of the petition. Support cannot be modified retroactively before that date — so if your income drops, don't wait months before filing. Informal agreements to reduce support are not binding unless approved by the court.

Enforcement

Unpaid child support becomes a judgment by operation of law, and Arizona has powerful enforcement tools, including:

- Income withholding and garnishment of wages and bank accounts

- Interception of state and federal tax refunds
- Liens on real and personal property
- Suspension of driver's, professional, and recreational licenses
- Reporting to credit bureaus
- Denial of a U.S. passport when arrears exceed the federal threshold
- Contempt of court, which can include jail
- Criminal prosecution in serious cases

Parents may enforce support themselves through the family court or seek help from the state's **Division of Child Support Services (DCSS)**, which can locate parents, establish paternity, and enforce orders.

Child support when parents never married

If parents were never married, past support can generally be ordered back to the date of filing, and in many cases for up to **three years before** the petition was filed, taking into account any support already paid. Chapter 10 covers paternity cases in more detail.

10

CHAPTER 10

PART THREE · OTHER FAMILY MATTERS

Paternity and Unmarried Parents

Many Arizona children are born to parents who are not married to each other. Those parents have the same rights and responsibilities as married parents – but they don't get a divorce case to sort everything out. Instead, they need a paternity (or "maternity") case to establish legal parentage, decision-making, parenting time, and support. This chapter explains how that works.

Why legal parentage matters

Until legal parentage is established, a biological father has no enforceable court order for parenting time or decision-making, and the child has no enforceable right to support from him. Establishing parentage gives the child:

- A legal relationship with both parents
- The right to financial support and medical insurance
- Inheritance rights and access to benefits such as Social Security and veterans' benefits
- Access to family medical history
- The foundation for a parenting plan that protects the child's relationship with both parents

Presumptions of paternity

Arizona law presumes a man is the father of a child if:

- He was **married to the mother** at any time in the ten months immediately before the child's birth;
- **Genetic testing** shows at least a 95% probability of paternity;
- Both parents — who are not married to each other — **signed the birth certificate**; or
- Both parents signed a **voluntary acknowledgment of paternity** filed with the state or the court.

A presumption can be rebutted by clear and convincing evidence, such as genetic testing showing another man is the father.

Voluntary acknowledgment

Many unmarried parents sign an **Acknowledgment of Paternity** at the hospital after birth, or later through the Arizona Department of Health Services or DCSS. A valid acknowledgment has the same effect as a court judgment of paternity. Either parent may **rescind** it within **60 days** after signing (or before a court proceeding involving the child, if earlier). After that, it can be challenged only on limited grounds such as fraud, duress, or material mistake of fact.

KEY POINT

An acknowledgment is not a parenting plan. Signing the birth certificate or an acknowledgment establishes legal fatherhood, but it doesn't create any schedule or decision-making order. Without a court order, there's nothing to enforce if parents disagree. Both parents benefit from filing for formal orders.

Starting a paternity case

Either parent — and in some cases the state — may file a **Petition to Establish Paternity, Legal Decision-Making, Parenting Time, and Child Support**. The process resembles a divorce:

1. File the petition and serve the other parent
2. The other parent responds (20 days in Arizona, 30 days if served outside the state)
3. If paternity is disputed, the court orders **genetic testing**
4. Exchange financial disclosure
5. Temporary orders, mediation, and settlement efforts as needed
6. A judgment establishing paternity and entering a parenting plan and support order

There is no 60-day waiting period in a paternity case, because no marriage is being dissolved.

Genetic testing

If parentage is disputed, the court can order the mother, child, and alleged father to submit to genetic testing — typically a painless cheek swab. A result showing at least a 95% probability of paternity creates a presumption. Refusing to test can lead the court to draw conclusions against the refusing party.

Legal decision-making and parenting time

Once parentage is established, legal decision-making and parenting time are decided using exactly the same best-interest standards that apply in a divorce (Chapter 6), including Arizona's policy favoring meaningful time with both parents and the 2026 domestic violence framework (Chapter 7).

Courts recognize that some fathers have had limited time with a child before the case — sometimes because the mother controlled access. Judges often order a **graduated schedule** that builds the relationship step by step, especially with very young children.

Child support and past support

Child support is calculated under the same guidelines described in Chapter 9. In paternity cases, the court may also order **past support** — generally up to **three years** before the petition was filed — considering any support the father already provided, the circumstances, and whether the father knew about the child. The court may also order reimbursement of reasonable pregnancy and birth expenses in appropriate cases.

Name changes

The child's surname can be addressed in a paternity case. Courts decide disputes about a child's name based on the child's best interests, not the preference of either parent.

Same-sex parents and assisted reproduction

Parentage questions for same-sex couples and families formed through assisted reproduction or surrogacy can be complex, and the law in this area continues to develop. Married same-sex spouses are generally entitled to the same presumptions as different-sex spouses. Second-parent or stepparent adoption remains the most secure way to protect a non-biological parent's rights in many situations. If this describes your family, get advice tailored to your circumstances.

Disestablishing paternity

Sometimes a man who is the legal father later learns he is not the biological father. Arizona allows a legal father to seek to set aside a paternity determination in limited circumstances, but there are strict deadlines and the court considers the child's best interests. Setting aside paternity generally doesn't erase support that was already owed. Act quickly if you believe there's a problem.

11

CHAPTER 11

PART THREE · OTHER FAMILY MATTERS

Grandparents, Stepparents, and Third-Party Rights

Children's lives are full of important adults beyond their parents — grandparents who help raise them, stepparents who become central figures, aunts and uncles who step in during a crisis. Arizona law allows some of these "third parties" to seek visitation or even legal decision-making, but the bar is deliberately high. The U.S. Constitution protects a fit parent's right to make decisions about his or her own child, and Arizona's statute reflects that.

Two kinds of third-party claims

A.R.S. § 25-409 creates two separate paths:

1. **Third-party legal decision-making** — essentially a request to take on parental authority, and often primary care of the child
2. **Third-party visitation** — a request for a visitation schedule, usually by a grandparent or great-grandparent

Third-party legal decision-making

A person other than a legal parent may ask for legal decision-making only if **all** of the following are true:

- The person stands **in loco parentis** to the child — meaning he or she has been treated by the child as a parent and has formed a meaningful parental relationship with the child for a substantial period of time;
- It would be **significantly detrimental** to the child to remain or be placed in the care of either legal parent who wishes to keep or obtain legal decision-making;
- A court has not entered or approved an order concerning legal decision-making within **one year** before the petition is filed, unless the child's present environment may seriously endanger the child; and
- One of the following applies: one legal parent has died; the legal parents are not married to each other; or a proceeding for dissolution or legal separation is pending.

There is a **rebuttable presumption** that it's in the child's best interests to award legal decision-making to a legal parent. The third party must overcome it by **clear and convincing evidence** showing that awarding decision-making to the legal parent isn't consistent with the child's best interests.

Grandparent and great-grandparent visitation

Grandparents, great-grandparents, and others standing in loco parentis may petition for visitation if one of the following applies:

- One of the child's legal parents has **died** or has been **missing** for at least three months;
- The child was **born out of wedlock** and the legal parents are not married to each other when the petition is filed; or
- The legal parents' marriage has been **dissolved for at least three months**, or a proceeding for dissolution or legal separation is pending.

The court can grant visitation only if it's in the child's best interests. Because a fit parent's decisions are entitled to **special weight**, the court gives significant deference to the parent's views about whether visitation should occur and how much. Factors include the historical relationship between the child and the grandparent, the motivation behind the request and the objection, the amount of visitation requested and its impact on the child's routine, and the benefit of maintaining an extended family relationship.

PRACTICAL TIP

Grandparents: lead with cooperation. Courts respond best to grandparents who support the parents' role, have a documented history of involvement, and request a modest schedule that fits around the child's life. A petition that reads as a challenge to the parent's authority rarely succeeds.

Stepparents

A stepparent has no automatic rights to a stepchild after a divorce. But a stepparent who has acted as a parent may qualify as a person standing in loco parentis and can petition under the rules above. The most secure way for a stepparent to gain full legal rights is a **stepparent adoption**, which generally requires the consent of the other biological parent or termination of that parent's rights.

Kinship care and guardianship

When parents are temporarily unable to care for a child — because of illness, incarceration, military deployment, or substance abuse — relatives sometimes care for the child informally. Options to formalize that arrangement include:

- A **power of attorney** delegating parental authority for a limited time
- **Title 14 guardianship** through the probate court, often with parental consent
- **Third-party legal decision-making** through the family court
- In dependency cases involving the Department of Child Safety, **permanent guardianship** through the juvenile court

Each path has different requirements and consequences. The right choice depends on whether the parents consent, how long care will be needed, and whether DCS is involved.

Practical considerations

Third-party cases are emotionally charged and legally demanding. Before filing:

- Gather evidence of your relationship with the child: photos, school records, medical records, communications, and witnesses
- Document any concerns about the child's safety carefully and factually
- Consider mediation — many grandparent visitation disputes resolve with a simple agreed schedule
- Remember that the parents may have their own reasons for limiting contact, and that a lawsuit may affect your family relationships for years

12

CHAPTER 12

PART THREE · OTHER FAMILY MATTERS

Legal Separation, Annulment, Covenant Marriage, and Marital Agreements

Not every family law matter ends a marriage in the ordinary way. Some couples want to separate their lives without divorcing. Some marriages were never legally valid. Some couples chose a covenant marriage that limits the grounds for divorce. And more couples than ever want to define their financial rights by contract — before or during marriage. This chapter covers each of these paths, including Arizona's new 2026 postnuptial agreement statute.

Legal separation

What it does

A **decree of legal separation** resolves nearly everything a divorce resolves — division of property and debt, spousal maintenance, legal decision-making, parenting time, and child support — but the spouses **remain married**. Neither can remarry. Once the decree is entered, the marital community ends, so each spouse's future earnings and debts are separate.

Why people choose it

- Religious or personal objections to divorce
- Hope of eventual reconciliation, with finances protected in the meantime
- Preserving eligibility for certain benefits (for example, some employer health plans — though many plans treat legal separation like divorce, so verify before relying on this)
- Specific tax or immigration considerations, evaluated with appropriate professionals

Key differences from divorce

- **No 90-day residency requirement.** A legal separation can be filed as long as one spouse is domiciled in Arizona at the time of filing (or stationed here). This is sometimes used by newly arrived couples who need orders right away.
- **Both spouses must agree to a legal separation.** If one spouse objects and asks for a divorce instead, the case generally proceeds as a dissolution.
- **No 60-day waiting period** before a decree can be entered.
- A legal separation can later be converted to a divorce by filing a new petition, using the existing orders as the foundation.

Annulment

An **annulment** declares that a valid marriage never existed. It's appropriate only when there was a legal impediment at the time of the marriage. Arizona recognizes two categories:

- **Void marriages** — invalid from the start, such as a marriage where one spouse was already married to someone else, or a marriage between close relatives prohibited by law.
- **Voidable marriages** — marriages that can be annulled because of a defect such as fraud going to the essence of the marriage, lack of genuine consent, lack of capacity, or an underage party without the required consent.

The 90-day residency requirement does not apply. Even when a marriage is annulled, the court can still divide property acquired during the relationship, order support, and make parenting orders for children. Children of an annulled marriage are not affected in their legal status.

KEY POINT

Annulment isn't a shortcut for short marriages. A short marriage, buyer's remorse, or unhappiness alone is not a basis for annulment. Most short marriages end through an ordinary divorce.

Covenant marriage

Since 1998, Arizona couples have been able to choose a **covenant marriage**, which requires premarital counseling and a signed declaration that the couple intends the marriage to be lifelong. Couples already married may convert to a covenant marriage.

A covenant marriage can be dissolved only on one of the grounds listed in A.R.S. § 25-903:

1. **Adultery** by the other spouse
2. The other spouse committed a **felony** and was sentenced to death or imprisonment
3. The other spouse **abandoned** the home for at least one year before filing and refuses to return
4. The other spouse **physically or sexually abused** the filing spouse, a child, or a relative living permanently in the home, or committed domestic violence or emotional abuse
5. The spouses have lived **separate and apart continuously** without reconciliation for at least **two years** before filing
6. The spouses have lived separate and apart continuously without reconciliation for at least **one year from the date a decree of legal separation** was entered
7. The other spouse has **habitually abused** drugs or alcohol

8. Both spouses agree to the dissolution

The final ground — mutual agreement — means that a covenant marriage can end by consent. When one spouse wants out and the other doesn't, however, the filing spouse must prove a statutory ground.

Premarital agreements

A **premarital agreement** (prenup) is a contract made before marriage that becomes effective on the marriage. Arizona has adopted the Uniform Premarital Agreement Act. A prenup must be **in writing and signed by both parties**, and it can address:

- Ownership and management of property
- What happens to property on separation, divorce, or death
- Spousal maintenance — including limits or waivers
- Life insurance and estate planning
- Choice of law

A prenup **cannot** adversely affect a child's right to support, and it can't decide legal decision-making or parenting time in advance.

A premarital agreement is **not enforceable** if the person challenging it proves that he or she didn't sign voluntarily, or that the agreement was unconscionable when signed *and* that, before signing, he or she wasn't given fair and reasonable disclosure of the other's property and obligations, didn't waive that disclosure in writing, and didn't have adequate knowledge of the other's finances. If a maintenance waiver would leave a spouse eligible for public assistance, a court may order support anyway, to the extent necessary to avoid that hardship.

PRACTICAL TIP

Prenup best practices. Sign well in advance of the wedding — not the week before. Exchange full financial disclosure in writing and attach it. Have each person represented by his or her own lawyer. Keep separate property genuinely separate during the marriage, or the agreement can be undermined by commingling.

Postnuptial agreements — the 2026 law

For decades, Arizona had no statute specifically governing **postnuptial agreements** — contracts signed during a marriage. Courts enforced them under case law that placed a heavy burden on the spouse seeking enforcement, who had to show the agreement was fair and that the other spouse entered into it with full knowledge.

In 2026 the Legislature passed **House Bill 2861**, signed by Governor Hobbs in April 2026. The new law:

- Defines a postnuptial agreement as an agreement entered into during marriage to divide or delineate one or both spouses' property interests
- Requires the agreement to be **in writing and signed by both spouses**, effective on signing
- Adds a new statute, A.R.S. § 25-202.01, setting enforcement standards and shifting the burden to the spouse **challenging** the agreement
- Extends the Premarital Agreement Act's provisions on scope, amendment, revocation, and limitation periods to postnuptial agreements — putting the two types of agreements on essentially equal footing

As enacted through the ordinary legislative process, the new law takes effect 90 days after the end of the 2026 legislative session, in fall 2026. Commentators expect it to apply to agreements signed on or after its effective date, since the bill doesn't say it applies retroactively; older agreements will likely continue to be evaluated under prior case law.

When a postnup makes sense

- One spouse starts a business, and the couple wants to define ownership
- One spouse receives a large inheritance and wants it kept separate
- A couple is reconciling after a separation and wants clear financial terms
- A couple wants to convert community property to separate property (or vice versa) for estate planning
- Spouses want to update or replace an outdated prenup

Because postnups are signed when the parties already owe each other duties as spouses, careful disclosure and independent legal advice for each spouse remain essential, even under the new law.

13

CHAPTER 13

PART FOUR · MOVING FORWARD

Costs, Your Legal Team, and Taking Care of Yourself

The legal rules are only part of a family law case. How much it costs, how well you work with your lawyer, how you conduct yourself, and how you care for yourself and your children along the way often shape the outcome as much as the law does. This chapter offers practical guidance from the perspective of attorneys who have walked many families through the process.

What does a family law case cost?

The honest answer is: it depends — mostly on how much the parties disagree. The largest driver of cost is conflict, not complexity. A case with significant assets can settle efficiently if both spouses are reasonable; a case with modest assets can become expensive if every issue becomes a battle.

Costs typically include:

- **Attorney fees**, usually billed hourly against an initial retainer, or on a flat-fee basis for defined services
- **Court filing fees** (see Chapter 2)
- **Service of process** fees
- **Mediator fees**, often shared between the parties
- **Expert fees** — appraisers, business valuers, forensic accountants, custody evaluators
- **QDRO preparation** fees
- Costs for **deposition transcripts**, subpoenas, and records

Ways to control cost

1. **Be organized.** Provide complete documents in the format requested. Time your lawyer spends chasing paperwork is time you pay for.
2. **Group your questions.** One email with five questions is more efficient than five separate calls.
3. **Pick your battles.** Weigh the cost of fighting against the value of what's at stake.
4. **Use the right professional for the job.** A financial planner or therapist may help with some problems more effectively — and less expensively — than a lawyer.
5. **Be open to settlement.** Every case that settles saves the cost of trial preparation and trial.
6. **Follow court orders.** Violations generate motions, hearings, and fee awards.

Can the other side be ordered to pay my fees?

Arizona law allows the court to order one party to pay some or all of the other's attorney fees after considering the **financial resources of both parties** and the **reasonableness of the positions** each party took. A party with significantly greater resources may be ordered to contribute to the other's fees so both can be fairly represented, and a party who takes unreasonable positions may be ordered to pay fees regardless of income. Fee awards are discretionary and rarely cover every dollar.

Working with your attorney

What your lawyer needs from you

- **Complete honesty**, including about the facts that hurt you. Your lawyer can't protect you from a problem he or she doesn't know about. Communications are confidential.
- **Prompt responses** to requests for documents and information
- **Your goals** — in priority order. What matters most?
- **Updates** about any significant change: a new job, a move, a new relationship, a conflict with the other parent

What you should expect from your lawyer

- Clear explanations of your options and the likely range of outcomes
- Realistic advice — even when it's not what you want to hear
- Timely communication and copies of filings
- Transparent billing
- Respect for your decisions on settlement — the decision to settle is always yours

Understanding your role

Your lawyer is your advocate and adviser — not your therapist, and not your weapon. Lawyers are most effective when clients focus on long-term goals rather than short-term wins. Sometimes the best advice is to let a minor issue go.

Conducting yourself during the case

Judges notice how parties behave, both in and out of court. Keep these principles in mind:

CHECKLIST

- ☐ **Assume everything is evidence.** Texts, emails, social media posts, and co-parenting app messages are frequently used as exhibits.
- ☐ **Stay off social media** about your case, your spouse, or your new relationship. Don't post photos of new purchases or vacations while claiming financial hardship.
- ☐ **Be civil** in all communications, especially in writing. Stick to logistics.
- ☐ **Follow every order** — the preliminary injunction, temporary orders, and the parenting schedule.
- ☐ **Never involve the children** in the conflict: no messages through them, no discussions of the case, no criticism of the other parent.
- ☐ **Be careful about new relationships.** Introducing a new partner to the children too early can create conflict and be raised in court.
- ☐ **Dress and act professionally** in court. Be respectful to the judge, court staff, and the other party.

Preparing for court

If your case involves a hearing or trial:

- Review your Affidavit of Financial Information and disclosures so your testimony is consistent
- Organize exhibits with your lawyer well before deadlines
- Prepare to answer questions directly and briefly; it's fine to say "I don't know" or "I don't remember"
- Listen to the whole question before answering
- Remain calm — even if the other side says things you find untrue or upsetting. Your lawyer will have a chance to respond.
- Arrive early. Court security lines can be long, and parking at downtown Phoenix and Mesa facilities fills quickly.

Hearings are frequently conducted virtually or in a hybrid format; if yours is virtual, use a quiet private space, a stable internet connection, and a device with a camera at eye level.

Taking care of yourself

A divorce or custody case is among the most stressful experiences a person can go through. Your well-being matters — for your own sake and because a steady parent is the best thing for children in transition.

- **Build a support team:** trusted friends, family, a therapist or counselor, a support group, a faith community
- **Protect your health:** sleep, exercise, food, and limits on alcohol make a real difference to your decision-making
- **Get financial guidance:** a financial planner experienced with divorce (sometimes called a Certified Divorce Financial Analyst) can help you understand settlement options and plan your post-divorce budget
- **Consider counseling for the children,** especially if they're struggling. Many parenting plans address how counseling decisions will be made.
- **Give yourself time.** Big decisions — selling the house, moving, changing careers — are often best made after the dust settles, unless circumstances require otherwise.

PRACTICAL TIP

Focus on the next right step. You don't need to have the whole future figured out. You need to make one good decision at a time — and to surround yourself with people who will help you do that.

Life after the decree

Once the decree is entered, take a few final steps to close out the case and protect your future:

CHECKLIST

- ☐ Get a certified copy of the decree and keep it in a safe place
- ☐ Complete all title transfers, deeds, and refinances by their deadlines
- ☐ Submit QDROs and confirm with the plan administrator that they were accepted
- ☐ Update beneficiary designations, your will or trust, powers of attorney, and health care directives
- ☐ Change your name, if restored in the decree, with Social Security, MVD, banks, and employers
- ☐ Update your W-4, close remaining joint accounts, and monitor your credit
- ☐ Calendar parenting plan deadlines, such as holiday rotations and summer notice dates



APPENDIX A

APPENDIX

Frequently Asked Questions

Does it matter who files first?

Legally, not much. The court doesn't favor the Petitioner. Practically, filing first gives you more control over timing, lets you frame the issues in the petition, and starts the preliminary injunction and 60-day clock. In a few situations — for example, when the community needs to be cut off to stop a spouse's spending — timing can matter significantly.

My spouse won't sign the papers. Can they stop the divorce?

No. Arizona is a no-fault state for non-covenant marriages. If your spouse refuses to participate, the case can proceed by default. If your spouse contests the case, it can proceed to trial. Either way, the court can enter a decree.

Do I have to go to court?

Not necessarily. Many cases resolve by consent decree without a single court appearance. Contested cases usually involve at least a Resolution Management Conference, and possibly temporary orders hearings and a trial, many of which may be conducted virtually.

Can I date during my divorce?

It's legal, but it can complicate things. A new relationship can increase conflict, affect settlement negotiations, raise questions about spending community money, and become an issue in parenting decisions if the new partner is introduced to the children. Be discreet and talk to your lawyer.

Will I lose the house if I move out?

Moving out doesn't forfeit your ownership interest in community property. But it can affect temporary orders — who lives in the home in the meantime, and the temporary parenting schedule if children remain there. Get advice before moving out.

My spouse handled all our finances. How do I find out what we have?

Through mandatory disclosure and, when needed, formal discovery: subpoenas to banks and employers, requests for production, depositions, and tax-return analysis. Your own credit report, past tax returns, and mail are good starting points.

Is my inheritance safe?

Inheritances received during the marriage are separate property — if they have been kept separate. If inherited funds were mixed with community money or used for community purposes, tracing may be required, and some or all of it may have become community. See Chapter 3.

How is child support affected by 50/50 parenting time?

Equal time reduces the obligation significantly, but the higher-earning parent usually still pays some support. The guidelines account for each parent's share of income and the costs each household bears. See Chapter 9.

At what age can my child decide where to live?

There is no age at which a child decides. The court considers the wishes of a child of suitable age and maturity as one factor among many. Older teens' views tend to carry more weight. See Chapter 6.

Can I take the kids on vacation out of state?

During a pending case, the preliminary injunction bars removing children from Arizona without the other parent's written consent or a court order. After the case, follow your parenting plan's travel and notice provisions. International travel and passports usually require specific provisions.

What if my ex stops paying child support?

You can enforce support through the court or with help from the Division of Child Support Services. Tools include wage withholding, tax refund intercepts, license suspensions, liens, and contempt. See Chapter 9.

Can spousal maintenance be modified if I lose my job?

Usually yes, if the job loss is involuntary and substantial and the award isn't non-modifiable by agreement. File promptly — modifications generally aren't retroactive before the other party receives notice. See Chapter 5.

We just moved to Arizona. Where can I file?

To file for divorce in Arizona, one spouse must have been domiciled here (or stationed here in the military) for at least 90 days. A legal separation doesn't carry the 90-day requirement. Child-related orders depend on where the children have lived for the last six months.

What happens to our pets?

Arizona treats pets as property, but many courts and agreements consider the animal's welfare and which spouse has been its primary caretaker. Some couples create shared pet schedules by agreement.

How do the 2026 domestic violence changes affect me?

If domestic violence — including coercive control — is alleged in a case involving children, the court must resolve the allegation with written findings before entering parenting orders, and a finding triggers a strong presumption against the abusive parent. See Chapter 7.



APPENDIX B

APPENDIX

Glossary of Arizona Family Law Terms

Affidavit of Financial Information (AFI)

A sworn statement of a party's income, expenses, assets, and debts, used for support calculations and settlement.

Attributed income

Income the court assigns to a party based on earning capacity rather than actual earnings, typically when a party is voluntarily unemployed or underemployed.

Best Interests Attorney

A lawyer appointed to represent a child's best interests in a contested parenting case.

Child Support Income

The guidelines' broad definition of income used to calculate child support.

Commingling

Mixing separate property with community property so that the separate portion becomes difficult to identify.

Community property

Property acquired by either spouse during the marriage, owned equally by both, except separate property.

Conciliation Services

The court's family services department offering mediation, parenting conferences, and related services.

Consent decree

A final decree based on the parties' complete agreement.

Covenant marriage

An optional form of marriage requiring premarital counseling and limiting the grounds for divorce.

Default

The process that allows a case to proceed when the Respondent fails to respond after service.

Decree

The final court order ending or modifying a marriage and resolving property, support, and parenting issues.

Deviation

A support award outside the amount the guidelines produce, supported by written findings.

Disclosure

The mandatory exchange of documents and information required by the family law rules.

Domicile

The place where a person lives with the intent to remain.

Equalization payment

A payment from one spouse to the other to balance an unequal division of specific assets and debts.

In loco parentis

A person who has acted as a parent and formed a meaningful parental relationship with a child over a substantial period.

Legal decision-making

The authority to make major decisions about a child's education, health care, religious training, and personal care.

Parenting plan

The written plan establishing legal decision-making, the parenting time schedule, holidays, and related provisions.

Parenting time

The schedule of time a child spends with each parent.

Petitioner / Respondent

The party who files the case / the party who responds.

Preliminary injunction

An automatic order at the start of a divorce restricting transfers of property, removal of children from Arizona, harassment, and insurance changes.

QDRO

Qualified Domestic Relations Order — a court order directing a retirement plan to divide benefits between spouses.

Rule 69 agreement

A written or on-the-record agreement between the parties that is binding under the family law rules.

Rule of 65

Under the spousal maintenance guidelines, a case-by-case duration rule when the requesting spouse is at least 42, the marriage lasted at least 16 years, and age plus years married equals 65 or more.

Separate property

Property owned before marriage, acquired by gift or inheritance, acquired after service of a petition that results in a decree, or designated separate by agreement.

Service of process

The formal delivery of court papers to the other party.

Spousal maintenance

Arizona's term for alimony — financial support paid from one spouse to the other.

Temporary orders

Interim orders governing support, parenting, and property while a case is pending.

Tracing

Using records to follow separate property to its current form.

Waste

Excessive or abnormal spending, destruction, or concealment of community property.



APPENDIX C

APPENDIX

Helpful Resources

RESOURCE	WHAT YOU'LL FIND
Maricopa County Superior Court superiorcourt.maricopa.gov	Family court forms, Self-Service Center, Conciliation Services, Parent Information Program details
Clerk of the Superior Court, Maricopa County clerkofcourt.maricopa.gov	Current filing fees, eFiling, records, fee deferrals and waivers
Arizona Judicial Branch — Family Law azcourts.gov/familylaw	Child Support Guidelines and calculator; Spousal Maintenance Guidelines and calculator; Planning for Parenting Time guide
AZCourtHelp.org	Plain-language legal information and statewide forms
AZPOINT azpoint.azcourts.gov	Online preparation of protective order petitions
Arizona Revised Statutes, Title 25 azleg.gov	The full text of Arizona's family law statutes
Division of Child Support Services (DCSS) des.az.gov	Paternity establishment, support enforcement, payment information
National Domestic Violence Hotline 1-800-799-7233 · thehotline.org	24/7 confidential support and safety planning

KEY POINT

Check for updates. Filing fees, court procedures, and guidelines change. Statutes cited in this book are current as of October 2026; always confirm the current version before relying on them.

About Mays & Zitron, PLLC



Family law, and nothing else. Mays & Zitron, PLLC is a brother-and-sister law firm in Chandler, Arizona, devoted exclusively to family law for clients throughout Maricopa County and the East Valley – Chandler, Gilbert, Mesa, Tempe, Scottsdale, Phoenix, and surrounding communities.

Siblings Amanda Nuriddin and Jordan Zitron were born and raised in Brooklyn, New York, and founded the firm together in Arizona in 2013. Between them they bring more than four decades of legal experience. Their approach is simple: straight answers, a clear explanation of every option, and a strategy built around your goals.

MEET YOUR ATTORNEYS



Amanda Nuriddin, Esq.

ATTORNEY & PARTNER

Amanda has practiced law for 22 years, 20 of them exclusively in family law. Before founding the firm, she owned and operated a family law practice in Princeton, New Jersey, and earlier worked on Wall Street as an associate at Goldman Sachs handling ISDA derivatives agreements — experience that serves clients in complex financial divorces. She completed a federal judicial externship and holds a 40-hour mediation certification from the Arizona Attorney General's Office. B.A., Penn State University; J.D., Rutgers Law School.

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Jordan C. Zitron, Esq.

ATTORNEY & PARTNER

Jordan has practiced law for 20 years, 13 of them exclusively in family law. He spent nearly six years at the Philadelphia firm McCarter & English before joining his sister in Arizona. A graduate of Valley Forge Military Academy, he served as a U.S. Army Infantry Officer and graduated from Airborne School at 21. B.A., University of Virginia; J.D., Villanova University School of Law.

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WHERE IT ALL STARTED

Amanda and Jordan as kids in Brooklyn, New York. Decades later, they're still in each other's corner — and now in yours.

How we can help

- Divorce and legal separation
- Uncontested divorce
- Legal decision-making and parenting time
- Relocation and modification
- Child support
- Spousal maintenance
- Paternity
- Grandparent and third-party rights
- Orders of protection
- Mediation
- Premarital and postnuptial agreements
- Retirement accounts and QDROs
- Post-decree enforcement
- Complex financial and business divorces

What to expect when you call

Your first conversation with us is a free telephone consultation. You'll speak directly with an attorney — Amanda or Jordan — who will listen to your situation, explain how Arizona law applies, walk you through your realistic options, and tell you plainly what the process and costs are likely to look like. There's no pressure and no obligation.

To get the most from that call, have the one-page summary from Chapter 1 in front of you, along with any papers you've been served with.

Why families choose us

- **Family law, and nothing else.** Our entire practice is devoted to family law in Maricopa County.
- **Two experienced attorneys.** More than four decades of combined legal experience, including deep financial and corporate backgrounds.
- **Straight answers.** We explain your options clearly and build a strategy around your goals — not ours.
- **A family firm.** As a brother and sister, we understand that family relationships are worth protecting, even when a marriage ends.

FREE TELEPHONE CONSULTATION

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This guide is attorney advertising. Responsible attorneys: Amanda Nuriddin and Jordan C. Zitron, Mays & Zitron, PLLC, Chandler, Arizona. Reading this guide does not create an attorney-client relationship.



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Straight answers from a brother-and-sister team.*

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