



A CLIENT GUIDE · ARIZONA DIVORCE

Understanding the Dissolution Process

*A step-by-step walk through an Arizona divorce — from the first
decision to life after the decree*

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"Dissolution of marriage" is Arizona's legal term for divorce. Every dissolution follows the same basic path, whether it wraps up in two months by agreement or goes to trial a year later. This guide walks you through each stage – what happens, what's expected of you, and the deadlines that matter – so you can make good decisions with a clear picture of the road ahead.



Stage 1: Before you file

Can you file in Arizona?

At least one spouse must have been **domiciled in Arizona — or stationed here with the armed forces — for at least 90 days** before the petition is filed. Domicile means you live here and intend to stay. If you have children, Arizona generally must also be their "home state," which usually means they've lived here for the six months before filing.

You'll ordinarily file in the county where you or your spouse lives. For East Valley families, that's usually the Maricopa County Superior Court.

Arizona is a no-fault state

You don't have to prove your spouse did anything wrong. The only finding required is that the marriage is **irretrievably broken** — there's no reasonable prospect of reconciliation. If one spouse disagrees, the court may order a short delay or a conciliation conference, but it can't make anyone stay married. Fault generally doesn't affect how property is divided or whether spousal maintenance is awarded.

The exception is a **covenant marriage**, which can be dissolved only on specific statutory grounds, such as adultery, abandonment, abuse, a lengthy separation, or both spouses' agreement.

Gather your information

The more you have organized at the start, the more useful your lawyer's early advice will be — and the less you'll spend.

CHECKLIST

- ☐ Three years of tax returns, plus recent pay stubs
- ☐ 12–24 months of bank, credit card, and brokerage statements
- ☐ Retirement and pension statements (401(k), IRA, ASRS, PSPRS, TSP, military)
- ☐ Mortgage, deed, and vehicle loan documents
- ☐ Business records if either spouse owns a business
- ☐ Insurance policies and any premarital or postnuptial agreement
- ☐ Records of inheritances, gifts, or property owned before the marriage

WATCH OUT

Before you act, get advice. Don't move out, drain joint accounts, run up credit cards, or take the children out of state without talking to a lawyer first. Early moves can shape temporary orders and how the judge sees you.

Stage 2: Filing the petition

The spouse who starts the case — the **Petitioner** — files a *Petition for Dissolution of Marriage* with the Clerk of the Superior Court. The petition identifies both spouses and any children, states that the marriage is irretrievably broken, and lists what the Petitioner is asking the court to decide about:

- Division of community property and debts
- Separate property claims
- Spousal maintenance
- Legal decision-making and parenting time, if there are minor children
- Child support
- Attorney fees and any request to restore a prior name

Other papers are filed at the same time, including a summons, the preliminary injunction, a notice about converting health insurance, and — in cases with children — notice of the required parenting class. Many Petitioners also file a proposed parenting plan.

Fees. In Maricopa County, the Clerk's fee schedule lists \$376 to file a petition and \$287 to respond. Fees change from time to time, so check the Clerk's website. If you can't afford them, you can apply for a **deferral** (pay over time) or a **waiver**.

PRACTICAL TIP

Filing first isn't about winning. The court doesn't favor the Petitioner. But filing gives you more control over timing, lets you frame the issues, and starts the 60-day clock. If a spouse is overspending, it also puts the preliminary injunction in place and moves toward the date the community ends.

Stage 3: The preliminary injunction

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

- Not sell, transfer, hide, borrow against, or otherwise dispose of joint or community 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 for the family, or remove a spouse or child as a beneficiary

KEY POINT

It's a court order. Violating the preliminary injunction can lead to contempt sanctions and can affect how the judge views you for the rest of the case. If you need to sell something or make a major financial move, get your spouse's written agreement or the court's permission first.

Stage 4: Service of process

Your spouse must be formally notified of the case. That's **service of process**, and it can be done by:

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

Why the service date matters

Service sets two important clocks running:

1. **The 60-day waiting period.** No decree can be entered until at least 60 days after the Respondent is served — even if you agree on everything on day one.
2. **The end of the community.** In Arizona, the marital community generally ends on the date of service, as long as the case ends in a decree. Earnings and debts after service are generally separate. Before service, they're presumed community — even if you've been separated for years.

Stage 5: 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 what the Respondent agrees and disagrees with and what he or she is asking for. The Respondent pays a filing fee, too.

If no Response is filed, 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 takes effect. After that, the Petitioner can ask the court to enter a **default decree**, which typically grants what the petition requested, so long as it's fair and supported by the evidence.

WATCH OUT

Don't ignore the papers. If you've been served, calendar your deadline immediately. A default can leave you bound by terms you never had a chance to dispute, and undoing one is difficult and expensive.

Stage 6: Disclosure

Arizona family cases run on transparency. Under the Arizona Rules of Family Law Procedure, each spouse must make **mandatory disclosure** — generally within about 40 days after the Response is filed — without waiting to be asked. Disclosure typically includes:

- An **Affidavit of Financial Information (AFI)** listing income, monthly expenses, assets, and debts
- Tax returns, pay stubs, and proof of other income
- Bank, credit card, investment, and retirement statements
- Documents about real estate, vehicles, and business interests
- Information about witnesses and any experts

Disclosure is a **continuing duty**: if something changes or you find more documents, you must supplement. When disclosure isn't enough, either side may use formal **discovery** — written questions, document requests, subpoenas to banks and employers, and depositions.

KEY POINT

Hiding assets backfires. A spouse who fails to disclose can face sanctions, exclusion of evidence, an order to pay the other side's attorney fees, and an unequal property division. Community property left out of a decree can still be divided later.

Stage 7: Temporary orders

A dissolution can take months, and life doesn't pause. Either spouse can file a *Motion for Temporary Orders* asking the court to set interim rules, such as:

- Temporary legal decision-making and a parenting time schedule
- Temporary child support and spousal maintenance
- Who lives in the marital home and who pays which bills
- Use of vehicles and other property
- A contribution toward the other spouse's attorney fees, in appropriate cases

The court usually holds a hearing, where each side presents limited evidence. Temporary orders don't decide the final outcome — but they often shape it. A parenting schedule that works for several months frequently becomes the starting point for the final plan.

Court management and the parenting class

After a Response is filed, the court typically schedules a **Resolution Management Conference (RMC)**. The judge identifies what's agreed and what's contested, sets deadlines, may refer you to mediation or other services, and — if needed — sets a trial date.

If you have minor children, both parents must complete a court-approved **parent education program**. Finish it early; the court may not enter final parenting orders until it's done.

Stage 8: Reaching resolution

Most Arizona dissolutions settle. The main paths to resolution are:

PATH	HOW IT WORKS
Negotiation	Attorneys exchange proposals and work toward a full agreement, often in writing.
Mediation	A neutral mediator helps you reach agreement. Maricopa County Conciliation Services offers mediation of parenting issues; private mediators can address property and support as well.
Settlement conference	A judge pro tem or another judicial officer helps the parties try to settle before trial.
Trial	If issues remain, the judge hears evidence and decides. Family court trials are always before a judge — there's no jury.

Rule 69 agreements

Agreements reached during a case become **binding** once they're in writing and signed by the parties, or stated on the record in court, under **Rule 69** of the Family Law Rules. Treat any agreement as final: a Rule 69 agreement is very difficult to undo.

PRACTICAL TIP

Settlement puts you in control. A negotiated agreement lets you tailor solutions to your family, keep private matters out of a public trial, and usually costs far less. The strongest settlements come from preparation — knowing your numbers and your realistic outcome if the judge decides.

Stage 9: The decree

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

1. **Consent decree.** When spouses agree on everything, they submit a decree — with any parenting plan and property settlement — signed by both. A hearing usually isn't needed. Spouses who agree from the outset can also file jointly.
2. **Default decree.** If the Respondent never responded, the court enters a decree after the default process.
3. **Decree after trial.** The judge rules on the contested issues and signs a decree.

However you get there, the 60-day waiting period applies.

How long does it take?

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

General estimates only. Court calendars, the complexity of the assets, the need for experts, and the level of conflict all affect timing.

Stage 10: After the decree

The decree is an enforceable court order — and the work isn't quite done when it's signed.

CHECKLIST

- ☐ Get a certified copy of the decree and keep it safe
- ☐ Transfer titles and deeds, and refinance joint debts by the deadlines set
- ☐ Prepare and submit any **QDROs** needed to divide retirement accounts — don't let this slide
- ☐ Set up child support and maintenance payments through the state clearinghouse
- ☐ Update beneficiaries, your will or trust, and your powers of attorney
- ☐ Change your name with Social Security, MVD, banks, and your employer, if restored

- ☐ Close joint accounts, monitor your credit, and calendar parenting plan dates

If your former spouse doesn't follow the decree, you can ask the court to enforce it. Terms involving children and support can be modified if circumstances change substantially; the division of property generally can't.

Common questions

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

No. In a standard Arizona marriage, the case can proceed by default if your spouse doesn't participate, or to trial if they contest it. 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 many hearings are now conducted virtually.

What's the difference between dissolution and legal separation?

A legal separation resolves property, support, and parenting issues, but you stay married. It doesn't carry the 90-day residency requirement or the 60-day wait, but both spouses must agree to it — if one objects, the case generally proceeds as a dissolution.

Can I do this without a lawyer?

Arizona allows it, and the court's self-service centers provide forms. It can work for short marriages with no children and few assets. When there are children, a house, retirement accounts, a business, a large income gap, or any history of abuse, legal advice usually pays for itself.

Talk to us about your case



Family law, and nothing else. Siblings Amanda Nuriddin and Jordan Zitron founded Mays & Zitron, PLLC in 2013 and represent clients throughout Maricopa County and the East Valley. Every case gets straight answers, a clear explanation of your options, and a strategy built around your goals.

FREE TELEPHONE CONSULTATION

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