

PETITION AND PAPERS FOR LEGAL SEPARATION WITH MINOR CHILDREN

(CHECKLIST)

You may use the forms and instructions in this packet if...

- √ You want to file for legal separation and you are not ready to file for divorce; AND

Warning: If the other party does not want a Legal Separation, the court may change the *Petition for Legal Separation* into a *Petition for Divorce* if you and/or your spouse have lived in Arizona for the last 90 days prior to filing the *Petition for Legal Separation*

- √ You do not have a “covenant” marriage, or since you were married you have not agreed to change your marriage to a “covenant” marriage (These papers will not work for a covenant marriage*.)
- √ You and your spouse do have minor children with each other OR the wife is pregnant by the husband or will be pregnant by the husband before the legal separation is over; AND
- √ You or your spouse either live in Arizona or are a member of the armed services and stationed in Arizona; AND
- √ Either you or both you and your spouse desire to live separate and apart or your marriage is irretrievably broken (you and your spouse cannot make the marriage work); AND
- √ The minor child(ren) have resided (lived) in Arizona at least 6 months before you will file the **“Petition for Legal Separation”** or you talked to a lawyer who advised you that even so you could pursue the case in Arizona.
- √ You or your spouse have tried to make your marriage work, or have tried to resolve the issues related to the legal separation through Conciliation Court, or there is no point in trying to because the marriage is over and conciliation will not help.

*What is a “Covenant Marriage?” To have a covenant marriage, both husband and wife would have had to:

1. sign papers (essentially a contract) requesting a covenant marriage;
2. attend pre-marital counseling; AND
3. your marriage license would say “Covenant Marriage.”

If you were married before August 21, 1998 and have not signed papers to convert your marriage to a covenant marriage, you do not have a covenant marriage.

See A.R.S. §25-904 for requirements for legal separation for a covenant marriage. If you still have questions about whether you have a covenant marriage, see a lawyer for help.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. Go to www.azbar.org for a list of court-approved lawyers.

USEFUL TIPS:

Use black or blue ink when filling out documents.

Do not white out mistakes. Cross out and initial.

Sign Your Petition in front of a Notary or Deputy Clerk.

Make two complete sets of copies of all documents you are planning to file.

Turn all three sets (original and two sets of copies) into the Court Clerk's Office:

**Clerk of Superior Court
415 E. Spring St.
Kingman, AZ 86401
(928) 753-0713
Monday-Friday
8:00a-5:00p**

**Clerk of Superior Court
2225 Trane Road
Bullhead City, AZ 86442
(928) 758-0730
Monday-Friday
8:30a-12:00p, 1:30p-4:30p**

**Clerk of Superior Court
2001 College Drive
Lake Havasu City, AZ 86404
(928) 453-0701
Monday-Friday
8:30a-12:00p, 1:30p-4:30p**

Be prepared to pay filing fees or submit deferral forms. Information on filing fees can be obtained from the Clerk's Office or go online to www.mohavecourts.az.gov .

NOTE: If you are planning to file your paperwork by mail, make sure to include a self-addressed, stamped envelope so your copies can be returned to you. Send original, copies and payment to:

**Clerk of Superior Court
P.O. Box 7000
Kingman, AZ 86402**