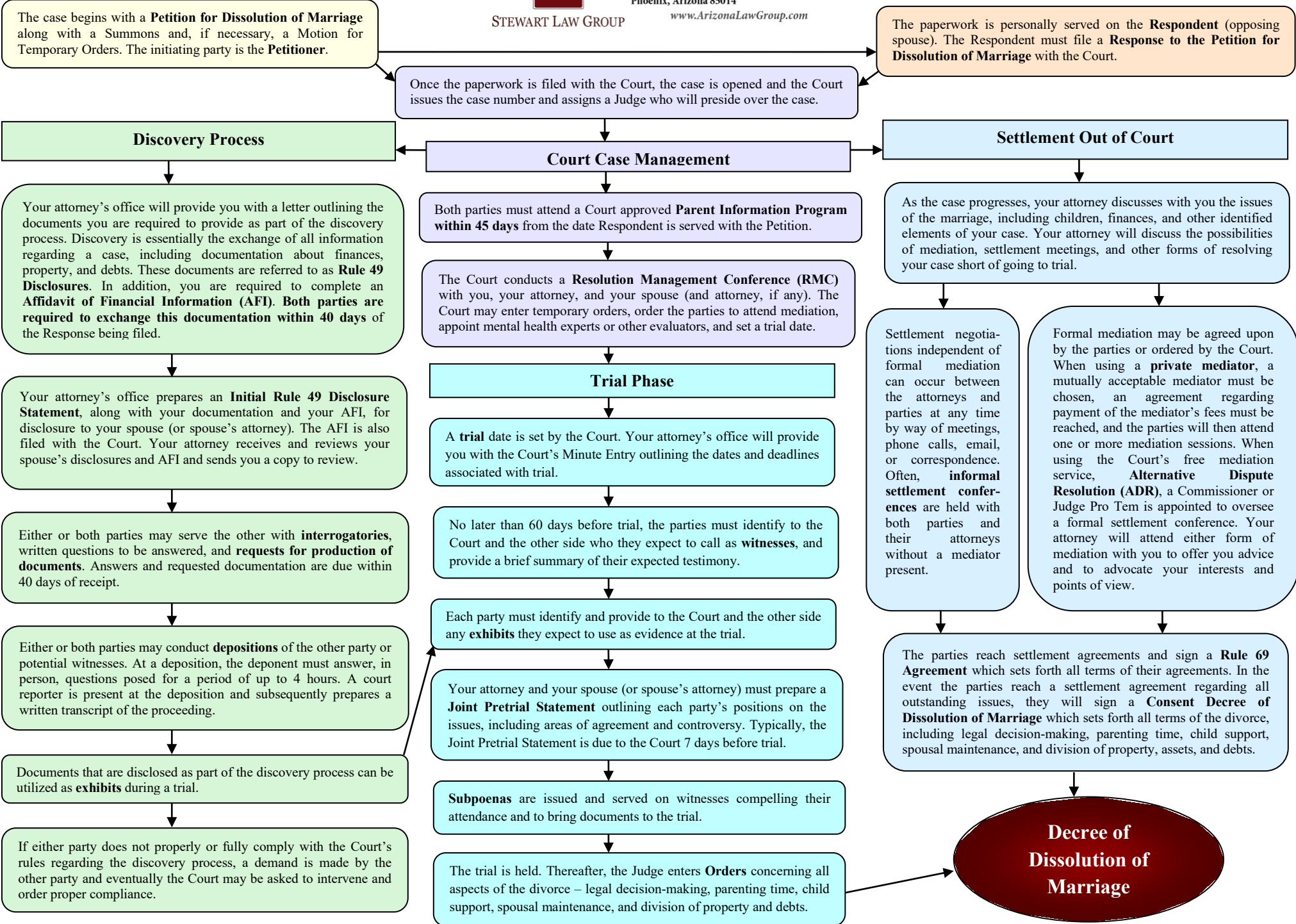


Tracking Your Arizona Divorce With Child(ren) Case



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The case begins with a **Petition for Dissolution of Marriage** along with a Summons and, if necessary, a Motion for Temporary Orders. The initiating party is the **Petitioner**.

The paperwork is personally served on the **Respondent** (opposing spouse). The Respondent must file a **Response to the Petition for Dissolution of Marriage** with the Court.

Once the paperwork is filed with the Court, the case is opened and the Court issues the case number and assigns a Judge who will preside over the case.

Discovery Process

Court Case Management

Settlement Out of Court

Your attorney's office will provide you with a letter outlining the documents you are required to provide as part of the discovery process. Discovery is essentially the exchange of all information regarding a case, including documentation about finances, property, and debts. These documents are referred to as **Rule 49 Disclosures**. In addition, you are required to complete an **Affidavit of Financial Information (AFI)**. **Both parties are required to exchange this documentation within 40 days** of the Response being filed.

Both parties must attend a Court approved **Parent Information Program within 45 days** from the date Respondent is served with the Petition.

As the case progresses, your attorney discusses with you the issues of the marriage, including children, finances, and other identified elements of your case. Your attorney will discuss the possibilities of mediation, settlement meetings, and other forms of resolving your case short of going to trial.

The Court conducts a **Resolution Management Conference (RMC)** with you, your attorney, and your spouse (and attorney, if any). The Court may enter temporary orders, order the parties to attend mediation, appoint mental health experts or other evaluators, and set a trial date.

Your attorney's office prepares an **Initial Rule 49 Disclosure Statement**, along with your documentation and your AFI, for disclosure to your spouse (or spouse's attorney). The AFI is also filed with the Court. Your attorney receives and reviews your spouse's disclosures and AFI and sends you a copy to review.

Trial Phase

Settlement negotiations independent of formal mediation can occur between the attorneys and parties at any time by way of meetings, phone calls, email, or correspondence. Often, **informal settlement conferences** are held with both parties and their attorneys present.

Formal mediation may be agreed upon by the parties or ordered by the Court. When using a **private mediator**, a mutually acceptable mediator must be chosen, an agreement regarding payment of the mediator's fees must be reached, and the parties will then attend one or more mediation sessions. When using the Court's free mediation service, **Alternative Dispute Resolution (ADR)**, a Commissioner or Judge Pro Tem is appointed to oversee a formal settlement conference. Your attorney will attend either form of mediation with you to offer you advice and to advocate your interests and points of view.

A **trial date** is set by the Court. Your attorney's office will provide you with the Court's Minute Entry outlining the dates and deadlines associated with trial.

Either or both parties may serve the other with **interrogatories**, written questions to be answered, and **requests for production of documents**. Answers and requested documentation are due within 40 days of receipt.

No later than 60 days before trial, the parties must identify to the Court and the other side who they expect to call as **witnesses**, and provide a brief summary of their expected testimony.

The parties reach settlement agreements and sign a **Rule 69 Agreement** which sets forth all terms of their agreements. In the event the parties reach a settlement agreement regarding all outstanding issues, they will sign a **Consent Decree of Dissolution of Marriage** which sets forth all terms of the divorce, including legal decision-making, parenting time, child support, spousal maintenance, and division of property, assets, and debts.

Either or both parties may conduct **depositions** of the other party or potential witnesses. At a deposition, the deponent must answer, in person, questions posed for a period of up to 4 hours. A court reporter is present at the deposition and subsequently prepares a written transcript of the proceeding.

Each party must identify and provide to the Court and the other side any **exhibits** they expect to use as evidence at the trial.

Documents that are disclosed as part of the discovery process can be utilized as **exhibits** during a trial.

Your attorney and your spouse (or spouse's attorney) must prepare a **Joint Pretrial Statement** outlining each party's positions on the issues, including areas of agreement and controversy. Typically, the Joint Pretrial Statement is due to the Court 7 days before trial.

If either party does not properly or fully comply with the Court's rules regarding the discovery process, a demand is made by the other party and eventually the Court may be asked to intervene and order proper compliance.

Subpoenas are issued and served on witnesses compelling their attendance and to bring documents to the trial.

The trial is held. Thereafter, the Judge enters **Orders** concerning all aspects of the divorce – legal decision-making, parenting time, child support, spousal maintenance, and division of property and debts.

Decree of Dissolution of Marriage