

WORKSHOP SESSION I: *Taking the First Steps*

INTRODUCTION

Divorces can—and usually are—very difficult for all the parties involved. Everyone involved in our Do-It-*Mostly-Yourself*[™] Divorce workshop experiences similar emotional and financial stress. Many couples attend together; some husbands and wives attend alone. We try to be sensitive and respectful, but relaxed. If you are attending as a couple, please be courteous to your spouse. For you, this will be a cooperative endeavor—and surprisingly pain free.

Our discussions are not confidential, but we ask that you respect each other's privacy and not repeat what you may see or hear. Since we are meeting as a group, you should not reveal private or embarrassing information or anything that should be discussed only with your personal attorney.

Although this workshop will be led by an attorney experienced in family law, no attorney/client relationship will be established. We will provide general information about the law, but cannot advise you on specific positions you should take.

DIVORCE 101: *The Basics*

- ***The procedure:*** We'll describe the basic divorce procedure from filing and service of the petition for dissolution of marriage right through to obtaining the final decree. The procedure varies from case-to-case and the most common variations will be discussed. You will learn about time limits, notices you may receive from the court and why the shortest path to divorce still takes at least 60 days.
- ***Hot spots:*** Even the simplest divorce—and ones in which husband and wife believe everything is resolved—can experience conflict. We'll identify the most common conflicts and suggest methods both to avoid them and to solve them if they occur.
- ***Community property law:*** Arizona's community property law is a complex and evolving concept. We'll describe enough of the basics to get you started, with repetition and examples as we progress through the forms. You will need this basic information to identify which of your property needs to be divided between you and your spouse and which property belongs wholly or partly (Remember, it can be complex) to one spouse or the other.

THE FORMS

Preparing the forms is the core of our workshops. Most forms have been developed or adapted by us specifically for this program. They are based solely on Arizona law and prepared specifically to be used in Maricopa County divorces. If you've already reviewed self-help forms and instructions, you know how confusing they can be. We explain the significance of each form. Then we go through each form line by line, explaining what information is being requested and describing your options when choices are required. We also provide a notary service and copying as part of your fee. At the end of the first session, you will have all of the initial

documents completed, signed, notarized and copied—ready to hand to the clerk of the superior court for filing:

- Family Court Cover Sheet
- Sensitive Data Sheet
- Summons
- Petition for Dissolution of Marriage
- Notice Regarding Creditors
- Notice Regarding Health Insurance Coverage
- Preliminary Injunction

If you have one or more minor children by this marriage, you also will have the following documents ready for filing and/or service:

- Affidavit Regarding Minor Children
- Order and Notice Regarding Parent Information Classes

The written instructions that you receive also include locations and addresses of the various courthouses and a check list of items to give to, or serve on, your spouse.

HOW TO SERVE YOUR SPOUSE

For those of you old enough to remember the classic Twilight Zone episode with a similar name, you can smile—but, no, there is no connection.

Filing the initial documents with the clerk is only the first step. Unless you give formal legal notice of the divorce to your spouse—following the court’s specific rules—the court cannot complete the divorce.

If you and your spouse are cooperating, we’ll provide you with an “Acceptance of Service” form and explain what your spouse must do to execute it properly. In case you do not anticipate cooperation, we’ll explain the process and provide contact information for persons authorized to serve legal documents.

HOMEWORK

We provide you with a form to inventory your property and debts. You may not have thought of everything that needs to be divided. This inventory will help. It is important that you complete it prior to the next session and that you collect some documents to bring with you.

SESSION II: *Service, Default & Dividing Your Property*

FILING THE SERVICE DOCUMENTS

Whether you used an acceptance of service form or a process server, we'll confirm that the documents have been filed with the clerk. We'll also discuss the date of service and help you calculate the timelines for the procedure you will be using.

DEFAULTING YOUR SPOUSE

For attendees who will be following a default procedure, we'll go through the notice of default and accompanying affidavit so that you can complete it and, if appropriate, sign it, have it notarized, copied and prepared for filing with the clerk and copied to your spouse.

DIVIDING THE PROPERTY AND DEBTS

We will go through a comprehensive property division form line by line, explaining what is required and, if necessary, giving examples to assist in its completion. We explain how to protect private information, such as account numbers. Couples attending together typically negotiate the terms of their property division at this point. Completing the previous homework assignment is essential. This is a comprehensive document requiring legal descriptions of real estate and information about bank, credit, retirement and investment accounts. It takes nearly the whole two hours of the workshop to complete it.

We also explain the circumstances that require special orders or expertise to divide certain pension and retirement accounts. Special orders that comply with IRS requirements—called Qualified Domestic Relations Orders or “QDROs”—may be required. These are outside the scope of this workshop, but we will provide the names of attorneys who can provide these orders efficiently.

PARENT SESSION: *Custody & Child Support*

(This is a special two-hour session only for parties with minor children.)

INTRODUCTION

- ***What is custody?*** We'll briefly discuss the differences between “legal” and “physical” custody and between “sole” and “shared” custody.
- ***Limitations on custody and parenting time:*** Without addressing specific instances, we'll discuss the potential effects of a parent's alcohol or substance abuse, domestic violence, physical and mental health and other factors that a court must consider in deciding or approving a custody plan.

THE PARENTING PLAN

Regardless of whether you will have sole or shared custody, you generally must present a parenting plan to the court that describes how you and your spouse will divide time with your children. The form prepared for this workshop addresses the parenting schedule in considerable detail. It also addresses rights and responsibilities for making decisions about the children, how you agree to resolve disputes, financial decisions and other matters.

CHILD SUPPORT

A child support worksheet, child support order and assignment order must be submitted to the court even if you and your spouse believe that no child support must be paid. We will go through the calculations line by line so that you have all the necessary forms completed for submission to the court.

FINAL SESSION: Preparing for the Final Decree

CONFIRMING TIME PERIODS

We'll review the service and default periods to help you confirm whether and when you can obtain your decree dissolving the marriage.

THE FORMS

By the end of the night, you will have prepared a form of decree of dissolution of marriage to be signed by the judge or commissioner. It is this decree that makes the divorce final only when it is signed by a judicial officer and filed with the clerk. The specific form of decree will vary depending on whether you have minor children and whether you are proceeding by default or with your spouse's consent. You also will have certain ancillary forms, if necessary, such as a judgment data sheet, child support order and order of assignment. We provide a notary service and copies, as needed, as part of your registration fee.

DEFAULT PROCEDURE

For those parties proceeding "by default" (which generally means the other party is either not cooperating and/or not contesting the divorce), we provide oral and written instructions on how to schedule your default hearing. Our instructions on how to conduct yourself at the hearing include: a check list for what to bring to the court; a script that you can read; and a list of the questions you may be asked. We also provide an envelope for mailing your spouse a copy of the signed decree.

CONSENT PROCEDURE

Those participants who have cooperated with their spouses, have agreed to everything and "consented" to the specific form of the decree will leave the final session with a "package" containing the originals and all necessary copies of the documents ready to deliver to court. We also provide a check list and information on where to deliver the package.

THE END

That is the end of the legal portion of your divorce. At this point, most people are both relieved and emotional. A certain amount of "grieving" is common. Divorce marks the end of a legal entanglement and the "death" a once-intimate relationship with your spouse. Other relationships continue, particularly if you and your now ex-spouse have children in common. We'll briefly explain how the family court may continue to be involved in resolving legal disputes that may arise. We also will provide information concerning other professional services and self-help groups that may be of assistance to you or your children during these times.