

Arizona Roadmap to Divorce, Part 1: Getting Started and Knowing What Lies Ahead

By Scott David Stewart

Even when a marriage is irretrievably broken, the very idea of a divorce can cause great anxiety. Venturing into unknown territory causes anxiety as well. In this article, we'll describe how a family law case proceeds through Arizona's court system. By explaining the process and giving you a roadmap, we hope to calm some of the fears and anxieties associated with a divorce.

#1: Starting the Case with Initial Court Filings.

To initiate a court proceeding, a party files a *Petition* with the court clerk and pays a filing fee. The opposing party may either be served with the documents by a process server, or waive service by signing and notarizing a formal *Acceptance of Service*. The opposing party has twenty days in which to file a written *Response* with the court. So, the petition and response make up the initial court pleadings.

#2: Assignment of a Superior Court Judge.

Once the initial pleadings are filed, the court assigns the case to a *Superior Court Judge*. That judge hears all of the issues and family matters involved throughout the case. Occasionally a judge is rotated to another area of law and, should that occur, a replacement judge will be assigned to the case.

#3: Attend a Parent Information Program Class.

In every divorce, legal separation, and paternity case with issues over child custody, child support, and parenting time, both parents have to complete a court-approved *Parent Information Program (PIP)* class. This three-hour class educates parents on the emotional impact domestic relations cases often have on children, and what can be done to help.

Certificate of Completion. The PIP class has to be completed within 45 days of the initial court filing. Upon completion of the class, an original *Certificate of Completion* is issued which is filed with the court. The judge cannot issue final orders for custody and parenting time until after the certificate is filed.

#4: Full Settlement through Negotiation.

The parties may negotiate a full settlement of their case without any trial. Full settlement means every issue has been raised, discussed, addressed, agreed to and settled between the parties. The parties' agreement becomes the *Consent Decree*.

Parenting Plan. With children, the *Consent Decree* has to include a parenting plan, documenting the parties' complete agreement on child custody, parenting time, and designation of the primary residential parent. When these issues are agreed upon and reduced to writing, a *Consent Decree* signed by both parties is submitted for the court's approval.

#5: Litigation and Trial.

When full settlement isn't possible, for whatever reason, the parties through their attorneys litigate the remaining issues at a trial. All remaining issues are presented at trial and decided by the judge. (We'll cover more about trials in the family law case under #16 in **Part 2**.)

#6: Discovery.

Discovery refers to the exchange of all relevant information regarding the case. The parties are entitled to request *discovery* from each other while the case is pending. Either may ask for copies of documents, that written questions be answered, and that admissions or denials of statements in writing be made. Discovery can take time, so be prepared with patience.

#7: Business Evaluator.

Sometimes, the community interests include businesses like sole proprietorships, LLCs, partnerships, or corporations. When a value needs to be put on a business, a party may request a report from a *Business Evaluator*, typically a forensic accountant. The evaluator examines and analyzes the business records, and may also interview the parties and company employees. Depending upon the complexity of the business being evaluated, it may take three to five months for the finished report.

#8: Child Custody Evaluator.

Either party can request a custody evaluation if child custody is at issue. A *Child Custody Evaluator* interviews each party and observes the parent-child dynamic. The evaluator sometimes interviews other family members, and reviews documents and records involving the children. These evaluations can also take three to five months to complete. The evaluator prepares a report with recommendations for custody, parenting time, and the primary residential parent designation. If a trial becomes necessary, the evaluator's custody report will be influential to any judge on those issues.

#9: Parenting Coordinator.

There are cases when the parties have significant custody conflicts. Frequently, it is because the parents are in conflict with each other. There may be substance abuse or mental health issues, or maybe there is a special needs child involved. Whenever these difficulties persistently interfere with the parenting schedule in a pending case, a *Parenting Coordinator* may be appointed to oversee parenting time exchanges. The *Parenting Coordinator's* job is to assist in resolving parenting time disputes between the parties and, hopefully, help keep the court out of the matter.

Continue with **Arizona's Roadmap to Divorce, Part 2: Getting Started and Knowing What Lies Ahead.**