

PROCEDURES: How to get your Default Decree of Legal Separation With Minor Children WITHOUT a Hearing

REQUIREMENTS:

A decree is your final court order that states that you are legally divorced or separated. Sometimes a court hearing is not required to get a default decree. You may be able to obtain your default decree with minor children without a hearing if you meet the following requirements:

- All parties must be legally competent and sane. The Petitioner and Respondent must be 18 years of age or older.
- The “Summons” and “Petition” were served to the Respondent by a means other than service by publication.
- What you requested in your original divorce “Petition” is the same as what is on the “Decree”.

This means you cannot use this process if . . .

- *The responding party was served by publication,*
- *If the other party is insane or incompetent or a minor, or*
- *If the other party has filed a response, or made an appearance in the case, or*
- *The request to the Court in the proposed “Decree” is not the same as what was requested in the “Petition.”*

You must have already filed and mailed to the other party an “Application and Affidavit for Default: and it must be at least 10 court (business) days since you filed and mailed the “Application.”

It must also be at least 60 calendar days since service of the “Summons” and “Petition” were completed and there is no Response from the Respondent.

ADDITIONAL REQUIREMENTS:

- **Parent Information Program:** The Court must have a copy of your “Certificate of Completion” showing that you attended the Parent Information Program.
- **Child Support Worksheet:** The Court and Respondent must have a copy of your “Child Support Worksheet” on file, *even if you do not want to receive child support and show a zero-dollar amount.*

If you completed the above requirements, follow the steps below.

PROCEDURES:

STEP 1 COMPLETE the “Motion and Affidavit for Default Decree Without a Hearing”

STEP 2 COMPLETE the DEFAULT DECREE FOR LEGAL SEPARATION WITH MINOR CHILDREN: Remember your *original forms* are the papers you wrote on, or printed from the computer:

- DECREE of Legal Separation with Minor Children. This includes the Decree, Exhibit A, Child Support Order (if child support is requested) and Judgment Data Form (if child support or spousal maintenance is requested).

REMINDER: The Decree must be **identical** in content to the Petition you originally filed. The Decree and Petition are NOT the same document. They are separate documents. If you need a decree, it can be found online at www.mohavecourts.az.gov or through the Law Library.

STEP 3 COPY – Make two (2) photocopies of the set of *original forms* listed above unless you have Electronic Distribution on file.

STEP 4 Submit Decree(s) with Clerk of Superior Court in Kingman, BHC or LHC, along with two 9x12” manila envelopes - one addressed to yourself and one addressed to the other party, both with proper postage unless you have Electronic Distribution on file then the Decree will be emailed to you.

STEP 5 FINALIZING THE DECREE: If everything is found to be in order and the judge does not believe a hearing is necessary to finalize your dissolution of marriage with minor children, the Decree will be signed and copies mailed to you and the other party (Respondent) or emailed if you have Electronic Distribution on file.