

PROCEDURES: HOW TO GET A DEFAULT DECREE WITHOUT A HEARING

IN FAMILY COURT CASES THAT DO NOT INVOLVE MINOR CHILDREN Arizona Rules of Family Law Procedure 44(B)1(b)

REQUIREMENTS

Sometimes a court hearing is not required to get a default decree. This procedure may be used if you meet the following requirements:

- Husband and wife both must be legally competent or sane.
- There are no minor children, common to the parties, born before or during the marriage or adopted by the parties during the marriage.
- Wife is not pregnant with husband's child.
- Neither husband or wife is making a claim for spousal maintenance/support (alimony).

YOU CANNOT USE THIS PROCEDURE IF...

- the responding party was served by publication,
- if the other party is insane or incompetent, or
- if the other party has filed a response.

For a list of requirements, read the "***Motion and Affidavit for a Default Without a Hearing.***"

PROCEDURES

1. **BEFORE YOU REQUEST A DEFAULT DECREE WITHOUT A HEARING, CHECK TO BE SURE THAT YOU HAVE:**
 - Properly served the other party, and filed an "***Affidavit of Service***" or the "***Acceptance of Service.***" (Service cannot be done by publication); AND
 - Completed and filed the "Application and Affidavit for Entry of Default," and mailed a copy to the other party; AND
 - Waited at least 60 days after the date service was complete to sign the "***Motion and Affidavit for Default Decree Without a Hearing.***"
2. **COMPLETE** the "***Motion and Affidavit for Default Decree Without a Hearing.***"
 - File the original "***Motion and Affidavit for Default Decree Without a Hearing***" with the Clerk of the Court
3. **Hand-deliver or mail the following documents as indicated below:**
 - 1 copy of the filed "***Motion and Affidavit for Default Decree Without a Hearing***"
 - The Original and 2 copies of the "Decree" for signature by the judge
 - Two (2) 9' x 12" envelopes, **with sufficient postage**, one addressed to you, and one addressed to the other party so the Court can mail your Decree to you after the judge signs it.

(Hand-deliver or mail documents to)

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

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

Clerk of the Court
2001 College Drive
Lake Havasu City, AZ 86403
(928) 453-0701
Monday-Friday
8:30a-12:00p, 1:30p-4:30p

4. **THERE IS A REVIEW PROCESS** upon receipt of your paperwork. This process can take as long as 4-6 weeks.
5. **IF YOUR MOTION FOR A DEFAULT DECREE WITHOUT A HEARING IS ACCEPTED:** The Judicial Officer will sign the original **“Decree”** and have it filed with the Clerk of the Court. The court will send a copy of the **“Decree”** to each party using the envelopes you provided. This is your notification that your Divorce, Legal Separation or Annulment is final.

Things You Can Do to Speed Up the Process

- Make sure to fill out the **“Decree”** completely by marking all applicable boxes.
- Make sure the items asked for in the “Decree” are the same as the items asked for in the **“Petition.”**
- Make sure the **“Decree”** is signed and verified by the Petitioner only.
- Provide your addressed, stamped envelopes with adequate postage.

Arizona Rules of Family Law Procedure (ARFLP), Rule 44(B)1(b), allows for application for a default decree without hearing in Family Court cases not involving minor children, for divorce, legal separation, and annulment, but be WARNED:

- There are special legal requirements involved in qualifying for an annulment.
- If your court papers do not fully explain how you meet those requirements, it could result in your case being delayed or dismissed.
- Consulting an experienced attorney about whether your situation and your papers indicate you qualify for an annulment may help you to avoid unnecessary expense, delay, and disappointment.