

STATE OF ARIZONA

*Marriage
Handbook*

*For married couples
or those planning to be married*

As required by A.R.S. §§ 41-2031, 41-3032 and
Laws 2000, Chapter 393, Sec. 17

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Introduction

You're getting married! Congratulations! You may be surprised to learn that the State of Arizona has an interest in your marriage. Not in the number of bridesmaids or the flavor of the wedding cake, but in the long-term success of your marriage!

You have made the decision to get married. This decision means that you and your partner agree to enter into a formal contract. This contract outlines the conditions of your new partnership. This partnership impacts the ownership of your money and possessions and the way you relate to each other. When you talk about your marriage expectations BEFORE getting married, you begin to understand their new roles and responsibilities. This mutual understanding helps to lay a foundation that can help you build a successful, enduring marriage.

To help you on the path to building a lasting and happy marriage, the Arizona State Legislature passed a law in April 2000 recognizing the importance of marriage. This legislation, A.R.S. §§ 41-2031, 41-2032 and Laws 2000, Chapter 393, §17, includes the development and distribution of a free marriage handbook. The purpose of this handbook is to provide information to marriage license applicants that can help to create successful marriages. It includes topics such as learning to communicate effectively, building the team, solving problems collaboratively, and resolving conflicts. The handbook also provides general information on economic issues, raising a family, and the consequences that occur when marriages fail.

The Arizona State Legislature also has established a Marriage and Communications Skills Commission. The Commission recommends the selection of community-based organizations to provide training to married couples or individuals planning to be married. These organizations are listed at the end of this handbook. Classes teach couples how to develop healthy, collaborative relationships and how to communicate effectively with each other. These classes also provide information on family law and domestic violence, as well as marriage license options, including covenant marriage.

Two types of marriage license options are available in Arizona: a non-covenant and a covenant marriage. A significant difference between the two types is that the non-covenant marriage does not require premarital counseling or education, nor does it require either spouse to show fault to obtain a dissolution of marriage. The covenant marriage requires premarital counseling or education, by clergy, counselor, or marriage educator. The covenant marriage also supports couples who desire to preserve their marriage by requiring both spouses to have counseling during marital difficulties. Through counseling, spouses of troubled marriages can determine if their marriages can be saved. Another significant difference is that covenant marriages require additional conditions be met in order to obtain a legal separation or dissolution of marriage. If you are interested in a covenant marriage, it is recommended that you contact your faith leader or one of the community resources mentioned in the back of this booklet at least three months before you plan on getting married. This will allow you to get the information about the pre-marital education requirement and learn more about the covenant marriage contract. Couples may also obtain a free pamphlet published by the Arizona Supreme Court to learn more about covenant marriages and to decide if such a marriage is the right choice for them.

Couples who make the commitment to marry plan to stay married. However, sometimes marriages have problems. If you experience marital difficulties, you can get help. This handbook also includes a listing of classes, hotlines, legal services, counseling, support groups, and other community resources. You may be able to strengthen and save your marriage by using some of the services listed.

Should you still find that your marriage is dissolving, you will find general information about divorce, economic implications, court processes for divorce, and parental responsibilities for your children in this handbook. However, this handbook is not designed to give you legal advice. It provides general information about the marriage contract and the marriage relationship in accordance with Arizona law in effect July 2000. If you seek additional information or advice, please contact an attorney.

This handbook supports your decision to get married! Its purpose is to help you navigate your new, lifelong journey as husband and wife. Marriage is a crucial cornerstone of society. It should provide a lifetime of happiness. Happy marriage relationships promote healthy families. Marriage is a crucial cornerstone of society. Keeping your marriage healthy is important to society and most of all to your children who need and deserve two loving parents. We wish you success in your mutual journey. Again, congratulations and best wishes on a successful and happy marriage!

Building a Marriage

As you and your spouse begin your journey together, the first thing you will need to know is where you are going. Your shared destination is determined by your personal and shared values. By understanding your mutual values, you are on the same road, going the same direction, using the same mode of transportation. The marriage journey will require lots of decisions from both of you. Through mutual respect, trust, honesty, and love, you will have a rewarding trip.

Understanding Your Values

Your values are the foundation for all of your thinking and decision-making. Every decision you make is an effort to align your actions to your values. When you marry, you will be sharing your life with another person. It is so important that you know your own values and the values of your intended spouse. Your values and beliefs need to be compatible. Think about the values you consider sacred in your life and share this information with your partner. For example, if your faith and religion are important to you but are not important to your intended spouse, you may have a conflict of values.

Discuss these issues prior to making a marriage commitment. Build upon your mutual ideals. A harmonious, lasting marriage will be built upon a foundation of shared values and the effective communication of these values.

Building Your Team

Marriage is a team effort. One of the definitions of the word *team* is “a group of persons pulling together.” Pulling together and sharing the same goals are crucial to an effective team. Team members usually have different roles and different tasks to perform, but they share the commitment to the team and the responsibility for the success of the team. Talking to each other and sharing in decisions that affect both team members is very important. Talking, listening, and valuing your partner’s ideas and contributions will make your marriage team strong and healthy.

Learning Effective Communication

Learning to communicate effectively requires commitment from both you and your partner. It takes time and LOTS of energy, but it is worth the effort. To *commune* literally means “to put in common; to share.” The goal of effective communication is to create a common understanding with your partner. This common understanding is the cement of a strong marriage. Honesty is an essential component of effective communication. However, honesty must be tempered with kindness. Good communication between both of you promotes mutual trust and respect.

There are two basic forms of communication, verbal and non-verbal. Verbal includes the spoken or written word and non-verbal refers to body language. Often HOW something is said, including one’s tone of voice, facial expression, and gestures, is more important than WHAT is said. Even what is NOT said can have a dramatic effect. For example, walking out or refusing to communicate can be very damaging to a relationship. When couples gain confidence in communication, they are better able to avoid habits of withdrawal and succeed in tackling key issues.

Communication has two parts. One is speaking, the other is listening. Couples who learn how to do this calmly and effectively learn how to protect their love from the predictable problems that exist in every marriage. The goal is to learn to listen in a way that shows your partner you love them. This includes listening without interrupting, giving your partner your full attention, and listening so carefully that you can show them you understand their point of view. Speaking effectively takes just as much care as listening. Try to speak in a way that shows your partner that you love them, respect them, and that you want to work as a team. When you are discussing a heated topic, try to speak in short sentences and stick to the issue being discussed.

Successful marriages depend on good communication between both partners. Learning to be a good communicator takes patience and practice. As mentioned in the introduction, Arizona has established a program to help couples improve their communication skills. A list of organizations that provide communication training is in the back of this handbook.

Resolving Conflicts

Another step in building a lasting marriage is learning to examine and confront issues effectively. Couples in the healthiest marriages experience conflicts. Conflicts are normal because you and your partner have different beliefs and opinions. Conflict is simply a clash between these beliefs and opinions. The cause of conflict is that you and your partner see and approach situations and events differently. Conflict results when there are opposite points of view and each person believes that his/her viewpoint is right and his/her partner's viewpoint is wrong. The result is two different interpretations.

People in conflict are seldom upset about what they think they are upset about. One event may trigger an emotional outburst. The outburst often is caused by a series of unresolved issues. A win/lose situation will not solve the problem. Resolving conflicts effectively strives to achieve a win/win solution for both of you. How can you find an answer that benefits you and your partner? The first step is for the two of you to step out of the battle and look beyond the event that created the conflict. The next step is to shift your focus to your common interests, mutual values, and positive qualities. Each of you might want to silently ask yourself: "How do I want to respond to this conflict?" And, "What kind of experience do I want this to be? Do I want a positive experience or a negative experience?"

Refocusing your own thinking helps to calm emotions. You can redirect your thinking -- and your partner's -- to what you both really want: an activity or mutual goal, something more satisfying than the conflict. Couples can change their conflict experiences by changing their thoughts about the situation.

You can resolve conflicts by employing effective confrontation techniques.

Learning Effective Confrontation

Confrontation is usually thought of as bad or negative. However, the word *confront* means "to stand facing or in front; to face." Facing issues constructively is essential in developing strong marriages. Good confrontation or *assertive confrontation* is the open, honest, respectful, and considerate discussion of different points of view.

This kind of confrontation empowers both individuals and creates joint problem-solving and decision-making. You build a strong relationship when you share your differing opinions and respect each other's point of view.

Confrontation should be positive. However, sometimes couples find themselves in negative or *aggressive confrontations*. What is the difference between assertive and aggressive confrontation? Assertive is always respectful and considerate. Aggressive is always personal and defensive. The following lists some of the characteristics of both kinds of confrontation.

Assertive Confrontation:

- Is positive, non-blaming;
- Listens and responds desiring to understand and be understood;
- Does not view an enemy;
- Focuses on the problem, not the person; and,
- Works for mutual understanding and mutual benefit.

Aggressive Confrontation:

- Is negative, blaming, and reactive;
- Does not listen, only reacts;
- Always has a target;
- Focuses on the person, not on the problem; and,
- Stirs up anger and creates conflict.

How does assertive confrontation achieve better results than aggressive confrontation? Here is a sample situation. A husband and wife do not agree on how they will spend their money. They have not yet established an agreeable method on how they will make major financial decisions. One spouse can't wait for the agreement. This spouse goes out and makes an expensive purchase without consulting the other. A conflict erupts.

In aggressive confrontation, the “saving” spouse emotionally reacts to the situation. The “saving” spouse personally attacks the “spending” partner by name-calling, arguing, judging, condemning, and making hurtful comments. The goal of establishing a mutually agreed upon system for deciding on a major purchase has been lost in the emotional turmoil. Personal attack has taken precedence.

A more effective method of handling the situation is through assertive confrontation. Assertive confrontation is goal-centered. It views the situation as an opportunity for discussion where a mutually agreed upon solution can be reached.

Using the sample situation, in assertive confrontation, the “saving” spouse controls his/her emotions, does not attack the behaviors or personality of the other spouse, and proactively confronts the problem. This spouse uses the situation as an opportunity to achieve the original goal of establishing a financial decision-making system that meets the needs of both partners. Discussion focuses on the problem, not people. Both partners are actively engaged in creating an effective, mutually beneficial solution.

Assertive confrontation strengthens relationships through the open, respectful, and valued exchange of ideas. Both partners are equal contributors and solutions are collaborative. Through assertive confrontation, the harmonious resolutions of normal disagreements that occur in any marriage become helpful signposts to help direct your marriage journey.

Keeping the Marriage Vital

When you first get married, usually everything is new and exciting. But how do you keep your marriage new and exciting year after year? You have started a lifelong journey together. This journey will have many stops along the way. Each of your destinations will bring maturity to your relationship and to each of you. Your affection for each other increases through the lessons that you learn together and the laughter and the tears that you share. It is a good journey! The key to a successful marriage is having mutual values, goals, and interests; loving and living; and, living and loving together. Couples who can laugh together under challenging circumstances and gain the understanding of true friendship keep their marriage vital.

Addressing Economic Issues

As you prepare for your new journey as husband and wife, you have several financial issues to discuss. What financial resources and obligations do you bring into your marriage? Do you have business debts? Will you combine your finances and have joint checking and savings accounts or maintain separate accounts? Who will pay the bills? Will you develop a budget together?

Talking to each other about how you plan to earn, spend, and save your money is easier when you agree on priorities. Your marriage benefits from forming and sticking to a spending plan that includes discussion and agreement.

Sharing Financial Responsibilities

Arizona is a community property state. Once you are married, you are part of a team. You have formed an economic partnership. Your wise management of your money and honoring your obligations builds a good reputation for both of you. Unless there is a written agreement to the contrary, the money that you earn as a spouse now belongs to both of you. It is now *community property*. The things that you buy together belong to both of you. They are now *community assets*. The debt that you incur belongs to both of you. The debt is now your *joint liability*. However, money and property that you bring into the marriage are separate assets as long as you can identify this money and property as such. Inheritances and gifts received are considered separate property to the spouse receiving them.

It is wise to make major financial decisions together. You both will be responsible for those decisions. If you are uncomfortable at the thought of sharing financial responsibilities with your intended spouse, you might want to seek prenuptial counseling to determine underlying issues and to decide if marriage is the right decision for you at this time.

One of you may be better at balancing a checkbook, paying the bills, and developing a budget. As you take this marital journey with your partner, talk with each other about which one of you is best suited to do specific financial tasks. Then, after you are married, try out your new system! Adjust it if it doesn't work well.

Here are some specific financial planning tips. Decide together:

If you will maintain one joint checking account or separate individual checking accounts. Who will pay the bills and maintain the checking account(s)? How often and how much personal allowance each of you should receive? What is an appropriate savings and investment plan? How you will pay for large purchases such as automobiles and major appliances?

Building a Budget

Building a budget helps you to know how much income you will have, how much money you will spend, and how much money will be left over. It helps you to control your spending. A budget helps you to save money!

What are some steps to assist you?

1. Identify your financial goals: short range (e.g., buying groceries and gasoline) and long term (e.g., buying a house, setting up a college fund for your children).
2. Look at your current financial position. What is your monthly household income? What are your debts?
3. Write out a monthly budget for 12 months. Write out monthly expenses in the different categories (e.g., \$300 car payment, \$600 rent). Estimate how much you will spend in each category.
4. Compare your budget to your financial goals. Is there money left over after meeting your monthly obligations? If so, how much of the leftover money can be used for your goals? If you follow the budget you set up, how long will it take you to reach your goals?
5. Compare your actual costs to the costs you budgeted. Was your budget realistic?
6. Review and revise your budget. Stay on track toward meeting your joint financial goals.
7. Decide who will work, who will provide child care, and who will obtain further formal education.
8. How much insurance will be necessary?

It is important to make your budget realistic and flexible. Major categories of expenses are: rent or mortgage payment; utilities; food and household goods; clothing; healthcare; insurance premiums; tuition, charitable donations; transportation; household maintenance; credit card debt; hobbies and entertainment; vacation and holiday savings; and other expenses, such as cosmetics, hair care, veterinary fees (if you have pets), gifts, plants, and artwork.

Certain budget items are fundamental expenditures or “absolutes”, such as housing, food, and transportation. Other budget items are less important. Hobbies, vacations, gifts, and artwork are a lower priority than shelter and food. These are “discretionary” expenditures. Prioritize your budget items, starting with “absolutes.”

Involve your spouse in major budget decisions. Talk together about the mutual benefit and impact of your budget decisions. For example, what should you do if one of you wants a new computer while the other wants new carpet, and there is money for only one of the two items?

Which of the purchases is most needed and beneficial to both of you? What is the impact on the quality of your life together if you buy the computer? The carpeting? Set your purchasing priorities together. Be a team working towards your shared financial goals.

Raising a Family

Deciding to start a family is a BIG decision! The change you experienced when your household became two, triples with the addition of a child! Children bring great joy, sleepless nights, and new roles and responsibilities for both of you.

Once you are comfortable with your two-member family, you and your spouse may decide that it is time to have your first child. For many couples, the desire to have children was the primary reason for getting married. However, carefully consider the added responsibilities you will have for raising children BEFORE you have them.

Parenthood is a lifetime commitment. It requires emotional maturity from both partners. Raising children can be the most satisfying experience when both of you are ready to make this unselfish commitment.

Taking Responsibility for Raising Children

The decision to have children needs to be mutual. Children bring an enormous change to your relationship with each other. Some of the spontaneity that you once had as a couple may change. Your spouse, who received your full attention, may no longer be first, but second to the demands of your child. Fatigue from early childcare demands and feelings of uncertainty in your new roles can cause temporary marital stress. Career and childcare decisions, economic implications and new financial demands, and new housing requirements will need to be discussed. But the joys of parenthood outweigh the tensions of change.

Raising a child is a team effort and requires both partners to be active participants. No spectators allowed! You are bringing into the world a new human being who will require your full support physically, emotionally, socially, instructionally, and economically. Both of you are responsible for your child's care. This mutual responsibility for the care of your child or children never ends. When you agreed to have a child, you signed on for life to be Mom and Dad.

Your successful marriage is the crucial foundation on which to build a healthy home that will nurture your children. A married two-parent household generally provides a better standard of living (more money), more time to be with children, and stronger family bonds.

Coping with Family Challenges

Sometimes raising children can be very difficult. You may find that you need help. Some children have problems making friends, getting along in school, and staying out of trouble with the law. If you are having difficulty with your child, you can contact the juvenile court in your county for referral to family counseling services. Family counseling can strengthen families by providing a safe place to explore issues and resolve problems. Additional information is located at the end of this handbook in the Finding Community Resources section.

Walking Rocky Roads

If sad times start to outweigh happy times with your spouse, you are walking a lonely, rocky road in your marriage. Examine your own life, your spouse's life, and your relationship with each other. If you and your spouse can renew your love and commitment to each other, together you can remove the obstructions in your marriage. Professional counselors and/or members of the clergy may help you remove some of the boulders in your marriage path. Depending on the type of problems you encounter, you may find specific support groups and counseling classes to help you. See the listing of some available resources at the end of this booklet. Also refer to the yellow pages of the telephone book for listings of counselors, support groups, religious organizations, and other community resources.

Dealing with Painful Issues

If communication in your marriage breaks down, alcohol or drugs enter the picture, or if one partner is unfaithful, the marriage will suffer. As tension between spouses increases, it could lead to intimidation; threats; verbal, emotional, financial, or sexual abuse; and/or physical assault. If the journey with your partner takes a dangerous turn, what should you do?

If you are in immediate danger, DIAL 911.

No person has the right to hit, push, shove, shake, or abuse another person, even if that person is his or her spouse or child. Domestic violence and child abuse are crimes and will be prosecuted.

What is domestic violence? It includes the following crimes that result in violence or the threat of violence against anyone in a domestic relationship: assault, threatening and intimidating, endangerment, custodial interference, unlawful imprisonment, kidnapping, criminal trespass, criminal damage, disorderly conduct, and crimes against children.

Some forms of domestic violence are not physical, but emotional. Emotional abuse leaves no visible bruises or scars, but it is very harmful. Name calling, mean comments disguised as jokes, verbally attacking a family member, and angry outbursts are several forms of verbal abuse. The abuser ridicules, criticizes, devalues, or insults the victim, undermining self-esteem of the spouse. If you are in such a situation, you do not have to continue in it. The

most important step you can take in an abusive marriage is to get help for yourself and your children. See the resource directory at the end of this handbook. Remember, you are not alone. Domestic violence occurs in all ethnic, educational, and socio-economic backgrounds.

Protecting Yourself from Domestic Violence

What should you do if you are in danger of physical violence? How can you protect yourself and your children?

Being Safe During a Violent Outburst

To increase your safety, make a plan **BEFORE** the abuse occurs. How can you leave safely? Which doors, windows, fire escapes, elevators, or stairs can you use? Where can you keep your purse and car keys so that you can leave quickly? If you have to leave home, where will you go?

Once a violent outburst occurs, if you can get to a telephone, **dial 911** for help. Stay away from rooms with weapons, such as the kitchen. Stay away from rooms with no exits, such as a closet. If you are in a very serious situation and have no escape, give your partner what he/she wants to calm him/her. Protect yourself until you and your children are out of danger.

Getting a Restraining Order

If you are threatened by domestic violence and want to take legal action to protect yourself and your family, you can request a restraining order. Two petitions are available: a Petition for Injunction against Harassment and a Petition for Order of Protection. Either petition can be filed at the Justice Court, Municipal Court, or Superior Court in your community. You may be able to get assistance with the paperwork from a free legal advocate. See the resource directory at the end of this handbook.

To obtain an order of protection, go to the Clerk's Office self-service center or protection order office at the courthouse in your community. There you will fill out a petition describing the domestic violence that has occurred to you and the relief you are requesting. You may request that your address be kept private unless your spouse knows where you live. You will then appear before a judge and tell the judge your situation. After you testify, the judge will decide whether or not to issue the order.

If the judge issues the order, you will be given a copy of it. Keep your copy with you at all times to show to the police should your spouse violate the order. Another copy of the order will be used to notify your spouse. The order does not become effective until your spouse has been served. Court personnel will tell you what you must do to get the order served. Do not try to serve the order yourself.

After service of the order, your spouse will have the opportunity to request a hearing contesting the order. If your spouse contests the order, you must appear at the hearing. If you fail to attend the hearing, the order will be dismissed. At the hearing, you will again tell the judge what has happened to you and why you want the order. Your spouse will have the opportunity to tell his/her story as well and the judge will determine whether or not to maintain the order.

The order is good for one year after the date of service on your spouse. If you need an emergency protection order on a weekend, night, or holiday, call the police. The police will contact a judge immediately to issue an emergency order. The emergency order is good until the end of the court's next business day, usually 5 p.m. On the court's next business day, go and petition for a restraining order. If your spouse violates the protective order, call the police. Remember that a restraining order is only a piece of paper; you must take steps to protect yourself.

Making a Personal Safety Plan

If your spouse continues to be abusive, you may decide to leave. Do not let your spouse know of your plans. Make a plan that ensures you and your family's safety. Leave money and an extra set of keys with someone you trust so that you can leave home quickly. Write down and keep the domestic violence program's hotline number handy. You can seek emergency shelter by calling the hotline. Rehearse your escape plan. Practice it with your children, if appropriate.

Documents you will need to keep together in case you leave include your driver's license, birth certificates, social security numbers, health benefit cards and immunization records, credit cards, cash, checkbook, address book, children's favorite toys, and other identification or valuable documents.

You may decide to stay in your residence and have your spouse leave. This can be done through an additional provision that can be added to a protective order. Your abusive spouse must move from your shared residence. In addition, you can change your window and door locks, install outside lighting, and replace wooden doors with steel/metal doors.

Protecting Your Children from Abuse and Neglect

Child abuse means inflicting or allowing physical injury or emotional damage to a person under the age of 18 years. Abuse includes inflicting or allowing sexual abuse, sexual conduct with a minor, sexual assault, molestation of a child, commercial sexual exploitation of a minor, incest, or child prostitution.

Neglect means substantial risk of harm to a child's health or welfare through the inability or unwillingness of a parent, guardian, or custodian of a child to provide that child with supervision, food, clothing, shelter, or medical care.

If you suspect that a child is being abused or neglected, call the Child Protective Service (CPS) Hotline at 1-888-767-2445.

Dissolving a Marriage

Ending the journey with your spouse is a hard step, one that should be taken only if it is the best choice for you and your family. If you find that you no longer want to be married to your spouse, what should you do next? How will a legal separation or divorce affect your finances? What happens to your children? Children have rights and you have obligations even when a marriage is dissolved.

To decide to end your marriage means breaking the contract you made when you wed. If you signed prenuptial agreements before you married, clauses concerning divorce will go into effect as your marriage ends.

You and your spouse may feel many emotions concerning ending your marriage -- sadness, anger, frustration, relief. Check the next section of this handbook to learn where you can obtain counseling and legal counsel to help you deal with your emotions and take care of the paperwork that comes with dissolving a marriage.

Knowing the Economic Implications of Separation and Divorce

Unless there is a written agreement to the contrary, money earned by either you or your spouse during the marriage, assets purchased by either of you, and debts incurred by either of you are considered to be *marital assets and liabilities* that will be distributed to each of you if you divorce. This is true even if an asset is bought in one name alone with the money earned by that person. Title to property alone does not determine distribution.

Any asset owned by you *before you marry* that you keep separately titled, such as a home, generally will be distributed to you upon divorce. Such an asset is called *nonmarital property*. However, if that asset has increased in value due to improvements by the expenditure of marital funds, or if that asset has increased in value due to the work efforts of either partner (even if it is only the work of the one who owned it before), then the increased value may be considered a marital asset that can be distributed to both husband and wife upon divorce.

If you owe a debt prior to your marriage, and if that debt still exists at the time of your divorce, you still will be solely responsible for it unless your spouse has legally agreed to pay the debt during the marriage. Debt that you incur or your spouse incurs during the marriage is considered a *marital debt* that can be assigned for payment to you, your spouse, or both of you upon divorce.

Ending a Marriage

To file for a divorce (dissolution of a marriage) in Arizona, you or your spouse must be a resident of Arizona. This means that you or your spouse must have lived in Arizona or been stationed as a member of the armed forces here for at least 90 days prior to filing for a divorce.

Arizona is a no-fault divorce state. Unless in a covenant marriage, the spouse filing for divorce does not need to prove that the other spouse did something that caused the breakup of the marriage. However, one court can do (such as sending the couple to counseling) to persuade the couple to reconcile.

If you have children under 18 years old and want to dissolve your marriage, you and your spouse will need to attend and complete a parent information class within a timeframe established by the judge. The purpose of the class is to give you information concerning the impact that divorce, changes in the family unit, and court involvement have on children involved in a divorce. Depending upon your financial circumstances, you may be eligible to receive from the court a waiver or deferment of the parent information class fee. The court may not require your class attendance if it determines that participation in a parent information class is not in the parents' or child's best interest, or if you are or will be enrolled in an educational program that is comparable, or if you have already completed a parent information program or comparable program.

If you and your spouse cannot save your marriage, you or your spouse may have to appear in court to obtain a divorce. Once a petition for dissolution of marriage is filed, it must be legally served upon the other party. That party must then file a written answer with the court. Forms for dissolution of marriage proceedings are available and some courts have self-help units to assist people in filling out these forms.

A divorce is *by default* when the other spouse does not respond to a filing of divorce papers. Only the spouse who filed the divorce papers must go to court for a hearing. A divorce *by stipulation* is when both parties agree on all of the terms. Usually neither spouse will have to appear in court if the divorce is by stipulation. There is a 60-day waiting period after the service of process before either a default hearing or the submission of a stipulated decree can be submitted to the court.

A *contested* divorce is when one spouse disagrees with the other. A contested divorce will end up in court if the parties cannot mutually agree. Because of the court's heavy caseload, a contested divorce can take eighteen months or longer.

In order to terminate a covenant marriage, a spouse must prove that the other spouse has: committed adultery; been convicted of a felony and has been sentenced to death or imprisonment; has physically or sexually abused the other spouse, a child, or a relative of either spouse who lives permanently in the married couple's home or committed domestic violence (defined in section 13-3601 of the Arizona Revised Statutes); regularly abused drugs or alcohol; abandoned the spouse for one year; or, *both spouses* must: have been separated for two years; have been granted a legal separation by the court and living apart for at least one year from the date of legal separation; or agree to a divorce. The dissolution can be filed

prior to the one or two years running on the abandonment or separation. However, it cannot become final until the time has run. The court may make temporary orders during the interim time. Temporary orders may be made for child support, spousal maintenance (alimony), parenting time (visitation), and exclusive use of the community property.

Paying or Receiving Spousal Maintenance (Alimony/Support)

Upon separation or divorce, spousal maintenance may be awarded to either of you if certain requirements are met. Those requirements are found in A.R.S. Section 25-319. If awarded, the type, duration, and amount of spousal maintenance will be determined by several factors. These factors include: the age of the parties, the duration of the marriage, the health, education, and skills of each party, and other factors. Not every dissolution qualifies for spousal maintenance.

Assuming Child Support Responsibilities

If you and your spouse have children, both of you have a duty to support them. Upon divorcing, that duty is enforced through an award of child support. Child support refers to payments made by one parent to the other for the needs of the child. Both parents are expected to contribute to the financial support of the child. The amount of child support is determined by combining the income of both parents. The court will use the *Child Support Guidelines*, as required by Arizona statute, to determine the amount of child support. These guidelines list the factors involved in determining support.

Child support must be paid in money -- not in clothes or gifts. A child support order typically applies to any child under the age of 18, or a child who is still attending high school or an equivalency program. If a child is mentally or physically handicapped, the judge may order that support payments continue indefinitely, past the age of 18.

Assistance in obtaining a child support order may be available from your local Clerk of Superior Court office or from your local Child Enforcement office. A listing of local child support enforcement offices is found on the DES web site, www.de.state.az.us, or you may call 1-800-882-4151 for assistance in locating your local child support enforcement office. A computerized child support calculator can be used to calculate each parent's share of the child support obligation and can be found on the Arizona Supreme Court website at: www.supreme.state.az.us/childsup.

Child support will be withheld from a spouse's wages by order of the court and then paid to the receiving spouse through a court-monitored agency, the Support Payment Clearinghouse. All child support and spousal maintenance (alimony) payments must be made through the Support Payment Clearinghouse.

Arizona law also requires that one of the parents provide medical coverage for the child.

Making Decisions for Children after Divorce

Child custody refers to the rights and relationships between the parents and the children after the divorce decree. The court can order *sole custody*, or joint custody, which means joint physical custody, or joint legal custody, or both. Child support and child custody are different issues.

Sole custody is when one person has legal custody for the child, although the other parent may have visitation (parenting time) rights. Joint legal *custody* is when both parents share legal custody and neither parent's rights are superior, except with respect to specified decisions that are set by the court or the parents in the final judgment or order. Joint physical custody is when the physical residence of the child is shared in a way that assures substantially equal time and contact with both parents.

When custody is determined, the court must determine what is in the best interests of the child. In making this determination, the court considers all relevant factors. Some of these factors are: the relationship of the child with the parents; the child's adjustment to home, school, and community; the mental and physical health of all individuals involved; and, which parent has provided the primary care of the child.

Determining Living Arrangements for Children after Divorce

Both parents are entitled to equal consideration as the primary caretaker, regardless of the age or gender of the child. When parents separate or divorce, both parents should maintain contact with their children. Ordinarily, one parent will be designated the "primary caretaker" and one home will be designated the "primary home" of the child. Alternate living arrangements, including situations where one parent has sole custody or where neither parent is designated a primary caretaker, can be agreed to or ordered.

Scheduling Parenting Time with Children

Both parents are entitled to spend time with their children unless contact would be detrimental to the children. In most circumstances, a schedule will be established that designates which days and nights will be spent with each parent. This schedule usually includes specific holiday planning, vacation planning, and a method for modifying the schedule should a need arise. Overnight parenting time may not be denied based upon the age or gender of a child.

Understanding Stepparenting Responsibilities

Unless you adopt the child of your spouse, you do not have parental rights or responsibilities for the child. Therefore, if you divorce, you will not have an obligation to support your stepchild, even if you voluntarily have done so during the marriage. If you adopt your stepchild during your marriage, then you are the child's parent in all respects and will be given the same consideration for parental rights and responsibilities as would any natural parent.

Resuming Life as a Single Person

The time preceding divorce and immediately following divorce may be the hardest days of your life. You will get through them! Often, it is helpful to have someone to listen to your feelings and to share ideas. There are many resources available to help you strengthen yourself and your children after divorce. To assist during this challenging time, please refer to the listing of resources in the next section.

Finding Community Resources

As you make life-changing decisions, you will find that your community can assist you. Could you and your partner benefit from a marriage education course? Do you need help putting your life back together after divorce? Are your children suffering as a result of legal separation or divorce? Community resources are listed in this section to help you and your family make major life transitions. You can also locate additional local community, state and national resources on the Internet. Key words to search for include marriage, family and relationship counseling and web sites such as: www.smartmarriages.com and www.marriagesavers.org.

In the following sections are listings of organizations and telephone numbers that may be of interest to you. This information is not intended as an endorsement of any organization, group, or belief. The yellow pages in your community may also contain additional information, including listings of places of worship and counseling services.

Strengthening Your Marriage Marriage & Communication Workshops

There are many ways to strengthen your marriage. One healthy way to start your marriage is through marriage and communication skills training. Couples who participate in this type of training not only increase their communication skills but also learn how to work together as a team.

Several community-based organizations offer this type of training to individuals or couples. Depending upon your income, you may qualify for a voucher that will enable you to participate for free. Otherwise you will be required to pay all or a portion of the training fee.

To see if you qualify for a voucher, contact one of the listed Marriage and Communication Skills Training providers. The list of these providers is available by calling 602-542-3882, or can be accessed at the following web site: www.azdes.gov/marriage/provider.asp.

Escaping Domestic Violence

If you need information on resources in your community, contact:

The Arizona Coalition against Domestic Violence
602-279-2900 or 1-800-782-6400

Community Information and Referral
1-800-799-7739 in the 602, 623, and 480 area codes
1-800-352-3792, in the 520 area code

Governor's Office for Domestic Violence Prevention
Domestic Violence Crisis Hotline - 1-800-799-SAFE

Arizona State Supreme Court - Website:
www.supreme.state.az.us/dr/dv/dv.htm

Reporting Child Abuse

In Arizona, call: 1-888-SOS CHILD / 1-888-767-2445

Obtaining Family Counseling Services

Family counseling services are available through each Arizona juvenile court through referral. The services are provided to strengthen family relationships and to assist families who are dealing with difficult children and adolescents.

Please contact the juvenile court in individual Arizona counties for additional information.

<i>Apache County</i>	520-337-7549
<i>Cochise County</i>	520-432-5458
<i>Coconino County</i>	928-228-5454
<i>Gila County</i>	928-402-8753
<i>Graham County</i>	928-428-3955
<i>Greenlee County</i>	928-865-4184
<i>La Paz County</i>	928-669-6188
<i>Maricopa County</i>	602-506-4011
<i>Mohave County</i>	928-753-0741
<i>Navajo County</i>	520-524-4188
<i>Pima County</i>	520-740-2000
<i>Pinal County</i>	520-868-7065
<i>Santa Cruz County</i>	520-375-7700
<i>Yavapai County</i>	928-771-3156
<i>Yuma County</i>	928-314-1862

Finding Legal Assistance

Arizona laws addressing marriage dissolution, division of property, enforcement of child support, and protective orders against domestic violence are found primarily in Chapters 13 and 25 of the Arizona Revised Statutes. These statutes are available for review at all public libraries. Recent legislative changes can be accessed online at:

- www.azleg.state.az.us
- www.supreme.state.az.us/dr/dv/dv.htm

Many courthouses have opened self-service centers that provide access to forms required for dissolution of marriage proceedings. The forms can also be retrieved online at:

- www.supreme.state.az.us/dr/dv/dv.htm
- www.maricopa.gov

For further information, you may call the Supreme Court at 602-542-8787 or 1-800-259-1600.

For referrals to attorneys who can assist in family law, call AZ State Bar at 602-340-7300. You can also call Arizona Statewide Legal Services at 602-252-3432.

Coping with Life after Divorce or Separation

Separation and/or divorce can create a flood of intense negative emotions such as anger, guilt, fear, grief, failure, self-condemnation or condemnation of your spouse, and resentment. These emotions can be crippling and prevent you from rebuilding your life. Many community resources are available to help you through this difficult transition. Here are some resources that may be useful to you.

First Institutional Baptist Church Support Groups	602-258-1998
Franciscan Renewal Center Support Group	480-948-7460
Guide for Living Support Group.....	602-993-1213
New Wine Support Groups	602-678-0999
Phoenix Interfaith Counseling Support Groups	602-248-9247
Valley Presbyterian Support Group.....	480-991-6424
Single Parent Support Group.....	602-788-5511

Helping Your Children After Divorce or Separation

Separation and/or divorce can be very traumatic for children as well. Children often feel responsible for failed marriages. Like you, they may feel angry, afraid, guilty, confused, and isolated. Sometimes their feelings are expressed through harmful behaviors. If you find that your child or children need counseling assistance, community organizations are available to help your children cope with the change caused by separation and/or divorce.

In Arizona, there are United Way agencies that maintain information on local agencies that provide an array of services for children. In Maricopa County, call 602-263-8856; in northern Arizona, call 1-800-352-3792, in Pima County, call 520-881-1794, and in the southern part of the state, call 1-800-362-3474.

Making Support Payments

Support Payment Clearinghouse
P.O. Box 52107
Phoenix, AZ 85072
602-252-4045

Conclusion

This free handbook is one way that the State of Arizona is showing its support of your decision to marry. The information inside has been intended to be a basic roadmap to guide you through your marriage journey. You choose the stops along the way. You pick your means of travel. You determine the outcome of the trip. The State of Arizona hopes that you have a happy and safe journey!

Again, Congratulations!

This Marriage Handbook contains web sites developed and maintained by other organizations. The Department of Economic Security (DES) and the Marriage and Communication Skills Commission (Commission) are not responsible for the information or contents of these web sites. In addition, DES and the Commission do not control or guarantee the accuracy, relevance, timeliness or completeness of this outside information.



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