

**If I am divorced, is my ex-spouse held responsible for debts incurred during the marriage?**

Generally, yes. If a court finds that both spouses received some benefit from a debt, both can be liable for the debt. If there is a judgment already entered and both the husband and the wife were named in the original judgment, the creditor may be able to assert collection against one or both parties.

**If I am divorced and the court handed down a judgment that my ex-spouse is responsible for paying attorney fees, how can I reclaim the money owed me?**

You can pursue your ex-spouse's assets civilly, which, for example, can include garnishing his or her wages. This type of action is for nonpayment of a money judgment. One example would be if one party received a judgment for attorney fees against the ex-spouse. When you have a money judgment against another party (e.g., your ex-spouse), you now become "the judgment creditor."

To collect on your money judgment, you will have some options including filing an application for a writ of garnishment. The forms for filing an application for a writ can be found on the Arizona Judicial Branch website:

<http://www.superiorcourt.maricopa.gov/SuperiorCourt/CivilDepartment/forms.asp>

Click on Self Service forms. Click on the packet you are in need of and be sure to print all the forms and instructions.

[www.azcourts.gov/selfservicecenter/Self-Service-Forms/](http://www.azcourts.gov/selfservicecenter/Self-Service-Forms/)

Once you complete and file the forms with the Clerk of the Court, the garnishment portion of your family case will be forwarded to the civil court. You (the judgment creditor) *must* take your **conformed** copies of your filed garnishment paperwork to the civil court administration office as soon as possible. Civil court administration will assign a civil commissioner to your case.

**Conformed copies** are exact copies as the filed documents that are stamped by the Clerk of the Court as copies.

Please deliver your conformed copies to the following Civil Court Administration offices:

**DOWNTOWN**

Cases beginning with (00,01,02 or 03) after the year  
Example: FC2005-010000, FC2005-020000, or FC2016-030000

125 West Washington, Lower Level Suite 003  
Phoenix, AZ 85003

**SOUTHEAST**

Cases beginning with (08 or 09) after the year  
FC2006-080000 or FC2006-090000

222 E. Javelina  
Mesa, AZ 85210

Cases beginning with (05 or 07) after the year  
FC2007-050000 OR FC2007-070000

18380 N. 40<sup>TH</sup> STREET  
Phoenix, AZ 85032

**The judicial officer who has handled your case in Family Court will not be handling your civil garnishment.**

If you do not take your **conformed** copies of your paperwork to civil court administration, it will prevent your garnishment application from moving forward.

Once the Clerk's office signs the writ of garnishment you need to have the writ of garnishment served on the other party, (now called "the judgment debtor"), the debtor's employer or any other entities with which the debtor has assets.

**Judgment Debtor** is the person who is responsible for the debt that needs to be paid.

**Certified copy** is a copy of the original document which is stamped by the Clerk of the Court stating that it is a true copy of the original document.