

Law Library Resource Center

GENERAL INFORMATION:

ANNULMENT - WITHOUT MINOR CHILDREN

Annulment in Arizona: An annulment in Arizona is a judgment of a marriage to be null and void. The annulment legal process requires certain statements to the Court showing reasons the purported marriage is invalid from the beginning, almost as if it had never taken place. You must have a legal reason to file for annulment.

90 DAY Requirement to File for an Annulment in Arizona: You or your spouse must have made *Arizona your home*, or have been stationed in Arizona while a member of the Armed Forces, **for AT LEAST 90 (Ninety) DAYS before you file the Annulment Petition with the Court**. If you cannot meet this requirement DO NOT buy these forms and DO NOT file for Annulment at this time.

NOTE: *The Arizona statutory definition of annulment (A.R.S. § 25-301) is not the same as annulment defined by certain religions.*

Covenant marriage: A covenant marriage in Arizona is a legally distinct kind of marriage in which the marrying couple agrees to obtain pre-marital counseling and accept more strict grounds for divorce. The Arizona Covenant Marriage emphasizes the belief that marriage is more than just a contract between two individuals and requires specific statements of mutual commitment. If you have questions as to whether your marriage is a covenant marriage, look for the words “covenant marriage” on your marriage license, or see an attorney for help. These annulment forms may not be used if you have a covenant marriage.

Domestic Violence: Domestic violence is also known as domestic abuse, spousal abuse, battering, and family violence. Domestic violence can be a pattern of abusive behaviors by one partner against another in an intimate relationship such as marriage, dating, family, or living together. Domestic violence has many forms, including physical aggression or assault (hitting, kicking, biting, shoving, restraining, slapping, throwing objects), or threats thereof; verbal abuse, sexual abuse, emotional abuse, controlling or domineering behavior, intimidation, stalking, or passive abuse, such as neglect.

Court documents usually request your address and telephone number. If you are a victim of domestic violence, you may protect yourself from further violence by protecting your residential address. To do this, get a P.O. Box, or use another address. Also, you must file a “Petition for Order of Protection” and ask that your address NOT be disclosed on court papers.

Remember: Contact an Attorney if you are unsure whether an annulment is right for your situation. You may follow all the correct procedures and get all the way to your Court hearing, only to find the Judge does not find **legal grounds** for an annulment. If that happens, you may have to file additional forms for a divorce/dissolution instead. You could save time and money to find legal advice before you begin the annulment paperwork.

Law Library Resource Center

INSTRUCTIONS:

HOW TO COMPLETE FORMS FOR A PETITION FOR ANNULMENT – WITHOUT MINOR CHILDREN

STEP 1: In **BLACK INK**, please complete the following:

1. FORM: FAMILY COURT/SENSITIVE DATA SHEET: You are the Petitioner. Write in the information requested about you, the Petitioner, and the Respondent.

- DO NOT include your mailing address on this form if you are requesting address protection.
- Case Type: Mark only one box that matches the annulment legal procedure:
 - Annulment
- Interpreter: Check “yes” or “no” to indicate whether you need a language interpreter. If you check, “yes”, write in what language(s) are needed.
- No additional copies are needed of this form. Do NOT serve this form on the other party.

2. FORM: SUMMONS. Please fill in the following information:

- Your name, street address (if not protected), city state, zip code, telephone number (if not protected), attorney bar number (if you are represented by an attorney).
- Check the box if you are representing yourself.
- Print your name (as Petitioner), then print the name of your spouse (the Respondent).
- Do not fill out the remainder of this form; the Clerk of Court will finish the form.

3. FORM: PRELIMINARY INJUNCTION.

- Your name, street address (if not protected), city state, zip code, telephone number (if not protected), attorney bar number (if you are represented by an attorney).
- Check the box if you are representing yourself.
- Print your name (as Petitioner), then print the name of your spouse (the Respondent).
- Number 6 – Description of the Parties: Under “Petitioner”, fill in your name, height, driver’s license (last four numbers), your date of birth, and weight. Checkmark the box of your gender. Under “Respondent” fill in your spouse’s name, height, driver’s license (last four numbers), your spouse’s date of birth, and weight. Checkmark the box of your spouse’s gender.

4. FORM: PETITION FOR ANNULMENT of a NON-COVENANT MARRIAGE – WITHOUT MINOR CHILDREN.

- At the top of the form, please fill in your name, street address (if not protected), city, state, zip code, telephone number (if not protected), attorney bar number (if you are represented by an attorney).
- Check the space if you are representing yourself.
- Print your name (as Petitioner), then print the name of your spouse (the Respondent).
- 90 Day Residency Requirement: If you or your spouse has lived in Arizona at least 90 days before you file this petition, check the box.
- Items 2 through 4: Fill in your information (except your protected address), about your spouse, and your marriage. Also note the length of time both you and your spouse have lived in Arizona.
- Item 5: Check the box that describes the condition of the wife at the time you file this petition.
- Item 6: Grounds for the Annulment. This section is highly important. Please check **at least one** reason for requesting the Court grant you the annulment –OR– write your reason on the lines provided at the bottom of the list, and check the “Other Reason” box. (If you are unsure about the meaning of any of the listed reasons, please consult A.R.S. §§ 25-301, 302, or an attorney.)
- Items 7 and 8: Check the box which best describes both you and your spouse’s property and debts surrounding the marriage. Then LIST the description of property and amount of debts for Parts A and B.
- Request(s) to the Court: If you wish the Court to consider an additional order, fill in Item 4 with WHAT you want and WHY you want the Court to order it.
- When you are filing this Petition with the Court Clerk, you will sign the oath in front of the clerk.

5. FORM: NOTICE OF RIGHT TO CONVERT HEALTH INSURANCE: This is an important document that explains what to do about your healthcare coverage. Read it carefully; fill in your name as Petitioner, and your spouse’s name as Respondent. Be sure to include a copy of this form when you serve your spouse with the entire annulment packet.

6. FORM: NOTICE REGARDING CREDITORS: This is an important document that tells you and your spouse that you are BOTH responsible for community debts to creditors, even though the Court may order or decree that only one of you are responsible. This notice must be served on your spouse. Also, please read this notice to learn how to obtain information from your creditors about account balances.

Set aside the FORM: Family Court / Sensitive Data Coversheet.

DO NOT COPY this form.

STEP 2: MAKE Two (2) copies of the following FORMS:

- Summons
- Preliminary Injunction
- Petition for Annulment without Minor Children
- Notice of Right to Convert Health Insurance
- Notice Regarding Creditors

STEP 3: ADD the Family Court / Sensitive Data Coversheet FORM to the **original** set of forms. Separate this original set of forms from the copies you have made.

- **3 SETS:** You should have a total of **1 original** set of forms, **plus 2 copies** of the forms (your photocopies from STEP 2 above).

STEP 4: TAKE your 3 sets of papers to the Superior Court, Family Court Filing Counter at one of the locations listed below. The Court is open Monday through Friday from 8:00 a.m. to 5:00 p.m.

Clerk of the Superior Court
CENTRAL COURT BUILDING
201 West Jefferson, 1st floor
Phoenix, Arizona 85003

Clerk of the Superior Court
SOUTHEAST COURT COMPLEX
222 East Javelina Avenue, 1st floor
Mesa, Arizona 85210

Clerk of the Superior Court
NORTHEAST COURT COMPLEX
18380 North 40th Street
Phoenix, Arizona 85032

Clerk of the Superior Court
NORTHWEST COURT COMPLEX
14264 West Tierra Buena Lane
Surprise, Arizona 85374

STEP 5: HAND all 3 SETS of papers to the Clerk and pay your filing fee at the Family Court filing counter. You should go to the Superior Court at least two (2) hours before it closes, as the Superior Court closes daily at 5:00 p.m.

FEES: A list of current fees is available from the Law Library Resource Center and from the Clerk of Court's website.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a deferral (payment plan) when you file your papers with the Clerk of the Court. Deferral Applications are available at no charge from the Law Library Resource Center.

- **WAIT** for the Court Clerk to give you back the following: 1) your copy of the set of papers, and 2) your spouse's copy of the set of papers.

STEP 6: READ the packet called the "**Service of Court Papers**", at the Superior Court Law Library Resource Center, to find out how to serve the other party (your spouse).