

**DIVORCE - WITHOUT MINOR
CHILDREN
For Respondent Only**

3

Response

Part 3: Respond to a Divorce Petition
(Instruction Packet)



SELF-SERVICE CENTER

DISSOLUTION OF A NON-COVENANT MARRIAGE (DIVORCE) – WITHOUT MINOR CHILDREN FOR RESPONDENT ONLY

PART 3 -- RESPONSE TO A PETITION

This packet contains instructions about how to respond to a ***“Petition for Dissolution of a Non-Covenant Marriage (Divorce) -- Without Minor Children”***. Be sure the documents are in the following order:

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SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO RESPOND TO DISSOLUTION (DIVORCE) PAPERS FOR A NON-COVENANT MARRIAGE – WITHOUT MINOR CHILDREN

DOMESTIC VIOLENCE: Domestic violence can be part of any marriage. Domestic violence includes **physical violence**, such as hitting, slapping, pushing or kicking, and **threats** of violence and/or **verbal abuse** directed against you and/or your children.

Court documents request your address and phone number. If you are a victim of domestic violence, and you **do not** want your address to be known to protect yourself or your children from further violence, you must file a Petition for an Order of Protection and ask that your address not be disclosed on court papers. With that Order, you do not need to put your address and phone number on your divorce papers just write "protected" in the space where the court asks you for this information. You must tell the Clerk of the Court your address and phone number as soon as possible.

INFORMATION ABOUT PAPERS YOU SHOULD HAVE RECEIVED FROM YOUR SPOUSE WITH THE PETITION FOR DISSOLUTION:

SUMMONS: You have been summoned to appear in court. The **"Summons"** tells you how many calendar days you have to file a Response, depending on how you were served with the court papers. Be sure to file a WRITTEN RESPONSE on time. If the time for you to file a WRITTEN RESPONSE has passed, your spouse must complete an **"Application and Affidavit for Entry of Default"** and send you a copy of that. You will have 10 more days from the date the application was filed with the Clerk of the Court in which to file your WRITTEN RESPONSE. If you do not file a WRITTEN RESPONSE **ON TIME**, a default judgment can be entered, which means you will not get to tell the judge your side of the story.

PRELIMINARY INJUNCTION: This is an order from the court to both spouses about what you **CAN** and **CANNOT** do with property and other issues while the divorce is pending. If you or your spouse violate this order, the party who violates it can be in serious trouble with the court. If your spouse violates the order, see a lawyer for help on what to do. The Self-Service Center has a list of lawyers who will help you help yourself, and this list tells how much they charge to help you.

NOTICE OF RIGHT TO CONVERT HEALTH INSURANCE: This is an important document that explains what to do about health care coverage for yourself and/or your children. Read it carefully.

INFORMATION FOR CONCILIATION COURT: You may or may not have received a paper on this. Your spouse is not required to send you this document. In either case, the court has "Conciliation" and "Mediation" services available to couples to help them preserve their marriage. You can ask for an appointment to discuss your marriage with these professionals by filing a written Petition. You can get the forms for the appointment at the Self-Service Center.

"PETITION FOR DISSOLUTION OF A NON-COVENANT MARRIAGE --WITHOUT MINOR CHILDREN:" This is the form your spouse completed to tell the court his/her side of the story about property, debt, spousal maintenance/support (alimony), minor children, pregnancy, and everything else about the marriage. **Read every word very carefully**, and decide what you want to do. Here are your choices:

1. **Do nothing.** This means your spouse can get a divorce and tell the judge his or her side of the story, without you telling your side at all. **This is called a default.** Even in these cases, the judge will try to decide what is best, but it is never a good idea to ignore the court proceeding and have a court order that you had no input on. You should see a lawyer for help before you decide to do nothing.
2. **Consent.** Decide with your spouse how you want to handle everything: property, debt, spousal maintenance/support (alimony), and everything else about the marriage. Then you and your spouse file papers in the court stating your agreement on everything. This is called a **Consent or Stipulation.** This is often the best way to proceed, if you and your spouse believe the marriage is over, and you can talk about how you both want to handle the divorce. Mediators can help you with this. The Self-Service Center has a list of mediators, and how much they charge to help you.
3. **Disagree.** File a Response stating your side of the story, and how you want to handle everything: property, debt, spousal maintenance/support (alimony), and everything else about the marriage. This will make your case a **contested matter.** But, even if you originally file a Response, you and your spouse can still decide to agree on something, or everything, and file court papers for a **Consent or Stipulation.** Mediators can help you with this, and the Self-Service Center has a list of mediators, and how much they charge to help you. If you file a Response and do not settle everything with your spouse, you must be sure to file the court papers you will need to set the case for trial.

No matter how you proceed, you can still get help from Conciliation Court, for either conciliation or mediation. You can ask for an appointment to discuss your marriage with these professionals, by filing a written Petition. The forms for an appointment are available at the Self-Service Center.

COMPLETING YOUR WRITTEN RESPONSE TO THE PETITION:

- A. Make sure your form is titled ***“RESPONSE TO PETITION FOR DISSOLUTION OF A NON-COVENANT MARRIAGE --WITHOUT MINOR CHILDREN.”***
- B. In the top left corner of the first page, fill out the following: YOUR name; address (if not protected); city, state and ZIP code; telephone number; and your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security; Attorney Bar Number if you are represented by an attorney; then check the box to tell the court whether you represent yourself or are represented by an attorney.
- C. Fill in the name of “Petitioner” and “Respondent” the same way as it looks on the Petition. Do that for every document you ever file with the court regarding this case from now on.
- D. Use the case number stamped in the upper right-hand corner of the Petition. Do that for all documents you ever file with the court regarding this case from now on.

STATEMENTS UNDER OATH OR AFFIRMATION:

1. **INFORMATION ABOUT MY SPOUSE, THE PETITIONER.** Fill in your spouse’s (the Petitioner’s) name, address (if not protected), date of birth, occupation, and length of time domiciled (lived) in this state. This is basic information about the Petitioner.
2. **INFORMATION ABOUT ME, THE RESPONDENT.** Fill in your name, address, date of birth, occupation, and length of time domiciled (lived) in this state. This is basic information about YOU, the Respondent.
3. **INFORMATION ABOUT MY MARRIAGE.** This is general information about your marriage. Fill in the date that you were married, and the city and state where you were married. Then check the box to indicate whether you have a “covenant” marriage or a “non-covenant” marriage. If you have questions about whether you have a covenant marriage, read your marriage license, and/or ask a lawyer for help.

If you disagree with the type of marriage your spouse says you had, **attach a copy of your marriage license to the Response.**

4. **90-DAY REQUIREMENT.** This tells the court that you OR your spouse have lived in Arizona, or been stationed here while in the Armed Forces, for at least 90 (ninety) days before the Petition for Dissolution was filed. Before you file a Divorce, this **MUST** be true. If it is not true, the Petition was filed too soon and the case must be dismissed until the 90 days passes. You or the petitioner can file a motion to dismiss.

PROPERTY AND DEBTS: The information you give in paragraphs 5 and 6 tells the court about your property and debts and how you think property and debts should be divided. Community property is generally any property you and your spouse purchased during your marriage or that was paid for during the marriage, no matter who uses the property or who actually paid the money. Unless property was a gift or inheritance, all property gotten during the marriage up until the day the Respondent is served with the Petition for Dissolution is community property, and both you and your spouse are entitled to a roughly equal share of this property. Community debts, are debts acquired during the marriage, and likewise, belong to both spouses, no matter who spent the money. If you have questions, or have a lot of community assets, you may want to consult an attorney regarding issues of community property and debts **BEFORE** filing your Response and/or any other papers.

- 5a. **COMMUNITY PROPERTY.** If you and your spouse do not have any property from the marriage, mark the first box. If you have property together check the second box. If you checked the second box, you will then tell the court first what property should go to you and second, what property should go to your spouse. Generally, the court will try to divide the property 50-50, unless there are good reasons not too. Realize that it is unlikely that the court will give most or all of the property to either spouse, so try to think about what would be a fair split of the property before answering this question.

First, you will list the property that you want the court to award to you. Next you will list the property that you want the court to award the Petitioner. Put a mark in the boxes corresponding to which property you want to go to which person. You should describe the property as thoroughly as you need to for identification purposes. You can use the brand name and model where applicable, as well as serial numbers. Where asked, state the value of the property.

Types of property include:

- a) **Real estate (property or home)** - Mark who you want to get the property. You can ask the court to give you the home, to give it to your spouse, or to sell the home and divide the proceeds. You should write the complete address of the property under "Real estate located at." Most property also has a legal description such as "LOT 77, PINE TREE ACRES, according to Book 111 of Maps," etc. You should use this description, which will appear on your deed papers, if you have it. Cemetery plots are also considered real property.
- b) **Household furniture** - This includes sofas, beds, tables, etc.
- c) **Household furnishings** - This generally includes other things in the house other than furniture, e.g. dishes, small appliances, rugs, etc.
- d) **Other (explain)** - List any thing that you specifically want to go to one person or another that has not already been listed.
- e) **Pension/retirement fund/profit sharing/stock plan** - You and your spouse each generally have a right to an interest in each other's plan, **ONLY** for the number of years you were married. The longer you have been married, the greater your financial interest in a spouse's plan, up to 50 percent if you have been together the whole period of the plan. **Mark this box if you want to divide your interest in a retirement or profit sharing/retirement/401K plan. If you mark this box, you should see an attorney about a document called a Qualified Domestic Relations Order or QDRO.**

A QDRO is a very specialized legal document that requires a professional's assistance to prepare.

Motor vehicles - List the vehicle identification number, the year and make of car (Ford, Chevrolet) and the model (Mustang, Camaro), etc.

- 5b. SEPARATE PROPERTY.** Check the boxes that apply. If you have separate property, describe the separate property, tell the court who should get the property, and then state its value.
- 6a. COMMUNITY DEBTS.** If you and your spouse do not owe money on any debts from the marriage, mark the first box and GO ON. If you did get some debts, mark the second box. If you mark the second box, tell the court first which debts the Petitioner should pay and then which debts you should pay. Generally, the court will attempt to make a fair split of the debts, and if you get the property that money is owed on, you probably will also be given the debt. It is unusual that the court will order one person to pay all the debts. Think about what is a fair split of the debts before answering this question. Put enough information to identify the specific debt.
- 7. TAX RETURNS.** Mark this box if this is how you want to handle income tax refunds.
- 8. SUMMARY.** Since you are responding to what your spouse asked for in the Petition, you should now summarize for the judge how your ideas about the division of property and debt is different from those of your spouse. This is because the form of Petition your spouse used might not be from the Self-Service Center, so it might be arranged a little differently than this form of Response.

SPOUSAL MAINTENANCE/SUPPORT (ALIMONY)

- 9. SPOUSAL MAINTENANCE/SUPPORT** is the term used to describe money paid from one spouse to the other as part of a Divorce agreement or order. You may know the term as alimony. The money is designed as a safety net for a spouse who cannot provide for his/her needs or who meets other requirements listed. The idea behind spousal maintenance/support (alimony) is that accomplishments during your marriage, including increases in earning potential and living standards are shared and earned by BOTH parties to the marriage. Look at the list of boxes and see if any of these conditions apply to you or your spouse. If so, you can decide to make a request that spousal maintenance/support be awarded to the appropriate party. Mark as many boxes as apply to your situation. **Spousal maintenance/support is paid separate from child support and is NOT a substitute for child support.**
- 10. SUMMARY.** Since you are responding to what your spouse asked for in the petition, you should now summarize for the judge how your ideas concerning spousal maintenance/support is different from those of your spouse. This is because the form of Petition your spouse used might not be from the Self-Service Center, so it might be arranged a little differently than this form of Response.
- 11. PREGNANCY.** Tell the judge whether you are pregnant, when the baby is due, and who is the parent of the child. If you are pregnant and the other party is the parent of the child, do **not** use this Response. See the Self-Service Center packet for Divorces of Non-Covenant Marriage With Children.

OTHER STATEMENTS MADE IN COURT: In this section you are telling the court what you believe is true as to the following very important matters:

- 12. STATUS OF MARRIAGE AND CONCILIATION:** You are stating under oath that this marriage **IS** or **IS NOT** irretrievably broken and there **IS** or **IS NOT** reasonable prospect of reconciliation. You also state that the conciliation requirements under Arizona law, A.R.S. 25-381.09 **APPLY** or **DO NOT APPLY**, and **HAVE** or **HAVE NOT BEEN MET**, which means that you have attempted to resolve your marital problems using Conciliation Services, or it would **not** help to use Conciliation Services.

13. **GENERAL DENIAL:** This tells the court that even if you did not answer each and everything said in the Petition, you deny any specific issues you did not address. This is extra protection for you.

REQUESTS TO THE COURT: This section of the Response requests that the court GRANT **or** NOT GRANT you and your spouse the divorce, and tells the court what other requests you are making:

- A. **DISSOLUTION.** This is your request to END **or** NOT END your marriage by a Divorce (Dissolution of Marriage). Arizona is a “no fault” state, which means that neither party must prove a good reason for the divorce as long as you have met the other statutory requirements, unless you have a “covenant” marriage.
- B. **NAMES.** Mark this box if you are requesting to be legally known by your maiden or former name. Write in the appropriate former name on the space provided.
- C. **SPOUSAL MAINTENANCE/SUPPORT (ALIMONY).** This tells the court that you or your spouse should pay money to the other spouse on a monthly basis to help with living expenses. If you **do** want one party to receive spousal maintenance/support, check the Petitioner or Respondent box, the monthly amount, and the time period. If you do **not** want spousal maintenance/support ordered, do not mark anything, GO ON.

You can only mark a box here if you marked the same box in the section above. If you request spousal maintenance/ support, choose what you believe to be a reasonable monthly amount and tell the court how long the money should be paid. Base the amount of any request on the receiving party's need and the income of the spouse paying this money. Remember, spousal maintenance/support is NOT a substitute for child support.

- D. **COMMUNITY PROPERTY.** This tells the court that the division of property is fair, and that the court should divide the property as requested in your Response.
- E. **COMMUNITY DEBT.** This tells the court that the division of debts is fair, and that the court should divide the debts as requested in your Response. If you have been separated from your spouse long enough that you or your spouse may have additional debts, write the date of separation on the line provided if you want each of you to pay the debts you incurred after you separated.
- F. **SEPARATE PROPERTY AND DEBT.** This states you want you and your spouse to keep property you each owned before you were married or acquired after the Respondent was served with the Petition for Dissolution, and that you and your spouse shall pay for the separate debt acquired before both parties were married.
- G. **OTHER ORDERS.** Tell the court anything else you may want ordered that has not been covered in your Response.

OATH AND VERIFICATION OF RESPONDENT: Sign this form in front of a notary. By doing so you are telling the court that everything contained in the Response is true.

WHAT TO DO NEXT: See the Self-Service Center PROCEDURES FOR HOW TO RESPOND TO DIVORCE PAPERS FOR A NON-COVENANT MARRIAGE WITHOUT CHILDREN in this packet.

SELF-SERVICE CENTER

PROCEDURES: HOW TO FILE A RESPONSE TO A PETITION FOR DISSOLUTION OF A NON-COVENANT MARRIAGE (WITHOUT CHILDREN) WITH THE COURT

STEP 1: COMPLETE THE “*SENSITIVE DATA SHEET*”. (Do NOT copy this document or serve it on the other party). MAKE 2 COPIES OF THE *RESPONSE AFTER YOU HAVE FILLED IT OUT*.

STEP 2: SEPARATE YOUR DOCUMENTS INTO THREE (3) SETS:

SET 1 - ORIGINALS: <ul style="list-style-type: none">• Sensitive Data Sheet• Response	SET 3 - YOUR COPIES: <ul style="list-style-type: none">• Response
SET 2 - COPIES FOR SPOUSE: <ul style="list-style-type: none">• Response	

STEP 3: FILE THE PAPERS AT THE COURT:

Go to the Clerk of Court filing counter. The court is open from 8am-5pm, Monday-Friday.

You should go to the court at least two hours before it closes.

You may file your court papers with the Clerk of the Court at the following locations:

Central Court Building 201 West Jefferson, 1st floor Phoenix, Arizona 85003	Southeast Court Complex 222 East Javelina Drive, 1st floor Mesa, Arizona 85210
Northeast Regional Court Center 18380 North 40 th Street Phoenix, Arizona 85032	Northwest Court Complex 14264 West Tierra Buena Lane Surprise, Arizona 85374

FEES: There are fees for filing petitions, responses, requests, motions, objections, and various forms with the Court. Cash, VISA/MasterCard debit or credit cards, money order, or personal in-state check made payable to the “Clerk of Superior Court” are acceptable forms of payment.

Go online to <http://clerkofcourt.maricopa.gov/fees.asp> or the Self-Service Center for a list of current fees.

If this is the first time one of the parties or his or her attorney has “appeared”, that is, filed papers in this case, a substantial “**appearance fee**” (also known as a “response” or “answer” fee) *will be due from that party* at the time of filing.

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 Self-Service Center.

PAPERS: Hand all three (3) sets of your court papers to the Clerk along with along with the correct filing fee. Cash, VISA/MasterCard debit or credit cards, money order, or personal in-state check **made payable to the “Clerk of Superior Court”** are acceptable forms of payment.

MAKE SURE YOU GET BACK THE FOLLOWING FROM THE CLERK:

- Your set of copies
- Your spouse's copies

STEP 4: **KEEP ONE COPY FOR YOURSELF AND MAIL OR HAND DELIVER THE OTHER COPY** to the other person (or the person’s attorney, if he/she is represented by an attorney (the attorney’s name and address will be on the Petition in the upper left hand corner.)

STEP 5: **WHAT WILL HAPPEN NEXT?** You will receive an Order from the court telling you and the other party to come to an ERC (Early Resolution Conference). You **must** come to that conference *or you will be charged a “no show” fee for failure to appear.*

**ALTERNATIVE DISPUTE RESOLUTION (ADR)
STATEMENT TO THE COURT-- FAM CT**

Procedures: When and How to Use the ADR Statement to the Court

On December 1, 2001, a change in the Arizona Rules of Civil Procedure (A.R.C.P. 16(g) imposed a duty on parties in any dispute before the courts to talk to each other (by telephone or in person) about the possibility of settlement and about whether some type of **ADR (Alternative Dispute Resolution)** process might help them to reach settlement. The Rule requires the parties to report to the court that they have discussed settlement or ADR, to inform the court about which ADR process (if any) they prefer, and when they expect to complete the process. Some of the various forms of ADR are explained on the following pages.

After a response is filed . . .

- (1) The Respondent must then immediately mail or deliver a blank copy of the ADR statement (and these instructions) to the Petitioner along with a copy of the response that was filed.** (If either party is represented by an attorney, all communications should be sent directly to the attorney.)
- (2) The parties must meet (in person or by telephone), within 90 days of the filing of the response with the court (not the date the response is delivered to the petitioner). If you have not discussed these matters with the other party as required, be prepared to explain to the court the reasons.** ("Inconvenience" is not an acceptable reason.)
- (3) Within 30 days AFTER you meet, and NOT LATER THAN 120 DAYS AFTER THE DATE THE RESPONSE WAS ORIGINALLY FILED WITH THE CLERK OF COURT you must file the "Alternative Dispute Resolution Statement to the Court."**

You may file earlier, but not later than 30 days after discussing your ADR options with the other party. If you cannot agree to file together on one form (jointly), then you must both file your own forms separately. If you have not discussed these matters as required, you must *file your separate forms* within 120 days after the date the Response was filed. There is no charge for this filing. Keep a copy of the completed form for your records.

GO TO THE COURT TO FILE YOUR PAPERS: The Court is open from 8am-5pm, Monday-Friday. You should go to the court at least **two hours** before it closes. You may file your court papers at the following Superior Court locations:

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

OR

The Clerk of the Superior Court
SOUTHEAST COURT FACILITY
222 East Javelina Drive, 1st floor
Mesa, Arizona 85210

OR

The Clerk of Superior Court
NORTHWEST COURT FACILITY
14264 West Tierra Buena Lane
Surprise, Arizona 85374

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

INFORMATION ABOUT ADR (ALTERNATIVE DISPUTE RESOLUTION) PROCESSES

ADR is any peaceful alternative to the courtroom process that helps parties in court disputes reach settlement without having the judge decide all issues. Court sponsored ADR programs are currently available at no extra cost, or you may choose to hire a private ADR provider at your own expense. There are different types of ADR processes, several of which, including mediation, arbitration, and settlement conferences, are explained below.

The purpose of ADR is to encourage settlement of family court cases.

Benefits of ADR include, but are not limited to:

- ADR provides parties opportunity to resolve disputes more quickly and less expensively than a full trial.
- ADR provides parties more control over the outcome in a negotiated settlement.
- ADR provides parties greater satisfaction with results than litigation.
- ADR provides parties a greater chance of establishing or maintaining a working relationship.

COURT SPONSORED ADR OPTIONS

MEDIATION OR OPEN NEGOTIATION through CONCILIATION SERVICES of child custody or parenting time (formerly “visitation”), are court-sponsored ADR alternatives where parties work with a neutral third party (the “mediator” or “negotiator”) to reach mutual agreement on future parenting responsibilities. Parents choosing to mediate or negotiate through Conciliation Services are **required** to attend a minimum number of mediation sessions.

Mediation offers parents an opportunity to make their own decisions about their child(ren)’s future care. The mediator, a neutral counselor, works with parties to reach agreement regarding custody and/or parenting time. Mediation conferences are private and confidential. Nothing said or written during mediation may be disclosed unless all parties to the mediation give their consent. The mediator helps parents identify their child(ren)’s needs and each parent’s ability to meet those needs, by restructuring family relationships. Together, they generate options and consider choices to develop a workable parenting plan that meet the child(ren)’s best interests. Parties who reach agreement in mediation have a 14 day “objection period” to raise any concerns or points of confusion contained in the agreement. If no objections are raised, the Parenting Plan is adopted as an order of the court, which makes it binding on the parties.

Open negotiation is a process similar to mediation, in that the negotiator helps parties identify their child(ren)’s needs, and how they will meet those needs in the future. However, open negotiation is NOT confidential. Parties meet with the negotiator to try to resolve their differences. If they are unable to agree, the negotiator may give feedback to the court on areas of agreement and disagreement. In addition, attorneys are entitled to be present in open negotiation sessions, if they so choose.

There is currently no extra charge for these services *pre-decree*. If however you return to court to mediate custody or parenting time (visitation) issues *post-decree*, after a court order has been signed, “post-decree mediation fees” will apply.

SETTLEMENT CONFERENCES are pre-trial meetings between the parties, their attorneys (if represented) and the conference officer, where they attempt to settle all issues in dispute before going to trial. The judicial officer helps parties evaluate the strengths and weaknesses of their case and may also suggest ways to resolve disputed matters, but they will not decide the case or make recommendations to the Court. There is currently no extra charge for this service.

PRIVATE PROVIDER OPTIONS (You are responsible for all costs.)

In Private Mediation, parties work with a neutral third party (the mediator), who helps them identify their needs and explore viable options to settle all issues surrounding their Family Court case, including custody, parenting time, child support, property division, etc. With the aid of the mediator, the parties can determine the outcome of their case. A roster of private mediators is available through the Court’s Self-Service Center. You can access the Family Court Mediator Rosters at:

Phoenix – 101 West Jefferson, 1st Fl. M – F, 7:30am – 5:00pm
Mesa – 222 East Javelina, 1st Fl. M – F, 8:00am – 5:00pm
Surprise- 14264 West Tierra Buena Lane, M – F, 8:00 am – 5:00 pm
North Phoenix – 18380 North 40th Street, M – F, 8:00 am – 5:00 pm

Internet – www.superiorcourt.maricopa.gov/ssc (Then click on “lawyers & mediators”)

In Private Settlement Conference, the ADR neutral helps parties reach settlement by taking a more directive approach than in mediation. The neutral will focus on the conflict’s legal issues, realistically evaluating case strengths

and weaknesses, and actively suggesting and weighing options for the parties to consider, as they attempt to resolve their case.

In Private Arbitration your case is submitted to one or more neutral individuals, who after receiving evidence and hearing arguments have the power to make a decision resolving the dispute (unlike mediation, where the mediator does not make a decision for the parties). In arbitration, parties may limit the range of issues to be decided or the scope of relief to be awarded and arbitration may be binding or non-binding. When parties agree to binding-arbitration, the arbitrator's decision is final; it can be enforced by the court and may not be appealable. When arbitration is non-binding, the arbitrator's decision is advisory and will be final only if parties agree to adopt it. . Some arbitration providers are listed in the Yellow Pages under "Arbitration Services".

Private Judging involves hiring an individual, usually an experienced attorney or former judge, to act as a judge in your case. The person acting as judge listens to each party present their case and makes a decision. The decision is usually legally binding (has the force of law) but may be advisory (a suggested solution), depending on what the parties agree to in advance. Attorneys may be consulted at any time. The proceedings are private and confidential. The decision may be made part of a court judgment or ruling as well.

OTHER PRIVATE OPTIONS: Private ADR providers may offer additional options or variations on those already described. Some may also offer evening or weekend hours or other conveniences. Some churches or other religious or social service organizations may also offer family counseling, arbitration or mediation services. You may also find additional providers listed in the Maricopa County Directory of Human Services and Self-Help Support Groups, available at public libraries or by phone at 602-263-8856.

You may also find private providers in the Yellow Pages under "Arbitration" and "Mediation." Be aware that there are differences among private providers. While some are trained specialists, counselors, and attorneys, others are not. There are no licensing or minimal educational requirements to advertise as a mediator, arbitrator, or alternative dispute resolution provider.

As with hiring any private business for service, we recommend asking friends and relatives for referrals for any of the services mentioned above. You are responsible for all costs involved in using private providers.