DEFAULT

3

How to Get the Hearing Set

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SELF SERVICE CENTER

DOMESTIC RELATIONS CASES
HOW TO GET A DEFAULT HEARING SET

How to assemble these documents

This packet contains court forms and instructions to apply for a default hearing **if the other party did not respond.** Be sure the documents are in the following order:

Order	File Number	Title	No. Pp.
1	DR6t	Table of forms/instructions in this packet	1
2	DR6k	Checklist to file	1
3	GN60p	Procedures: How to Get a Default Hearing	3
4	GN61p	What Happens After Service of Process? What is a Default Hearing?	1
5	GN61f	***"Application for Default, Affidavit of Default, and Entry of Default"***	2
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HOW TO GET A DEFAULT ORDER

CHECKLIST

Use the forms and instructions in this packet ONLY if the following factors apply to your situation:

- ✔ You have filed a petition for some court process, **AND**
- ✔ You served the other party with the court papers.
- ✔ You have either filed the ***"Acceptance of Service"*** signed by the other party **OR** the affidavit proving the type and date of service has been filed with the Clerk of the Court, **AND**
- ✔ The other party has not filed a written response within the time frame set by law (check the court file to be sure this is true), **AND**
- ✔ You want to proceed with the court case by default and get a default court order.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

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PROCEDURES: HOW TO GET A DEFAULT HEARING

STEP 1: COUNT DOWN PERIOD

✓ **BEGIN COUNTING THE DAY AFTER** the other party was served with the PETITION/COMPLAINT. Look at the Default Timetable to find the method of service you used and the number of days you should count.

✓ **INCLUDE WEEKENDS AND HOLIDAYS** until you reach the number of days listed in the Default Timetable. If the **last** day for the other party to respond falls on a Saturday, Sunday, or legal holiday, **DO NOT** count **that** day.

➡ **If the other party files a Response/Answer with the court, YOU CANNOT GET A DEFAULT HEARING.**

DEFAULT TIMETABLE

SERVICE BY	COUNT	EVENT
Acceptance of Service in Arizona	24 Days	after the other party signs the ***"Acceptance of Service"***
Process Server in Arizona	24 Days	after other party receives papers from a process server
Sheriff in Arizona	24 Days	after other party receives papers from Sheriff
Acceptance of Service out of State	34 Days	after the other party signs the ***"Acceptance of Service"***
Process Service out of State	34 Days	after other party receives papers from a process server
Sheriff out of State	34 Days	after other party receives papers from Sheriff
Registered Mail out of State	34 Days	after other party signs a Green Card
Publication	64 Days	after the 1st date of publication

STEP 2: COURT PAPERS.

Complete the ***"Application and Affidavit for Default"*** in this packet.

STEP 3: SIGN, NOTARIZE & COPY APPLICATION

SIGNATURE: Go to a Notary Public and sign the ***"Application and Affidavit for Default."*** Bring a picture ID with you to the Notary Public. **Make sure** you date the ***"Application and Affidavit for Default"*** with the date you are signing it. Do **not** go to the Notary Public or sign the ***"Application and Affidavit for Default"*** before the right amount of time has passed.

COPIES: Make **two copies** of your ***"Application and Affidavit for Default"*** after you and a Notary sign it:

STEP 4: FILE AND MAIL

FILING: Bring the original and two copies of your documents to the Clerk of the Superior Court at:

Central Court Building	**OR**	**Southeast Court Facility**	**OR**	**Northwest Court Facility**
201 West Jefferson Street		222 East Javelina Drive		14264 W. Tierra Buena Lane
1st Floor		1st Floor		Surprise, Arizona 85374
Phoenix, Arizona 85003		Mesa, AZ 85210-6201		

CLERK: **Hand to the person at the filing counter** the original & both copies of the ***"Application and Affidavit for Default".*** The Clerk will keep the original. The Clerk will stamp both sets of copies and return them to you. **Make sure** you have **both** copies stamped.

MAIL: **Mail or hand-deliver one of the copies** of the Application and Affidavit for Default to the other party on the same day you file the papers with the Clerk of the Court. Keep the other copy for your records.

READ: If your case is a Family Court case, proceed with Steps 5, 6 and 7, which **only** apply to Family Court cases.

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STEP 5: HOW TO GET A DEFAULT HEARING

FOR FAMILY COURT CASES ONLY:

- **Fill out the form called "*Request for a Default Hearing.*"** The form and instructions on how to fill out the form are in this packet. Mail the completed form, with a 4x9", #10 business envelope, self-addressed to the Petitioner and stamped with 3 current standard postage stamps as follows:

  If your case was filed in downtown Phoenix, mail the material to:
  Superior Court of Arizona in Maricopa County
  Family Court Administration
  ATTN: FILE REVIEW DEPARTMENT
  201 West Jefferson, CCB, 6th Floor
  Phoenix, Arizona 85003

  If your case was filed in Mesa, mail the material to:
  Superior Court of Arizona in Maricopa County
  Family Court Administration
  ATTN: COURT ADMINISTRATION
  222 East Javelina Drive, 2nd Floor
  Mesa, Arizona 85210

- If your case was filed in Surprise, mail the material to:
  Superior Court of Arizona in Maricopa County
  Family Court Administration
  ATTN: COURT ADMINISTRATION
  14264 West Tierra Buena Lane
  Surprise, Arizona 85374

  WARNING. If your request is received **without** a self-addressed, stamped envelope, your request will be rejected. **No notice** will be sent to you of the rejection.

- **After you have completed the "Request for Hearing" form** and returned the form to the court, court staff will review your file to be sure that all the necessary child support papers are in the file, and that your case is ready for a default hearing.

- **What will happen next and how long will it take?**
  A. If your case is ready for a default hearing, you will receive a green notice with a court date and instructions in the mail, **OR**
  B. If your case is set for a default hearing but you need to fix a problem before the hearing, you will receive a yellow notice with a court date and instructions in the mail, **OR**
  C. If your case is not ready for a default hearing, you will receive a red notice with instructions on what to do next in your case to set a default hearing, or if you cannot get a default hearing.

  It takes approximately 4-5 weeks for staff to get all the papers in your file, individually review your file, and complete the RED, YELLOW, or GREEN notice to you.

- **If you need an interpreter** in a language other than English at the default hearing, tell the person at the Family Court Administration counter or in the space provided for in the form, the language and dialect you need the interpreter to speak.

STEP 6: CHILD SUPPORT.

IF YOU HAVE CHILDREN, AND YOUR CASE INVOLVES CHILD SUPPORT, AND YOU **DO NOT** ALREADY HAVE A TEMPORARY ORDER OF CHILD SUPPORT, YOU **MUST** DO THE FOLLOWING THINGS:

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- **HELP. Only the Petitioner must** go to the Family Court Clerk Services office prior to your default hearing to get help with the child support papers and/or to have your support calculations reviewed. You will receive a notice from the court that tells you when your appointment will be. This is required for all default judgments with children cases except when service by publication is used. **IF YOU DO NOT GO TO YOUR FAMILY COURT CLERK SERVICES APPOINTMENT, YOUR DEFAULT HEARING WILL BE CANCELED.** If the Respondent shows up at this appointment, he/she will be asked to leave. If the Respondent does **not** agree with the Petition, he/she should see a lawyer for help and file a timely written Response/Answer.

- **Go to the Family Court Clerk Services appointment.** You will need to take all of your court paperwork, and you must have the following information:
  - **(1)** Gross monthly income for the other party and yourself, and from what source. (If you do not know, you will be asked what the last known income was, OR what his/her/your earning capability is, OR minimum wage will be used for the calculations.)
  - **(2)** The other party's Social Security Number, employer's name, address and telephone number.
  - **(3)** Your child(ren)'s Social Security Number(s), and any financial information you have about the child(ren) such as day care costs, medical insurance premiums, and any other financial information you might have.
  - **(4)** Bring an envelope (9"x12") addressed to the other party and stamped for mailing with **three** current standard postage stamps.
  - **(5)** **A copy of your Decree/Order/Judgment. If you forget to bring this document with you, your appointment will be canceled.**

- **DO NOT BRING CHILDREN TO THIS APPOINTMENT.** The Petitioner or the person who wants the default hearing, is the **only** person who needs to go to this appointment. If you need an interpreter, you must **provide your own** interpreter for your Family Court Clerk Services appointment.

  AT YOUR APPOINTMENT: FAMILY COURT CLERK SERVICES will calculate the child support amount for you and make sure your child support papers are in order for your default hearing. They will help you prepare the child support documents, based on the information you bring to the appointment. If you complete the papers on your own, they will check the child support information (only) for accuracy.

  (1) ***"PARENT'S WORKSHEET FOR CHILD SUPPORT"***
  (2) ***"DECREE/JUDGMENT"*** with Child Support information
  (3) ***"ORDER OF ASSIGNMENT"***
  (4) ***"JUDGMENT DATA SHEET"***

STEP 7: **PARENT INFORMATION PROGRAM CLASS.** IF YOU FILED COURT PAPERS FOR A DIVORCE, LEGAL SEPARATION, OR ANNULMENT WITH CHILDREN, PETITIONS TO ESTABLISH CUSTODY AND/OR VISITATION, AND/OR A PATERNITY CASE WHICH INVOLVES CUSTODY AND/OR VISITATION, **ON OR AFTER** JANUARY 1, 1997:

Parent Information Program. The person asking for the default hearing, **must** attend the Parent Information Program class and file the ***"Certificate of Completion"*** before that person can get a default hearing. Both the Petitioner and the Respondent to a ***"Petition for Divorce or Legal Separation, With Children"*** or ***"Complaint for Paternity With a Request to Determine Custody or Visitation or Child Support"*** filed on or after January 1, 1997, are required to attend the Parent Information Program class and file a ***"Certificate of Completion"*** with the court, unless otherwise ordered by the court. If you do **not** attend the class, the judge may **not** give you the relief you requested, and you may be denied the right to modify or enforce the provisions of any judgment, order or decree, until you have completed the class.

If you have questions concerning the Parent Information Program class, call 602-506-1448.

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WHAT HAPPENS AFTER SERVICE OF PROCESS?

WHAT IS A DEFAULT HEARING?

General Information

After the other party has been served with the court papers, one or more documents must be filed with the court to show service. For example: an ***"Acceptance of Service"*** signed by the other party and notarized, a ***"Waiver of Service"*** signed by the other party and notarized, an ***"Affidavit of Service"*** signed by a private process server or deputy sheriff. In addition, if you were required to have a ***"Summons"*** when you filed your case, the ORIGINAL SUMMONS is also filed with the court**.** After the other party has been served with the court papers, you are a step closer to completing your case. The next steps depend upon whether the other party files a written ***"Response or Answer"*** with the court.

Default Time Table

The papers the private process server or sheriff served on the other party explain that the other party has 20 days to file a written ***"Response or Answer"*** to the court if the papers were served in Arizona. If a private process server or sheriff served the other party outside Arizona, the other party has 30 days to file a written ***"Response or Answer."***

If the other party signed an ***"Acceptance of Service,"*** the other party has 20 days to file a written **"Response or Answer"** to the court if the other party lives in Arizona. If the other party does not live in Arizona and signs an ***"Acceptance of Service,"*** the other party has 30 days to file a written ***"Response or Answer."***

If the other party signed a ***"Waiver of Service,"*** you should see a lawyer to see if you have complied with Rule 4, 4.1 and/or 4.2 Arizona Rules of Civil Procedure as amended December 1, 1996. If you need additional information about service by publication, read the Self-Service Packet about service when you do not know where the other party lives.

Requirement for Default

If the other party has filed a written *"Response or Answer"* with the court within the time allowed by law, you cannot proceed by default. You will need to prepare for trial.

If you want to get a default hearing, you must complete the ***"Application and Affidavit of Default,"*** and file it with the Clerk of the Court. You must be sure service of process was complete, and that the other party did not file a written ***"Response or Answer"*** with the court.

After the Clerk of the Court enters the default, be sure you have two (2) copies of the ***"Application and Affidavit of Default"*** stamped by the Clerk. You must mail or hand-deliver one copy to the other party the day that you filed the ***"Application and Affidavit of Default"*** with the Clerk of the Court.

If the other party still does not file a written ***"Response or Answer"*** within 10 days, you can request a default hearing date by filling out the ***"Request for Default Hearing"*** form.

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February 27, 2002
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DO NOT COPY

Name of Person Filing:_____
Your Address: _____
Your City, State, Zip code:_____
Your Telephone Number:_____
ATLAS Number (if applicable):_____
Representing ☐ Self (Without an Attorney) OR ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

_____
(Name of Plaintiff/Petitioner)

Case No._____

APPLICATION AND AFFIDAVIT FOR DEFAULT

_____
(Name of Defendant/Respondent)

NOTICE: THIS IS AN IMPORTANT COURT DOCUMENT. When this document is properly completed and filed, Default has been applied for and entered. The Default will be effective ten (10) days after the filing of this completed document, unless the Defendant/Respondent files an Answer/Response or otherwise defends before the ten day period expires.

STATE OF ARIZONA)
County of Maricopa) ss.

1. I am the Plaintiff/Petitioner in this court case. I understand and make the following statements under oath. I give notice that I am requesting entry of default against the other party, the Defendant/Respondent because the Defendant/Respondent has **not** filed an Answer/Response.

2. Service of the court papers on Defendant/Respondent has been accomplished as follows: (check **ONLY** one box)

   ☐ The Defendant/Respondent has signed an ***"Acceptance of Service"*** and has accepted service of the ***"Summons,"*** Complaint or Petition and other papers. The Defendant/Respondent has **not** filed an ***"Answer/Response",*** or otherwise appeared or defended in this court case. Default may be entered.

   OR

   ☐ I have served the Defendant/Respondent according to law with the ***"Summons,"*** Complaint or Petition and other papers. Defendant/Respondent has **not** appeared, answered, responded or otherwise defended in the time required by law.

3. The Defendant/Respondent is either **not** in the active military service of the United States or has otherwise waived his/her rights under the Soldier's and Sailor's Civil Relief Act.
4. By completing the Certificate of Mailing or Delivery at the bottom of this form, I certify that I am mailing or delivering a copy of this Application and Affidavit to the Defendant/Respondent as notice that I have applied for default and default has been entered in this court case.

5. Check all boxes that are true:
   ☐ I have mailed a copy of this Application and Affidavit to the Defendant/Respondent at his/her last known address, **OR**
   ☐ I have mailed a copy of this Application and Affidavit to the attorney I know is representing the Defendant/Respondent, who I claim to be in default, **OR**

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☐ I have **not** mailed a copy of this Application and Affidavit to the Defendant/Respondent because I do **not** know his/her location or whereabouts and do not believe the Defendant/Respondent is represented by an attorney. **(You can only check this box, if the Defendant/Respondent was served by publication.)**

Note: If the Defendant/Respondent fails to file a responsive pleading or otherwise defend in this action within **10 days** of the filing of this Application, a default judgment will be entered.
The Plaintiff or Petitioner must still attend the default hearing at the court.

_____
Plaintiff/Petitioner Signature (sign in front of Notary Public)

SUBSCRIBED AND SWORN to before me this _____day of _____, _____

by _____

_____
Notary Public

My Commission Expires:

CERTIFICATE OF MAILING OR DELIVERY

On (date) _____copy of this document was: (check ONLY one box)
☐mailed postage pre-paid, OR ☐delivered by _____(name of person who did the delivery) to the Defendant/Respondent at the following:

Address: _____

_____

Signed: _____

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HOW TO FILL OUT THE *"REQUEST FOR DEFAULT HEARING"*

IMPORTANT TIPS

- Submitting a ***"Request for Default Hearing"*** will NOT prevent your case from being dismissed once it has been placed on the Inactive Calendar!!!. A case can be placed on the Inactive Calendar 180 days after the petition has been filed. You MUST follow the instructions on the Inactive Notice if you have received one. If your case is 220 days old and you have not received an Inactive Notice, you can all the Family Court Administration at the numbers listed on page 2 of these instructions to inquire about the status of your case.

- Fill out and send in the "***Request for Default Hearing"*** form as instructed in number 1 **on page 2** after you have filed the ***"Application and Affidavit for Entry of Default."*** If you have children, you are also required to file the ***"Parent Information Program Certificate"*** before submitting your ***"Request for Default Hearing"*** form. When you fill out the ***"Request for Default Hearing"*** form, match the instruction on this paper with the number on the "***Request for Default Hearing"*** form.

- Type or print neatly using **black ink only.**

- The "***Request for Default Hearing"*** is called the ***" Blue Notice,"*** even if the copy you have is not on blue paper.

- After you complete the ***"Request for Default Hearing"*** form, be sure to send it to the court as instructed in number 1 **on page 2**, along with a self-addressed, stamped, legal-size envelope. Your envelope should be at least 4 inches by 9 inches, and stamped with 2 current rate standard postage stamps.

HOW TO COMPLETE THE "*REQUEST FOR DEFAULT HEARING"* FORM

1.	Case number:	Write in your case number. It is in the upper right corner of your papers. Be sure to include the appropriate prefix such as DR, FC, or FN.
2.	Name:	Print your name as it appears on the court papers.
3.	Mailing Address:	Print the address, city, state and zip code where you receive your mail.
4.	Telephone Number:	Print a daytime telephone number, and check the box about whether this number is work, home or a message phone.
5.	Are you the person who filed the petition?	Check yes or no, depending on whether you were the person who filed the petition for which the Default Hearing is being requested. If you answered "no" you cannot request a Default Hearing unless ordered by the court.
6.	Have you filed the Default?	Check "yes" or "no". If you checked "yes" fill in the date it was filed. If you checked "no" you will be required to file the ***"Application and Affidavit for Entry of Default"*** prior to submitting your ***"Request for Default Hearing."***
7.	Parent Information Program Certificate	(For cases that involve children). Check yes, if you and the other party, (if applicable), have attended the Parent Information Program Class and filed your Certificates. Please Note: If Joint Custody of the children is being requested, both parties must attend the class and file the certificates.

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8. Interpreter: Check the box to show whether the person requesting the Default Hearing speaks and understands English.

(A) If you check the box marked "no," write in the language and dialect for which an interpreter is needed.
(B) If the Petitioner needs a sign language interpreter, write in the kind of sign language the Petitioner needs.

9. Availability to come to court: If there are any days that you cannot come to court (including the other party, if this is a joint custody hearing), please fill in these dates. Please note that the court may not be able to honor your request.

All requests for default hearing must include a 4x9 (#10 business) envelope that has been self-addressed and stamped with 2 current rate standard postage stamps. If your request is received without a stamped self-addressed, envelope, your request will be **rejected. No notice** will be sent to you of the rejection.

10. Signature: The person requesting the Default Hearing must sign the Request form.

WHEN YOU HAVE COMPLETED THE REQUEST FOR HEARING:

1. Mail or hand deliver the completed form, along with a 4x9 self-addressed, stamped envelope to the location at which the case was filed.

For cases filed in Phoenix:

Superior Court of Arizona in Maricopa County
Family Court Administration
Attn: File Review Department
201 W. Jefferson, CCB, 6th Floor
Phoenix, AZ 85003

For cases filed at Southeast Court Complex in Mesa:

Superior Court of Arizona in Maricopa County
Family Court Administration
Attn: Court Administration
222 East Javelina Drive, 2nd Floor
Mesa, Arizona 85210

For cases filed at Northwest Court Complex in Surprise, AZ
Attn: Family Court Administration
Northwest Court Complex
14264 West Tierra Buena Lane
Surprise, Arizona 85374

2. Please be patient. It takes about **8 weeks** for court staff to review your file and mail a red, green or yellow notice to you. If you have not received your notice after 8 weeks, you can call 602-506-1561 for cases filed in Phoenix; 602-506-2020 for cases filed in Mesa and 623-372-9403 for cases filed in Surprise.

A. **GREEN NOTICE:** If your case is ready for a default hearing, you will receive a green notice with a court date and instructions in the mail.

B. **YELLOW NOTICE:** If your case is set for a court hearing, but you need to fix a problem before the hearing, you will receive a yellow notice with a court date and instructions in the mail.

C. **RED NOTICE:** If your case is not ready for a default hearing, you will receive a red notice with instructions on what to do next in your case to get a default hearing set, or if you cannot go by default.

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201 W. Jefferson, CCB, 6th Floor
Phoenix, Arizona 85003

222 E. Javelina Drive, 2nd floor
Mesa, Arizona 85210

14264 W Tierra Buena Lane
Surprise, Arizona 85374

FAMILY COURT ADMINISTRATION
REQUEST FOR DEFAULT HEARING
"Blue Notice"

WARNING

Submitting a Request for a Default Hearing will NOT prevent your case from being dismissed once it has been placed on the Inactive Calendar!!! You MUST follow instructions on the Inactive Notice if you received one.

1. Case Number: _____

2. Name of person requesting Default Hearing: _____
(Print Name as it appears on the court papers)

3. Mailing address: _____
_____
_____

4. Daytime Phone:_____ (check one) ☐ work ☐ home ☐ message

5. Are you the person who filed the petition for which a hearing is being requested? ☐ Yes ☐ No
(If the answer is no, you CANNOT submit this request unless ordered by the court.
If you are submitting the request because of Court Order, you must attach a copy of that order)

6. Have you filed the *"Application and Affidavit for Entry of Default"*? ☐ Yes ☐ No
Date *"Application and Affidavit for Entry of Default"* was filed. _____
(Note: The *"Application and Affidavit for Entry of Default"* needs to be filed prior to requesting your Default Hearing)

7. If this case involves children, have you and the other party (if applicable) ☐ Yes ☐ No
filed the *"Parent Information Program Certificate"* ?
(Note: Both parties must file a Certificate if joint custody is requested)

8. Does the person requesting the hearing speak English? ☐ Yes ☐ No
A. If the answer is no, what language and dialect do they speak? _____
B. If a sign language interpreter is needed, write in the sign language. _____
(American Sign Language or other)

9. List any date(s) you would be unavailable to attend a court hearing. (The court will try to accommodate your request, but may not be able to do so.)_____

All Requests for Default Hearing must include a 4x9 (#10 business) envelope that has been self-addressed and stamped with 2 current, standard postage stamps. If your request is received without a stamped self-addressed, envelope, your request will be rejected. No notice will be sent to you of the rejection.

10. Signature:_____

FOR COURT USE ONLY

☐Yes ☐No IV-D
☐Yes ☐No Children
☐Yes ☐No Child Support Calculation Needed
☐Yes ☐No Court Reporter Needed
☐Yes ☐No Interpreter Needed
☐Yes ☐No Petition for a first court order:

Reviewed by:_____
Date Reviewed: _____
☐ Approved for Hearing ☐ Denied
Set Hearing After _____

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DR63f
Use current form

SELF SERVICE CENTER
PROCEDURES: GOING TO COURT FOR A DEFAULT HEARING

General Information: Make sure you have the right papers by following the instructions in this packet. Be prepared to answer a few questions about your case. **Remember, it is always a good idea to talk to a lawyer before you file any court papers, or go to any court hearing.**

Getting Your Case Completed: Before your case is completed, a judge must sign your Decree/Order/Judgment. The Decree/Order/Judgment is the court paper that legally ends your court case. It states the rights, duties, and responsibilities of the parties. **If you do not obey the Court Order,** the other party can request a ***"Contempt Order"*** or an ***"Order to Enforce"*** parts of the Order. If you or the other party does not obey the Court Order, the disobedient party could be in serious trouble.

What is a Default? Default means that the party served with the court papers did **not** disagree with the information in the court papers and did not file a written timely ***"Response or Answer."*** The party who filed the Petition/Complaint is the party who comes to the default hearing.

Going to the Default Hearing: You must bring the Decree/Order/Judgment and any other necessary papers to your default hearing. If you have completely and correctly filled out the papers, and taken all the other correct steps, the Judge will usually sign the Decree/Order/Judgment.

STEP 1: **COMPLETE PACKET 4** which tells you how to get a Decree/Order/Judgment. This packet is available at the Self-Service Center.

STEP 2: **COPIES AND PACKETS.** Find your type of case in the box below. Then, follow the instructions for copying very carefully. **DO NOT COPY THE ENTIRE PACKET.** MAKE **3 COPIES** OF THE FOLLOWING PAPERS:

Paternity/Custody/Visitation/Child Support or Grandparent Visitation Cases:

1. ***"Order for Paternity, Custody, Visitation, Child Support or Grandparent Visitation."*** (This is the only document you need to copy for Grandparent visitation cases.)
2. ***"Parenting Plan"*** signed by you or both parties, and/or ***"Joint Custody Agreement"*** signed by both parties (for paternity and establishment of child custody, visitation and/or support cases only)
3. ***"Parent's Worksheet for Child Support"*** (only if child support is involved)
4. "***Child Support Order"*** (only if child support is involved.) (This form is not necessary if you are using the Self-Service Center ***"Order for Paternity, Custody, Visitation, or Child Support."***
5. "***Order of Assignment"*** (only if child support is involved.)
6. ***"Judgment Data Sheet"*** (only if support is involved.)

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Divorce/Legal Separation/Annulment Cases:

1. Divorce/Legal Separation/Annulment Decree.
2. Agreement regarding division of community property and debt signed by **both** parties (if applicable).
3. ***"Parenting Plan"*** signed by you or both parties, and/or ***"Joint Custody Agreement"*** signed by both parties (if your case involves children).
4. ***"Parent's Worksheet for Child Support"*** (if your divorce involves children).
5. ***"Child Support Order"*** (if your divorce involves children). (This form is not necessary if you are using the Self-Service Center Order for Paternity, Custody, Visitation, or Child Support.)
6. ***"Order of Assignment"*** (if your case involves child support or spousal maintenance/support).
7. ***"Judgment Data Sheet"*** (if your case involves child support or spousal maintenance/support).

STEP 3: ASSEMBLE THE DOCUMENTS

1. Attach one copy of the documents listed in Step 2 to the **ORIGINAL** decree/order/judgment. You should give this set of documents to the judge at your hearing.
2. Attach one copy of the documents listed in Step 2 to a **COPY** of the decree/order/judgment. This is your set of documents.
3. Attach one copy of the documents listed in Step 2 to a **COPY** of the decree/order/judgment. Mail this set of documents to the other party.
4. After the judge signs your decree/order/judgment, you must mail it and all of the documents listed in Step 2 to the other party.

STEP 4: PREPARE FOR THE COURT HEARING

1. **Dress properly.** Wear a suit, dress, or other neat, clean clothing. **DO NOT** wear cutoffs, sleeveless T-shirts or other very casual clothing.
2. **DO NOT** bring food or drinks. **DO NOT** chew gum in the courtroom.
3. **DO NOT** bring your children with you to court.
4. **Review your Decree/Order/Judgment**. This will help you answer any questions the judge may ask you. Make sure that your Decree/Order/Judgment does **not** ask for anything different from what you asked for in your Petition/Complaint.

STEP 5: OTHER THINGS TO KNOW ABOUT

1. **Publication.** If you served the other party by publication, you must pay a court reporter's fee of $20 at the hearing, unless the fee has been deferred. You should bring cash or a certified check payable to the Superior Court of Arizona.
2. **Joint Custody.** If you ask for joint custody, both parties must have attended the Parent Information Program class. All judges require both parties to sign the joint custody agreement.
3. **Response.** If the other party filed a Response more than 10 court days after you filed the Application for Entry of Default, you must give the other party WRITTEN notice of the date, time, and place of the default hearing AT LEAST 3 COURT DAYS before the hearing by sending the other party a Notice of Hearing. The original Notice must be filed with the court.

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STEP 6: GOING TO THE DEFAULT HEARING

1. **Be early.** Be at the courtroom where your hearing is being held at least 10-15 minutes before your hearing time. Wait quietly in the courtroom until your name is called.
2. Children are not permitted in the courtroom.
3. **S**tand when your name is called and walk toward the "bench" where the judge is seated. Court staff will ask you to take an oath. You will raise your right hand and swear to tell the truth. Lying in court is called perjury and can have serious consequences.
4. Sit in the Witness chair located next to the judge.
5. Call the judge "your honor."
6. Hand the judge the Original papers listed in Step 2 above. Before you hand the judge the papers, ask the judge this question: "May I hand you my court papers?"
7. Do not reach over the desk to take anything from the judge or give anything to the judge, unless the judge says you can do that.

STEP 7: ANSWER THE JUDGE'S QUESTIONS

Be prepared to answer the judge's questions. Here are some typical questions:

A. What is your name and address?

B. Is the relief you are asking for today the same as what you asked for in the Petition/Complaint? (Your answer should be "yes" because you cannot change anything from the Petition unless you have written consent from the other party and have filed the consent with the court.)

C. How did you serve the other party, and when was he or she served? (You should know what type of service was used: publication, service by the Sheriff, service by a registered process server, or acceptance of service.)

1. If you served the other party by publication, the judge will ask:

a. What steps did you use to try to find the other party?

b. Whom did you talk to about how to find the other party?

c. What was the last date you saw the other party, received a letter or phone call from the other party?

Questions for Divorce/Legal Separation/Annulment Cases Only

A. How long have you lived in Arizona? Did you or your spouse live in Arizona or was either of you a member of the Armed Forces and stationed in Arizona at least 90 days before the Petition was filed?

B. What is the date of marriage and where were you married?

C. Is your marriage irretrievably broken? Do you think your marriage can be reconciled? (This means: is there any reasonable chance that you can continue with the marriage?)

D. Are you aware of Conciliation Services? (Conciliation Services is a service of the court that provides free counseling to you and your spouse.) If you were not aware of the services, the judge may describe these services to you and send you to Conciliation Services.

E. Do you want your former name restored? (Your former name will be restored, if you answer "yes" to this question.)

F. What property and debts do you have from the marriage? (Describe your property and debts listed in your Petition and Decree.)

G. How have you divided the property and debts? (Explain what you have asked for and put in the Decree.)

H. Do you think the division of property and debts is fair?

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Questions for Divorce/Legal Separation/Annulment and Paternity/Custody/Visitation and Support Cases

A. The following questions may be asked if you have children:

1. How many children do you have and what are their ages?
2. Are you requesting custody of your minor children?
3. What type of visitation do you want the other party to have?
4. Are there any expected problems with visitation? (If you have requested supervised visitation or no visitation, you should be prepared to tell the judge why. For example, you should tell the judge if there has been domestic violence, child abuse, or if the other party has a drug or alcohol problem.)
5. Do you think the portions of the Decree/Order/Judgment dealing with custody and visitation are fair?
6. Who will provide medical insurance for the children? (Generally, this should be the parent who has insurance available through his or her employer at the most affordable cost. If no insurance is available and the children are on AHCCCS, you can tell the judge this.)
7. Can the other party pay child support?
8. Is your spouse/other parent employed? How much does your spouse/other parent earn? (The amount he or she earns should be on the ***"Parent's Worksheet for Child Support Amount"***.)

STEP 8: WHAT TO DO AFTER THE COURT HEARING IF THE JUDGE SIGNED YOUR DECREE/ORDER/JUDGMENT

1. After the judge signs the decree/order/judgment, you must mail it, and all related documents that become part of it, to the other party.
2. If you have an Atlas Number, or if DES (DCSE) is involved in your case, you will need to mail a copy of the Completed ***"Parent's Worksheet for Child Support Amount"*** to: Child Support Enforcement, Attn. Attorney General Department, P.O. Box 40458, Phoenix, Arizona 85067

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