CIVIL CASES or DIVORCE, PATERNITY, FIRST ORDERS FOR CUSTODY and/or VISITATION CASES

TRIAL PREP

HOW TO SET YOUR CASE FOR TRIAL

(INSTRUCTION PACKET)

© Superior Court of Arizona in Maricopa County
July 27, 2002
ALL RIGHTS RESERVED
GNT5ic

SELF SERVICE CENTER

TRIAL PREPARATION

HOW TO SET YOUR CASE FOR TRIAL
(Instructions Only)

How to assemble these documents

This packet contains instructions about how to set your case for trial, if it is a civil case, divorce, paternity, establishment for custody, or establishment of visitation. Be sure the documents are in the following order.

Order	File Number	Title	No. Pp.
1	GNT5it	Table of instructions in this packet	1
2	GNT52i	Instructions: How to Fill Out the ***"Motion to Set and Certificate of Readiness"***	2
3	GNT52p	Procedures: What to Do With the ***"Motion to Set and Certificate of Readiness"*** Now that You Have Filled it Out	1

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

© Superior Court of Arizona in Maricopa County
August 13, 2002
ALL RIGHTS RESERVED

SELF SERVICE CENTER

INSTRUCTIONS:

HOW TO FILL OUT THE *"MOTION TO SET AND CERTIFICATE OF READINESS"*

USE THIS FORM ONLY if there has been a petition/complaint **and** an answer/response filed in your case. By filing a ***"Motion to Set to Set and Certificate of Readiness"***, you are telling the court that you want to go forward with the trial and that discovery is done if you have a Family Court case or discovery will be done in 60 days if you have a Civil case. Here are the steps to help you fill out the ***"Motion to Set and Certificate of Readiness"***.

STEP 1: FILL OUT THE *"MOTION TO SET AND CERTIFICATE OF READINESS."* (Use this form **ONLY** if you and the other party disagree and you want the judge to set a trial date and discovery is complete if you have a Family Court case or discovery will be completed in 60 days if you have a Civil case.)

A. Make sure your form is titled ***"Motion to Set and Certificate of Readiness."*** Type or print using **black ink only!**

B. In the top left corner of the first page fill out the following: Your Name; Address; City, State; Zip Code; Telephone Number; and your ATLAS Number, if you are receiving, or have received, AFDC from the Arizona Department of Economic Security.

C. "Name of Petitioner/Plaintiff". In this space, put the name of the party who filed the original case. If the **other** party filed the original case, he/she will be the Petitioner/Plaintiff. In the space that says "Name of Respondent/Defendant," fill in the name of the Respondent/Defendant. Whoever was the Respondent/Defendant for the filing of the original case will be the Respondent/Defendant for **all** other papers filed in this case.

D. Fill in your case number where it says "Case Number _____." Your case number stays the same any time papers are filed in your case. Then fill in the name of the judge assigned to your case. If you do not know the name of the judge assigned to your case, call the court where your case was filed:

Domestic Relations/Family Court Administration (Downtown Phoenix) 602-506-7879 or 602-506-1561
Domestic Relations/Family Court Administration (Mesa) 602-506-2021
Domestic Relations/Family Court Administration (Surprise) 602-372-9403
Civil Court Administration (Downtown Phoenix) 602-506-1497
Civil Court Administration (Mesa) 602-506-2021
Court Administration (Surprise) 602-372-9400

E. INFORMATION ABOUT ME. Put an "X" in the appropriate box to identify to the court whether you are the Petitioner/Plaintiff or the Respondent/Defendant in this case.

F. INFORMATION ABOUT MY CASE.

1. **SET MY CASE FOR TRIAL.** Put an "X" in this box if you want the court to set your case for trial. Then add the date your case will be ready for trial.
2. **WE DO NOT AGREE.** Put an "X" in this box if a Petition **or** Complaint **and** a Response or Answer have been filed. This tells the court that there are still disagreements between you and the other party, and a Hearing or Trial is necessary to settle the things you, and the other party, do not agree about.
3. **CIVIL CASE OR DOMESTIC RELATIONS/FAMILY COURT CASE.** Put an "X" in the Civil Case box if your case is a Civil Case or put an "X" in the Domestic Relations/Family Court box if your case is a Domestic Relations/Family Court case. If you have questions about *"Discovery"*, you should ask a lawyer for help.

© Superior Court of Arizona in Maricopa County
July 18, 2002
ALL RIGHTS RESERVED

4. **INFORMATION ABOUT YOU OR YOUR LAWYER.** If you **are** represented by an attorney, put his/her name, address, city, state, zip code, and telephone number in this space. If you **are not** represented by an attorney, write in your name, address, city, state, zip code, and telephone number in this space.
5. **INFORMATION ABOUT THE OTHER PARTY.** If the other party **is** represented by an attorney, put the attorney's name, address, city, state, zip code, and telephone number in the space provided. If the other party **is not** represented by an attorney, write in the other party's name, address, city, state, zip code, and telephone number in this space.
6. **PREFERENCE FOR TRIAL.** If your case is a divorce, paternity, and/or custody case, your case is given special preference by the court. Put an "X" in the box that says "this case is entitled to be heard before other cases," and check the box in front of Domestic Relations/Family Court case. If you do not know whether your case is entitled to preference, see a lawyer for help.
7. **SHORT CASE.** Some cases can be heard in an hour or less. If a lawyer has told you that your case can be heard in an hour or less, check the "yes" box; otherwise, check the "no" box. If you are "not sure," check the "not sure" box.
8. **ESTIMATED TIME FOR TRIAL.** Indicate how long you think the trial will take. Generally, if it is a divorce, paternity or custody trial, you should request "1 Day." If you will be having a lot of witnesses, experts, and/or if there is an attorney for the other side, you may want to request "1 Day." If there are no witnesses, other than you and the other party, and you don't have a lot to tell the judge, you should ask for "2 Hours." The court will decide how much time to schedule for the trial. If the trial takes longer than the time allowed, the judge can continue the trial to another date and time.
9. **CIVIL CASES ONLY. JURY TRIAL.** If your case is a civil case and you want a jury trial, check the "yes" box, otherwise check the "no" box. Jury trials are **not** allowed in Domestic Relations/Family Court cases. **You are not required to fill this section out.**
10. **CIVIL CASES ONLY. ARBITRATION.** Write in "N/A" for "not applicable" if your case is a Domestic Relations/Family Court case. If your case is a Civil case, write in the amount of money or damages you and the other party are having a dispute over. If you and the other party are disputing over less than $50,000, then your case is subject to Arbitration and you should check the "yes" box; otherwise, check the "no" box.
11. **TODAY'S DATE.** Print, or type, in black ink in the space provided, the day of the month, the month and the year you signed the motion. Sign your name on the line provided.
12. **I PROMISE UNDER OATH THAT I DID THE FOLLOWING THINGS:** Print or type the day of the month, the month, and the year you did each of these things. Then sign your name to confirm to the court that you gave, or mailed, the papers to the person(s) whose name(s) appear in the section above your signature.

STEP 2: READ THE INSTRUCTIONS. After you have filled out the motion, read the Self-Service Center's instruction called "**PROCEDURES: WHAT TO DO WITH THE *"Motion to Set and Certificate of Readiness"* NOW THAT YOU HAVE FILLED IT OUT".**

© Superior Court of Arizona in Maricopa County
July 18, 2002
ALL RIGHTS RESERVED

SELF SERVICE CENTER

PROCEDURES: WHAT TO DO WITH THE *"MOTION TO SET AND CERTIFICATE OF READINESS"* NOW THAT YOU HAVE FILLED IT OUT

USE THIS FORM ONLY if you have filled out the "***Motion to Set and Certificate of Readiness"*** and you want a trial to be set in your case. Here are the steps you need to take:

STEP 1: **REVIEW THE COURT FORM CALLED *"MOTION TO SET AND CERTIFICATE OF READINESS."*** Make sure that the ***"Motion to Set and Certificate of Readiness"*** has been completely filled out using a **typewriter** or **black ink.** Be sure to **sign and date** it **before** you make the copies, even though you have not actually done all the things you promised to do on the last page of the ***"Motion to Set and Certificate of Readiness."***

STEP 2: **COPIES.** Make **3 copies** of the ***"Motion to Set and Certificate of Readiness"*** and follow these instructions **exactly:**

ORIGINAL *"MOTION TO SET AND CERTIFICATE OF READINESS:"* File the original ***"Motion to Set and Certificate of Readiness"*** with the Clerk of the Court where you filed your case.

COPY 1 of the *"MOTION TO SET AND CERTIFICATE OF READINESS":* Mail one copy to the other party or to his/her attorney, if the other party is represented by an attorney. If the other party is **not** represented by an attorney, make sure you mail a copy to the other party

COPY 2 of the *"MOTION TO SET AND CERTIFICATE OF READINESS:"* Give one copy to the Domestic Relations/Family Court Administration, if you have a Domestic Relations/Family Court case, or put a copy in the judge's box in Civil Court Administration, or mail a copy to the judge if you have a CV case or a DR/FC case. Court staff will deliver this copy to the judge.

COPY 3 of the *"MOTION TO SET AND CERTIFICATE OF READINESS":* When you file the Original with the Clerk of the Court, ask the clerk to stamp this copy for you. This is a "conformed copy." It is proof that the original was filed. **Keep this copy for your records.**

STEP 3: **WAIT TO RECEIVE A NOTICE FROM THE COURT.** Once you have filed the ***"Motion to Set and Certificate of Readiness,"*** you should be contacted by the office of the judge assigned to your case, telling you the dates of your Pretrial Conference, and your Trial. The document you will receive in the mail is called a ***"Minute Entry,"*** and it will give you instructions about what to file before the Trial.

© SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY
August 13, 2002
ALL RIGHTS RESERVED