ATTENDING YOUR DEFAULT HEARING: and WHAT TO DO IN THE COURTROOM

GET YOUR PAPERS TOGETHER. MAKE COPIES. The list below shows the documents and number of copies required for the various default hearings. If you do not bring all required documents, your hearing will be rescheduled to another day.

Dissolution/Legal Separation/Annulment

- ☐ Completed Decree of Dissolution, Legal Separation or Order of Annulment +2 copies

If you have requested Spousal Maintenance:

- ☐ Completed Current Employer or Other Payor Information and 2 copies

If your case involves minor children:

- ☐ Parent Information Program Certificate if it has not already been filed
- ☐ Signed Parenting Plan and 2 copies
- ☐ Completed Child Support Worksheet and 2 copies
- ☐ Completed Current Employer or Other Payor Information and 2 copies
- ☐ Wage information/pay stubs for both parties, and other financial information such as childcare costs, medical insurance premiums etc.
- ☐ Copy of any prior Court Order for Child Support or for Paternity.
- ☐ 9X12 envelope addressed to the other party with 3 standard current postage stamps.

Paternity

- ☐ Completed Order of Paternity and 2 copies
- ☐ Parent Information Program Certificate if it has not already been filed
- ☐ Signed Parenting Plan and 2 copies
- ☐ Completed Child Support Worksheet and 2 copies
- ☐ Completed Current Employer or Other Payor Information and 2 copies
- ☐ Wage information/pay stubs for both parties, and other financial information such as childcare costs, medical insurance premiums, etc.
- ☐ Copy of any prior Child Support Order
- ☐ 9X12 envelope addressed to the other party with 3 standard current postage stamps

Grandparent Visitation

- ☐ Completed Order for Grandparent Visitation and 2 copies
- ☐ Copy of any prior Paternity or Child Support Order that establishes your relationship to child

Custody, Parenting Time and Support Cases

- ☐ Completed final Court Order and 2 copies
- ☐ Parent Information Program Certificate if it has not already been filed
- ☐ Signed Parenting Plan and 2 copies
- ☐ Completed Child Support Worksheet and 2 copies
- ☐ Completed Current Employer or Other Payor Information and 2 copies
- ☐ Wage information/pay stubs for both parties, and other financial information such as child care costs, medical insurance premiums, etc.
- ☐ Copy of any prior Court Order establishing Paternity or Child Support
- ☐ 9X12 envelope addressed to the other party with 3 standard current postage stamps

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I. THE DEFAULT HEARING: DO'S AND DON'TS

1. **BE ON TIME.**
2. **<u>DO NOT BRING CHILDREN</u>.**
3. **IF YOU ARE LATE OR BRING CHILDREN, YOUR HEARING WILL BE RESCHEDULED TO A DIFFERENT DAY.**
4. **EXPECT TO BE IN THE COURTHOUSE UP TO FOUR HOURS OR LONGER. PLAN YOUR CHILD CARE AND PARKING ACCORDINGLY.**
5. **DO NOT BRING FOOD OR DRINKS INTO THE COURTROOM.**
6. **DO NOT CHEW GUM IN THE COURTROOM.**
7. **Review your Decree/Order/Judgment.** Make sure your Decree/Order does not ask for anything different from what you asked for in your Petition/Complaint.
8. **<u>DRESS APPROPRIATELY</u>. If it could be worn at a swimming pool or for playing basketball, it probably is not appropriate for court. Men should remove caps and hats in the courtroom.**

II. AT THE HEARING: WHAT TO DO IN THE COURTROOM

1. **Be on time.** Wait quietly in the courtroom until your name is called.
2. **Children are not permitted in the courtroom.**
3. **Stand when your name is called** and walk toward the "bench" where the Judge is seated. Court staff will ask you to take an oath or to affirm that the information you are providing to the Court is true. You will raise your right hand and swear *or affirm* that the information you are providing is true. Lying in court, or ***perjury***, is a serious crime.
4. **Sit in the witness chair** located next to the Judge.
5. **Call the Judge "Your Honor."**
6. **Do not reach** over the desk to take anything from the Judge or to hand anything directly to the Judge, unless the Judge first gives permission or asks you to do so.

III. BE PREPARED TO ANSWER THE JUDGE'S QUESTIONS, such as . . .

- What is your name and address?
- 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.)
- 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.)
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- **If you served the other party by publication, the Judge will ask:**
  - What steps did you use to try to find the other party?
  - Whom did you talk to about how to find the other party?
  - What was the last date you saw, 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?)

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D. Are you aware of Conciliation Services? (Conciliation Services is a service of the Court that provides free marital counseling.) 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?

Questions for Divorce / Legal Separation / Annulment and Paternity / Custody / Parenting Time 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 parenting time do you want the other party to have?
4. Are there any expected problems with parenting time? (If you have requested supervised parenting time or no parenting time, 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 parenting time are fair?
6. Who will provide medical insurance for the minor 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 minor 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"***.)

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AFTER THE HEARING, IF THE JUDGE SIGNED YOUR DECREE/ORDER:

1. **Immediately mail a copy of the Court Order or Decree and all related documents that become part of it, to the other party** (such as custody agreement, parenting plan, etc.).
2. **If you have an Atlas Number**, or if DES (DCSE) is involved in your case, **mail a copy of the Completed *"Parent's Worksheet for Child Support"* to: Child Support Enforcement, Attn.: Attorney General Department, P.O. Box 40458, Phoenix, Arizona 85067**

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