

SELF-SERVICE CENTER

PROCEDURES: HOW TO FILE AN APPLICATION AND AFFIDAVIT FOR DEFAULT *and* HOW TO GET A DEFAULT HEARING IN FAMILY COURT CASES *with* CHILDREN

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

APPLICATION AND AFFIDAVIT FOR DEFAULT: TIME FRAMES AND FILING

STEP 1: BEGIN COUNTING THE DAY AFTER THE OTHER PARTY WAS SERVED WITH THE PETITION/COMPLAINT. Look at the Default Timetable below 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.

DEFAULT TIMETABLE

<u>SERVICE MADE IN ARIZONA</u>	<u>COUNT</u>	<u>EVENT</u>
Acceptance of Service	20 Days	after other party signs the "Acceptance of Service"
Delivery with Signature Confirmation*	20 Days	after other party signs an acknowledgement of delivery*
Process Server	20 Days	after other party receives papers from a process server
Service By Sheriff	20 Days	after other party receives papers from Sheriff
<u>SERVICE MADE OUT OF STATE</u>		
Acceptance of Service	30 Days	after the other party signs the "Acceptance of Service"
Delivery with Signature Confirmation*	30 Days	after other party signs an acknowledgment of delivery*
Process Server	30 Days	after other party receives papers from a process server
Service by Sheriff	30 Days	after other party receives papers from Sheriff
<u>SERVICE BY PUBLICATION</u>	60 Days	after 1 st publication

*available for *family court* matters only

STEP 2: Depending on HOW the papers were served on the other party, wait the number of days indicated above. If the other party did not file an Answer/Response with the Court within the time frame indicated, on the **next day after the number of days indicated (day 21, 31 or 61), complete the "Application and Affidavit for Default", file it and mail or deliver a copy to the other party as instructed below. You must take this action for your case to proceed.**

STEP 3: **SIGNATURE:** Go to a Deputy Clerk of the Superior Court or a Notary Public and sign the **"Application and Affidavit for Default."** Bring a picture ID with you and **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 Clerk or sign the **"Application and Affidavit for Default"** before the amount of time shown in the Default Timetable above has passed.

COPIES: Make **two copies** of your notarized **"Application and Affidavit for Default"**.

STEP 4: **FILE** File the original with the Clerk of the Court at any of these locations:
Central Court Building, 201 West Jefferson Street, Phoenix, AZ 85003 (1st Floor);
Northwest Court Building, 14264 West Tierra Buena Lane, Surprise, AZ. 85374;
Southeast Court Building, 222 East Javelina Drive, Mesa AZ 85210; OR
Northeast Regional Court Center, 18380 North 40th Street, Phoenix, AZ 85032.

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

MAIL: Mail or hand-deliver one of the date-stamped 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.

HOW TO GET A DEFAULT HEARING

STEP 5: COUNTING FROM THE DAY AFTER THE “APPLICATION AND AFFIDAVIT” WAS FILED, WAIT 10 WORKING DAYS BEFORE PROCEEDING TO STEP 6.

STEP 6: FILL OUT THE “DEFAULT SCREENING CHECKLIST” (the next document in this packet).

STEP 7: SCHEDULE YOUR OWN HEARING BY CALLING 602-372-3332

STEP 8: PREPARE FOR THE COURT HEARING

- **GET YOUR PAPERS TOGETHER.** Read the instructions for the Court Order/Decree packet that applies to your case. Fill out the Order or Decree and **MAKE COPIES** as instructed. Bring all required court papers to your hearing. If you do not bring all required documents, your hearing will be rescheduled.
- **IF THE COURT PAPERS YOU FILED INCLUDE A REQUEST TO ESTABLISH CUSTODY AND/OR PARENTING TIME (visitation)** (other than “Grandparent Visitation”), the person asking for the default hearing, **must** attend the **PARENT INFORMATION PROGRAM** and file the “**Certificate of Completion**” before that person can get a default hearing. If you have questions concerning the Parent Information Program, call 602-506-1448.
- **IF THE COURT PAPERS YOU FILED INCLUDE A REQUEST TO ESTABLISH CHILD SUPPORT**, and you do not already have a Temporary Order for Child Support, you must bring the following:
 - ✓ **Gross Monthly Income information** for both parties (If unknown, last known income, income earning potential or minimum wage may be used to calculate child support).
 - ✓ **Social Security Numbers and Employer’s name(s)**, address(es) and telephone number(s).
 - ✓ **Information About Costs for Children’s** day care, medical insurance, special needs, etc.

STEP 9: READ “ATTENDING YOUR DEFAULT HEARING - WHAT TO DO IN THE COURTROOM”.

STEP 10: GO TO YOUR HEARING AT THE SCHEDULED DATE AND TIME.

ALL DEFAULT HEARINGS: Held at 201 West Jefferson Street, Phoenix, Arizona 85003. Check in on the 3rd Floor of the Central Court Building in the DEFAULT ROOM.

- **DO NOT BRING CHILDREN.**
- **EXPECT TO BE IN THE COURTHOUSE UP TO 4 HOURS OR MORE.**
- Your paperwork will be checked and (if applicable) Child Support calculated before you enter the courtroom.

ARRIVE BEFORE THE TIME SCHEDULED FOR YOUR HEARING.

You cannot be late. If you are late or if you bring your children you hearing will be rescheduled to a different day.