

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

DEFAULT TIME TABLE

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

WHEN TO FILE THE APPLICATION FOR DEFAULT:

- After the other party has been served with the court papers, AND
- The appropriate response period has passed (see Default Timetable below), AND
- The other party has not filed a response or answer with the court.

STEP 1: COUNT. Look at the Default Timetable below to find the method of service you used and the number of calendar days to count before you can apply for a default hearing or order.

- **BEGIN COUNTING THE DAY AFTER THE OTHER PARTY WAS SERVED WITH THE PETITION.**
- **INCLUDE WEEKENDS AND HOLIDAYS** until you reach the number of days listed.
- 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 signed the <i>“Acceptance of Service”</i>
Delivery with Signature Confirmation*	20 Days	after the other party signs delivery confirmation *
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 out of State	30 Days	after other party signed the <i>“Acceptance of Service”</i>
Delivery with Signature Confirmation*	30 Days	after the other party signs delivery confirmation *
Process Server out of State	30 Days	after other party receives papers from a process server
Service by Sheriff	30 Days	after other party receives papers from sheriff
Certified Mail out of State	30 Days	after other party signs a green return receipt card
<u>SERVICE BY PUBLICATION</u>	60 Days	after 1 st publication

*available for family court matters only

STEP 2: WAIT. Wait until the day after the number of days indicated in the Default Timetable above. If the other party did not file an Answer/Response with the Court you may complete, file and mail a copy of the Application and Affidavit for Default as instructed in Steps 3 and 4 below. You must take this action for your case to proceed.

STEP 3: SIGN AND COPY: Sign and date the ***“Application and Affidavit for Default.”*** Do **NOT** sign and date the ***“Application and Affidavit for Default”*** before the amount of time shown in the Default Timetable has passed.

Make two copies of your signed and dated ***“Application and Affidavit for Default.”***

STEP 4: FILE: File the original with the Clerk of the Court at any of these locations listed below.

Clerk of Superior Court
1400 E. Ash St.
Globe, AZ 85501
(928) 402-8866
Monday-Friday
8:00a-5:00p

Clerk of Superior Court
714 S. Beeline Hwy, Ste. 104
Payson, AZ 85541
(928) 474-3978
Monday-Friday
8:30a-12:00p, 1:30p-4:30p

Hand the original and both copies of the **“Application and Affidavit for Default”** to the Clerk of Court 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.

STEP 5: MAIL: Mail 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. (The **“Application and Affidavit for Default”** must be mailed, hand delivery is not acceptable.)

STEP 6: COUNTING FROM THE DAY AFTER THE “APPLICATION AND AFFIDAVIT OF DEFAULT” WAS FILED, THERE IS A WAITING PERIOD OF 10 COURT BUSINESS DAYS BEFORE PROCEEDING.

STEP 7: YOU WILL BE CONTACTED BY THE COURT AS TO THE DATE AND TIME OF YOUR COURT HEARING.

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 may be rescheduled.
- **IF THE COURT PAPERS YOU FILED INCLUDE A REQUEST TO ESTABLISH LEGAL DECISION MAKING AND/OR PARENTING TIME** (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 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, the 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.

- **DO NOT BRING CHILDREN**
- **ARRIVE BEFORE THE TIME SCHEDULED FOR YOUR HEARING (If you are late or if you bring children, your hearing will be rescheduled to a different day.**
- Bring an original and two (2) copies of your proposed Order/Decree.