

GENERAL QUESTIONS

PROCEDURAL ASSISTANCE

Q. What proof or evidence do I bring to court with me?

A. Court personnel cannot determine what proof or evidence will be acceptable to the court. Parties may bring whatever witnesses, documents and other evidence they think support their case. Written statements of witnesses are generally inadmissible hearsay.

Q. When do I submit my proof or evidence to court personnel before court?

A. Parties should be prepared to bring their proof or evidence to the hearing or trial unless instructed otherwise by the court.

Q. I received an inactive notice – what am I supposed to do now?

A. Inactive notices may be sent when there has been no action taken in a case or if there has been no service on a case. The notice explains options available to the parties who must choose the option that best fits their situation. Parties who are not sure what to do may want to consult an attorney.

Q. When am I supposed to file the affidavit of default?

A. Court rules and statutes define the length of time a party has to file an answer with the court. The time frame depends on the status and location of the party who was served. The initiating party may not file the affidavit of default until this time has expired.

Q. Would you look over this form and tell me if I did it right?

A. Court personnel may tell a party if the party has provided all the required information. Court personnel cannot tell a party whether the information provided is correct or legally sufficient.

Q. I want to talk to the judicial officer. Where is the office?

A. The judicial officer talks with all parties to a case only at the same time in order to ensure fairness and impartiality. If the judicial officer talks to a party on one side of a dispute without the other party present, it is ex parte communication.

Q. I know I can't talk to the judicial officer, but you're nice – could you please take this message for me?

A. Court personnel are not allowed to act on behalf of a party to a case. Court personnel must remain neutral and not give one party an advantage over the other. The party may be able to put the request in writing to file in court, with a copy provided to the other party.

Q. What will the judicial officer say?

A. Court personnel cannot speculate on what a judicial officer might say or do. Judicial officers base their decisions on the law and the facts presented to the court.

Q. How do I file for default?

A. The court customer can file an Application for Entry of Default and Entry of Default 20 days after the other party has been served (30 days if they were served out of state). The local court may have forms with instructions available that the party can prepare, or the party may seek the help of an attorney. The clerk's office can inform the party of the current filing fee, if any. The court customer must send a copy of the Application for Default to the other party. The entry of default does not take effect until 10 business days after the filing of the application. Service can happen in several ways. Rules of Civil Procedure 55 and Rules of Family Law Procedure 44 provide specific information.

Q. I can't afford an attorney. Can you tell me what to do?

A. Court personnel are not allowed to give legal advice and cannot guess what might be in a court customer's best interests. Court personnel must remain neutral; there may be a list of local resources of attorneys who will work for a reduced fee or no fee.

Q. I want a public defender/court-appointed attorney assigned. How do I get one?

A. Parties are not entitled to court-appointed counsel in all types of matters. If the party requests in court, the judicial officer will inform the party if the party is eligible for court-appointed counsel.

Q. I need a good lawyer. Who is the best?

A. Court personnel cannot advise a party whether the party should hire a lawyer, nor may they recommend a specific lawyer. The State Bar of Arizona provides a lawyer referral number at 602-252-4804 or 866-482-9227 and the local County Bar Association may have a referral number. Some courts provide a list of local attorneys as well as a list of local attorneys who will work for a reduced fee or no fee.

Q. What is "ex parte"?

A. It is a Latin term that means communication with the court by one party without the presence or knowledge of the other party. In most cases ex parte contacts with the judicial officer are not allowed in order to remain neutral.

Q. I'm filing this document asking the court to do something. Does that make me the plaintiff on this filing?

A. A party's status in the case is usually determined by the initial filing on the case. If a party begins the case as plaintiff, defendant, petitioner or respondent, the party keeps that title throughout the case, regardless of who files individual motions or requests of the court later under the same case number.

Q. What is a warrant?

A. A warrant is an order from the court to law enforcement to take someone or something into custody. Some warrant information is forwarded to law enforcement agencies throughout Arizona. For example, the court may order a bench warrant for law enforcement to arrest someone who failed to appear in court, or the court may issue

a search warrant for law enforcement to seize and remove property from a person, place, or thing.

Q. It says “relief requested” next to this blank on the form. What do I put there?

A. “Relief requested” is a party’s opportunity to write in one’s own words what is requested of the court. Court personnel cannot tell parties what words to use. If a party has questions about the types of remedies available in a case, the party may consult an attorney.

Q. What is the difference between a petition and a decree?

A. A petition is a request, usually written, that a party files asking the court to do something. A decree is an order from the court detailing the parties’ status and obligations.

Q. I have asked you several questions and you won’t answer them. Why aren’t you more helpful?

A. Court personnel must remain neutral in all situations. Many questions would require court personnel to explain or interpret the law or how the law would apply in the party’s case. To do so would constitute legal advice, which court personnel may not provide.

Q. Where can I find information on Arizona’s laws and rules?

A. Arizona’s statutes (laws passed by the state legislature) are available in any law library and many public libraries. They may also be viewed at:

www.azleg.state.az.us/ArizonaRevisedStatutes.asp.

The Arizona Rules of Court contain the procedures that litigants must follow in Arizona courts and are available in any law library and many public libraries. They may also be viewed at:

azrules.westgroup.com/home/azrules/default.wl.