Self-Service Center

**PROCEDURES: WHEN AND HOW TO FILE AN APPLICATION AND AFFIDAVIT FOR DEFAULT IN FAMILY COURT CASES WITH OR WITHOUT CHILDREN**

# 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.

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| **DEFAULT TIMETABLE** |
| **SERVICE MADE IN ARIZONA** | **COUNT** | **EVENT** |
| Acceptance of Service | **20** Days | after the other party signs the *“Acceptance of Service”* |
| Delivery with Signature Confirmation**\*** | **20** Days | after 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 |
| Publication | **50** Days | after the 1st publication in newspaper |
| **SERVICE MADE OUT OF STATE** |
| Acceptance of Service out of State | **30** Days | after the other party signs the *“Acceptance of Service”* |
| Process Server out of State | **30** Days | after other party receives papers from a process server |
| Delivery with Signature Confirmation**\*** | **30** Days | after other party signs delivery confirmation**\*** |
| 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 |
| Publication | **60** Days | after 1st publication in newspaper |
|  |  | ***\* 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 Application and Affidavit for Default with the Clerk of the Court.

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.

**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: COUNT 10 COURT BUSINESS DAYS.** Starting from THE DAY AFTER the *“Application and Affidavit for Default”* was filed, count 10 court business days before proceeding to STEP 7.

**STEP 7: FILL OUT THE *“DEFAULT SCREENING CHECKLIST.”*** If the *Default Screening Checklist* indicates you met all requirements, proceed to STEP 8.

**STEP 8: SCHEDULE YOUR DEFAULT HEARING BY CALLING THE COURT.** Be sure to have your *“Default Screening Checklist”* with you when you schedule your hearing.

# STEP 9: PREPARE THE PAPERWORK YOU ARE REQUIRED TO BRING TO THE COURT HEARING: A complete list of documents you are required to bring to your default hearing is available on page 2 of the *“Default Screening Checklist.”*

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

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| **DEFAULT HEARING: Do’s and Don’ts** |
| **DO** | **Don’t** |
| ✔Be on Time (if you are late, your hearing will be rescheduled to another day) ✔Expect to be in the Courthouse up to four hours or longer (plan accordingly)✔Dress appropriately (no caps or hats in the Courtroom)✔Bring required documents (if you do not bring the required documents, your hearing will be rescheduled to another day) | ✔Do **not** bring children (if you bring children, your hearing will be rescheduled to another day) ✔Do **not** bring food or drinks in the courtroom✔Do **not** chew gum in the courtroom |