

SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO FILL OUT THE “MOTION TO SET TRIAL DATE AND CERTIFICATE OF READINESS”

USE THIS FORM ONLY if

- There has been a petition **and** an answer/response filed in your case;
- At least one other party is represented by a lawyer – but you are **not**;
- Discovery, the process of requesting and exchanging information among the parties before going to trial, is complete, AND
- You want the court to schedule a trial date.

STEP 1: **FILL OUT THE “MOTION TO SET TRIAL DATE.** Print using **black ink only!**

In the top left corner of the first page fill in the information requested about you, the person filing this motion. If you are represented by an attorney, Stop! The attorney must be the one to file the motion (and will use his or her own form).

Case Caption: Fill in the name of the Petitioner and Respondent *and the case number* as they appear on the petition that originally started this case. Whoever was the Petitioner or Respondent for the filing of the original case remains Petitioner or Respondent for **all** other papers filed under this case number. Your case number *also* stays the same for any papers filed in your case.

Judge’s Name: Fill in the name of the Judicial Officer (Judge or Commissioner) assigned to your case. If you do not know the name of the judge assigned to your case, call Court Administration at the court location where your case was filed to find out.

INFORMATION ABOUT MY CASE. Read every line. Put an “X” in the box for every true statement. Be sure to fill in any blank spaces for additional information where applicable.

1. **SET MY CASE FOR TRIAL.** Put an “X” in this box if you want the court to set your case for trial. Then add a date your case will be ready for trial.
2. **WE DO NOT AGREE.** Put an “X” in this box if a Petition **and** a Response/Answer have been filed. This tells the court that there are still disagreements between you and the other party, and a Hearing or Trial is necessary to settle the things you, and the other party, do not agree about.
3. **CERTIFICATION OF READINESS FOR TRIAL.** Put an “X” in this box if *discovery*, the process of requesting and supplying information requested by other parties in preparation for trial, has been completed (or there has been enough time and no request for discovery have been made) and your case is ready to proceed to trial. If you have questions about “*discovery*”, you should ask a lawyer for help or research the local rules and requirements at a law library.
4. **INFORMATION ABOUT LAWYERS REPRESENTING PARTIES IN THIS CASE.**
 - Mark the box to indicate you are not represented by a lawyer.
 - If you **are** represented by a lawyer, **STOP!** Your lawyer must file the motion.

Information about the Other Party or His/Her Lawyer.

- If the other party **is** represented by a lawyer, fill in the information requested about the lawyer;
- If the other party **is not** represented by a lawyer, fill in the information requested about the other party.

5. PREFERENCE FOR TRIAL. In accord with Rule 77 of the Arizona Rules of Family Law Procedure (ARFLP), your case is given preference by the court if it involves matters of legal decision-making regarding minor children. If this or some other rule or statute applies that would give your case priority in scheduling, put an "X" in the box that says, "this case is entitled to be heard before other cases." If it is not Rule 77 but some other rule or statute, identify or list it in the space provide.

6. SHORT CASE. Some cases can be heard in an hour or less. If a lawyer has told you or you are otherwise fairly certain that your case can be heard in an hour or less, check the box for "yes"; otherwise, check the box for "no" or "not sure."

7. ESTIMATED LENGTH OF TRIAL. Indicate how long you think the trial will take.

Generally, you may want to request "**1 Day**" if:

- It is a divorce, paternity, or custody trial,
- If you will be having a lot of witnesses, experts, and/or
- if there is an attorney for the other side.

If there are no witnesses other than you and the other party, and you don't have a lot to tell the judge, you should ask for "**2 Hours**." The court will decide how much time to schedule for the trial. If the trial takes longer than the time allowed, the judge can continue the trial to another date and time.

8. CERTIFICATION OF MAILING OR DELIVERY. You must provide a copy of the *Motion to Set* to the judicial officer (Judge or Commissioner) assigned to your case and to every other party or his/her attorney as well. Check the box to indicate how you will deliver the judge's copy and when you will do so. Next, fill in the date the copy for the other party or his or her attorney will be mailed or delivered, and the address where it is being sent.

9. UNDER PENALTY OF PERJURY: Date and sign the motion in the spaces provided.

Signing this motion is a statement to the court that the information you have supplied is true and correct to the best of your knowledge and belief.

STEP 2: GO TO THE "PROCEDURES" PAGE. After you have filled out the motion, read and follow the instructions on the page titled "**PROCEDURES: WHAT TO DO AFTER YOU HAVE COMPLETED THE "MOTION TO SET TRIAL DATE"**".