

Name: _____

Mailing Address: _____

Daytime Phone Number: _____

Representing Self, without a Lawyer

_____ COURT, _____ COUNTY, ARIZONA

Plaintiff

Case No. _____

vs.

**MOTION FOR CHANGE OF
JUDGE FOR CAUSE IN A CIVIL
CASE**

Defendant

Division/Judge _____

Oral Argument Requested

I or we, _____, move for a change of judge for cause. The judge to be changed is Judge _____. This motion is made on the grounds alleged in the attached affidavit(s). If this is a Superior Court case, this motion is made pursuant to A.R.S. §12-409 which states:

A. If either party to a civil action in a superior court files an affidavit alleging any of the grounds specified in subsection B, the judge shall at once transfer the action to another division of the court if there is more than one division, or shall request a judge of the superior court of another county to preside at the trial of the action.

B. Grounds which may be alleged as provided in subsection A for change of judge are:

1. That the judge has been engaged as counsel in the action prior to appointment or election as judge.
2. That the judge is otherwise interested in the action.
3. That the judge is of kin or related to either party to the action.
4. That the judge is a material witness in the action.
5. That the party filing the affidavit has cause to believe and does believe that on account of the bias, prejudice, or interest of the judge he cannot obtain a fair and impartial trial.

If this is a Justice Court case, this motion is made pursuant to A.R.S. §22-24 which states:

A. If either party in an action pending in a justice court, after the answer has been filed, files an affidavit in the action alleging any of the grounds specified in subsection B of this section and gives five days' notice to the opposite party, the venue may be changed as provided by law.

B. Grounds that may be alleged for change of venue are:

1. There exists in the precinct where the action is pending so great a prejudice against the party requesting a change of venue that the party cannot obtain a fair and impartial trial.
2. The convenience of witnesses and the ends of justice would be promoted by the change.
3. The court determines that there is other good and sufficient cause.

C. The court shall determine the truth and sufficiency of the grounds, but a decision refusing the change of venue is appealable as part of an appeal from a final judgment.

D. A justice of the peace may transfer the action for trial to another justice court precinct on written consent of the parties and the justice of the peace receiving the action.

This motion is also made pursuant to any applicable rules such as Rule 42.2, Rules of Civil Procedure for the Superior Courts of Arizona; Rule 133(d), Justice Court Rules of Civil Procedure; Rule 6.1, Rules of Family Law Procedure; or Rule 4, Arizona Rules of Probate Procedure.

Date _____

Signature X _____

Print/type name _____

CERTIFICATE OF MAILING OR DELIVERY

On (date) _____ a copy of this document with attached affidavit(s) was/will be:

- mailed postage prepaid,
- hand-delivered,
- emailed if use of email was agreed to in writing.

To the following person(s) at the following address(es):

Name of person mailing or delivering: _____

Signature of person mailing or delivering: X _____

AFFIDAVIT FOR CHANGE OF JUDGE FOR CAUSE

State of Arizona)
County of _____)ss

I, (name of affiant) _____, under
penalty of perjury, swear or affirm that the following is truthful:

Affiant Signature X_____ Date: _____

SUBSCRIBED AND AFFIRMED OR SWORN TO before me this _____ day of
_____, 20____, by _____

X_____ Notary Public Signature

My commission expires: _____