

YAVAPAI COUNTY
Self-Service Center

GENERAL INFORMATION ON FILING FOR DEFAULT IN A DOMESTIC RELATIONS CASE

Proceeding by Default, rather than going to trial or a short cause hearing, occurs when the Respondent fails to file a Response to the Petition in a domestic relations case. You can file for Default when:

- ✓ When the first time limit for filing a Response has passed **AND**
- ✓ The Respondent **has not** filed a written Response with the Court.

RESPONSE DEADLINE TABLE

SERVICE BY:	NUMBER OF DAYS IN WHICH A RESPONSE OR ANSWER CAN BE FILED:	BEGIN COUNTING THE DAY AFTER:	DEFAULT MAY BE FILED FOR ON THE:
Acceptance of Service signed in Arizona	20 days	The Acceptance of Service was signed	21 st day *
Acceptance of Service signed out-of-state	30 days	The Acceptance of Service was signed	31 st day *
Process Server or Sheriff in Arizona	20 days	The other party received the papers from the process server	21 st day *
Process Server or Sheriff out-of-state	30 days	The other party received the papers from the process server	31 st day *
Mail or courier in Arizona	20 days	After the Return Receipt is signed by the other party or courier	21 st day *
Mail or courier out-of-state	30 days	After the Return Receipt is signed by the other party or courier	31 st day *
Publication	60 days	The first date the summons is published	61 st day *

* Include weekends and holidays when counting. If the last day of the deadline falls on a weekend or holiday, the deadline date shifts to the next business day. Default papers can be filed on the day after that.

HOW DO I PROCEED BY DEFAULT?

IN DOMESTIC RELATIONS CASES, determine whether a Default Hearing is required. A hearing is MANDATORY in a dissolution, legal separation or annulment case, if one or more of the following statements is true:

1. You and your spouse have a minor child, either natural or adopted, or the wife is pregnant.
2. One or both parties is/are legally incompetent or insane and is/are not represented by a guardian or other representative.
3. One or both parties has/have requested spousal maintenance (alimony).
4. The Respondent is a minor and is not represented by a guardian or other representative.
 - If ANY of these statements are TRUE, you are required to attend a **Default Hearing**. The forms to request a default hearing are found in this packet.
 - If ALL these statements are FALSE, you may request to proceed by **Default without a Court Hearing**. The forms to request proceeding by default without a hearing are found in this packet.

Petition to Establish Maternity or Paternity. A hearing is generally not required when a petition to establish maternity or paternity has been filed and statements two (2) and four (4) in the list above are satisfied, unless a legal decision-making and/or parenting time order is also requested.

Other Case Types. A hearing is generally not required if the Petitioner's claim against Respondent is for a reasonably certain amount of money and statements two (2) and four (4) in the list above are NOT TRUE.