

**YAVAPAI COUNTY
Self-Service Center**

**FILING FOR DEFAULT IN A DOMESTIC RELATIONS CASE
WHEN A HEARING IS REQUIRED**

TYPE OR PRINT IN BLACK INK ONLY.

STEP 1: Determine whether a court hearing is necessary (see page titled “Filing for Default in a Domestic Relations Case”).

STEP 2: Complete the APPLICATION AND AFFIDAVIT FOR DEFAULT if a hearing is required.

INSTRUCTIONS: APPLICATION AND AFFIDAVIT FOR DEFAULT

1. Fill in your information.
2. Fill in the name of the Petitioner and Respondent the same way you did on the other papers you filed in this case.
3. Fill in your case number.
4. Mark the box(es) to tell the Court how service was made. (a) Attach a copy of the proof of service or acceptance of service, or (b) After January 1, 2021 if proof of service or acceptance of service has been filed with the court, instead of attaching a copy, you may mark the boxes to tell the Court the date and manner in which service was made. (You may do both by attaching a copy and marking the boxes.)
5. Mark the box if the statement about military service is true.
6. A copy of the Application and Affidavit for Default must be mailed, hand-delivered or faxed to the Respondent at the time it is filed. Complete the requested information to tell the court which method you chose.

IF SERVICE WAS MADE BY PUBLICATION, you are not required to mail a copy of the Application and Affidavit for Default.

- * Make two (2) copies. One is for you to keep for your records; the other to mail or hand-deliver to the Respondent. If service was made by publication, you need only make one copy for yourself.

STEP 3: File the papers at the Clerk of the Superior Court:

Take the original and copies of the papers to the CLERK OF SUPERIOR COURT between 8:00 a.m. and 4:00 p.m., Monday – Friday (except on state and federal holidays):

Clerk of Superior Court

YAVAPAI COUNTY COURTHOUSE

120 South Cortez Street

Prescott, AZ 86303

Clerk of Superior Court

YAVAPAI COUNTY SUPERIOR COURT

2840 N. Commonwealth Drive

Camp Verde, AZ 86322

FEES: There is no additional fee to file this document.

WHAT THE CLERK WILL DO: The Clerk will keep the original for your file and give you back the copies after stamping them.

The Clerk will review your file to be sure no Response has been filed and check the Application and Affidavit form for completeness.

There will also be a further review of the file for procedural problems. If your file is incomplete, the Clerk mails you a list of missing items.

IF THIS IS A DOMESTIC RELATIONS CASE WITH MINOR CHILDREN: The Clerk will also check whether you attended the Parent Education Program class. If no attendance certificate has been filed, a Default Hearing **will not** be set. If you requested joint legal decision-making, and the Respondent has not attended the class, the Default Hearing will not be set.

STEP 4: Mail or hand-deliver the Respondent's or Defendant's copy.

The Respondent has an additional 10 days (**NOT COUNTING SATURDAYS, SUNDAYS OR LEGAL HOLIDAYS**) in which to file a written response. If a Response is filed, you are in a contested case and the Arizona Rules of Family Law Procedure require you to follow certain procedures.

Self-represented persons are required to know and follow proper procedures, just like an attorney. The Arizona Rules of Family Law Procedure, which are found in the Law Library, contain the rules you are required to follow. No allowance is made for a person who does not understand or is unaware of things that must be done.

WARNING! IF YOU IGNORE A COURT ORDER, FAIL TO ADEQUATELY PREPARE FOR A SCHEDULED CONFERENCE OR HEARING, OR FAIL TO ATTEND A CONFERENCE OR HEARING, THE JUDICIAL OFFICER MAY ORDER SANCTIONS AGAINST YOU, INCLUDING HOLDING YOU IN CONTEMPT OF COURT OR REQUIRING YOU TO PAY THE OTHER PARTY'S ATTORNEY FEES.

IF YOU DO NOT HEAR FROM THE COURT WITHIN A REASONABLE AMOUNT OF TIME, CONTACT THE COURT TO SEE IF THERE IS SOMETHING ELSE YOU MUST DO.

STEP 5: Attend the court hearing.

1. Dress properly in neat, clean clothing. **DO NOT** wear cutoffs, sleeveless T-shirts, or other very casual clothing.
2. **DO NOT** bring food or drinks or chew gum in the courtroom. **DO NOT** wear a hat in the courtroom.
3. **DO NOT** bring any children with you to Court.
4. **BE EARLY.** Be at the courtroom where your hearing is to be held at least 10-15 minutes before your hearing time. Wait quietly in the courtroom until your name and case number are called. Stand when your name is called and walk toward the "bench" where the Judge is seated. You will be required to take an oath. You must raise your right hand and swear to tell the truth. Lying in Court is called perjury and can have serious consequences. The Bailiff will guide you to the witness chair located next to the Judge.
5. Call the Judge "Your Honor" or Sir or Ma'am.
6. The Judge will ask you questions. Answer clearly and completely. The questions will be related to the requests you made in your Petition or Complaint and any other questions the Judge may have after reviewing the documents in your file.
7. **DO** review the papers you filed. This will help you answer the Judge's questions. Remember that your decree or judgment cannot ask for anything different from what you asked for in your Petition or Complaint. Bring your copies with you to the hearing so you can refer to them if you need to when answering the judge's questions.
8. If your filing fees and/or service costs were deferred and have not been paid in full, the Court may set a payment schedule at the hearing. Be ready to tell the Court how much you can pay and how often until the debt is paid. If you do not make the payments as ordered by the Court, a Consent Judgment can be entered against you for the balance due. You signed a statement at the time your fees and/or costs were deferred agreeing to allow the Court to enter a judgment against you if you do not pay.

9. **If you served the other party by publication**, you will be required to pay a court reporter's fee at the court hearing. The court reporter will make a transcript of everything that was said at the hearing and file it with the Court after the fee is paid. The decree will not be final until the transcript is filed.

THE JUDGE'S QUESTIONS IN DOMESTIC RELATIONS CASES

Be prepared to answer the Judge's questions. Here are some typical questions the Judge may ask you:

1. What is your name and address? When and where were you married?
2. Is the Decree the same as what you asked for in the Petition? (The answer should be **Yes**. You cannot change anything from the Petition unless you have written consent from the other party and have filed the consent with the Court.)
3. How did you serve the other party, and when was he or she served? (You should know what type of service was used: publication, service by the Sheriff, service by a registered process service, acceptance of service.)

The following questions, or similar questions, may be asked if you served the other party by publication:

1. What steps did you use to try to find the other party?
2. To whom did you talk about how to find the other party?
3. What was the last date you saw the other party, received a letter or phone call?

The following questions might be asked if you have minor children:

1. How many children do you have from this relationship and what are their ages?
2. Are you requesting legal decision-making for your minor child(ren)?
3. What type of parenting time do you want the other party to have?
4. Are there any expected problems with parenting time? (If you have requested supervised parenting time or no parenting time, you should be prepared to tell why. For example, you should tell the Judge if there has been domestic violence, child abuse, or if the other party has a drug or alcohol problem.)
5. Do you think the portions of the Decree dealing with legal decision-making and parenting time are fair?
6. Who will provide medical insurance for the children? Generally, this should be the parent who has insurance available through his or her employer at the most affordable cost. If no insurance is available and the children are on AHCCCS, you can tell the Judge.
7. Can the other party pay child support? (If the other party is able to work, the answer is YES.)
8. Is the other party employed? How much does the other party earn? (The amount he or she earns should already be on the Parent's Worksheet for Child Support Amount.)

AFTER THE COURT HEARING IF THE JUDGE SIGNED YOUR DECREE:

The Clerk's office will mail a copy of the signed Decree to you and the other party in envelopes you provide (for Domestic Relations cases: 9" x12" manila envelopes - one addressed to you, one to your spouse, both with the proper postage). Be sure your correct mailing address is on file with the clerk. If there are minor children, copies of the Income Withholding Order will be sent to the employer of the person ordered to pay child support.