

YAVAPAI COUNTY
Self-Service Center

**PREPARING AND ASKING FOR A TRIAL DATE
DOMESTIC RELATIONS CASE**

GENERAL INFORMATION

All parties to a case may appear at a trial before a judge or judge and jury to present their positions on the unresolved issues in the case. A trial appearance requires you to have filed the right papers and be prepared to present and defend your position to the judge or judge and jury.

Self-represented persons are required to know and do everything necessary just as if a lawyer were doing it. Proper procedures must be followed. No allowance is made for a person who does not understand or is unaware of things that must be done.

The forms and instructions in this packet are commonly required to be filed after a Response has been filed and before Trial. A general filing timeline is below:

Within 40 days after Response is filed.....Initial Disclosure Statement

Within 90 days after Response is filed.....Joint or Separate ADR Statement

Pretrial Statement (see PRETRIAL STATEMENT PACKET)

There might be other things that must be done in **your** particular case. It is **your responsibility** to do what must be done. The Arizona Rules of Family Law Procedure (**ARFLP**) apply to all aspects of domestic relations cases. The **ARFLP** are available at the Law Library at the Courthouse in Prescott and might be available at public libraries.

BEFORE A TRIAL

1. ALTERNATIVE DISPUTE RESOLUTION (ADR)

ARFLP Rule 66 requires all parties in a case to discuss whether there may be another way to settle the issues without going to trial. These discussions may be in person or by telephone, must be made in good faith and must take place within 90 days of the first appearance of a respondent or defendant in the case. The first appearance is usually when the Response is filed with the Court. After these discussions take place, a report called the Joint or Separate ADR Statement must be completed and signed by all parties and filed with the Court.

A Joint or Separate ADR Statement form and instructions are included.

There are several possible options for **ADR**, including some available through the Court. The names of professional private ADR specialists can be found in the Yellow Pages under Mediators or Arbitrators.

Some type of **ADR** must have taken place, or the Court must have granted permission for the case to proceed without **ADR**, before a trial date can be set.

2. **DISCLOSURE AND DISCOVERY**

Parties are **required to exchange information** and documents about the case through and including asking for a trial date. There are many kinds of discovery. Five of the most common are a “disclosure statement,” “depositions,” “interrogatories,” “admissions” and “document production.”

- A **disclosure statement** is used by the parties to disclose to each other, in writing, information about their case within 40 days after the Response has been filed with the Court. **A Disclosure Statement form and instructions are included in this packet.**
- A **deposition** is a meeting arranged by a party on one side of a case, or his/her attorney, in order to question a party on the opposing side of the case. These questions are answered UNDER OATH and a court reporter makes a word-for-word record of the deposition. There are many rules connected with depositions.
- **Interrogatories** are written questions that seek information and are submitted to a party on one side of the case by a party, or his/her attorney, on the other side of the case. Generally, the questions must be answered, in writing, and returned within certain time limits.
- **Admissions are** another set of written questions submitted to a party on one side of the case by a party, or his/her attorney, on the other side of the case. Generally, the questions must be answered, in writing, and returned within certain time limits. Rather than requesting information, they seek voluntary acknowledgements from a party as to the existence of certain facts.
- **Document Production** involves the inspection of documents or other items in possession of the opposing party. Rules must be followed to view these documents.

THERE ARE PENALTIES IF A PARTY REFUSES TO ATTEND OR ANSWER QUESTIONS AT A DEPOSITION or FAILS TO COMPLETELY ANSWER AND RETURN INTERROGATORIES or IGNORES OTHER DISCOVERY REQUESTS FROM THE OPPOSING SIDE or MISSES DEADLINES FOR CERTAIN TYPES OF DISCOVERY.

For more complete information and other types of discovery, see the **ARFLP Rules 49-65**, particularly **Rule 65** that explains the penalties for failure to comply with discovery requirements.

3. **ASKING FOR A TRIAL DATE**

Any party may request a trial date by filing a Motion to Set. By filing this form, the party is

certifying that s/he has completed, or will have completed, the procedures under ARFLP at least thirty (30) days before trial. If you are unclear on what these rules require, the ARFLP are available in the Law Library.

A Motion to Set is included in this packet.

4. SCHEDULING AND PRETRIAL CONFERENCES

At a Scheduling Conference held soon after the Motion to Set is filed, the judge sets the trial date, deadlines for completion of discovery and filing of motions, and may discuss the possibility of settlement. Problems with discovery may be discussed and penalties decided. The judge may order you to submit a Joint Case Management Report.

A Pretrial Statement might also be required in your case (see Rules 76-77, ARFLP). A PRETRIAL STATEMENT packet is available in the Self-Service Center.

After a trial is set, you may be required to attend a Pretrial Conference with the judge and the other party and any attorney involved in the case. This conference may occur some time before the day of trial or on the day of trial, shortly before the trial is scheduled to start.

A conference held the day of trial is when procedural issues of the trial will be discussed and resolved, such as how long each side needs to present the case. Any pending motions may be argued and decided.

There can be more than one Pretrial Conference in a case.

5. THE SETTLEMENT CONFERENCE

You may be required to attend a Settlement Conference where you will meet with the other party and any attorney involved in the case to discuss the unresolved issues. The Court offers this chance for the parties to try to reach an agreement without having to go to trial.

If all issues can be settled at this Conference, no trial will be held and the case can be concluded. If some, or all, issues remain unresolved, the trial will proceed at a later date and additional forms will generally need to be filed (see packet in the Self-Service Center.)

INSTRUCTIONS: DISCLOSURE STATEMENT

The disclosure statement is **NOT** filed with the Clerk of the Superior Court. It is given to the other party (make a copy for yourself) to show that all the required documents have been given, or are being given, to them. It is due within 40 days after the Response was filed. See Rule 49 of the Arizona Rules of Family Law Procedure for additional information.

The Proposed Resolution Statement was provided in your Petition or Response packet. You may obtain another copy from the Self-Service Center. The Affidavit of Financial Information is also available at the Self-Service Center.

ADR STATEMENT TO THE COURT

The ADR statement **IS** filed with the Clerk of the Superior Court to show the court that the parties have attempted to settle their issues. Before filing, make two (2) copies – one for you and one for the other party. There won't be a filing fee. You will need to mail, hand-deliver or fax a copy to the other party. See Rules 66-75 of the Arizona Rules of Family

Law Procedure for additional information.

MOTION TO SET

Any party may file a Motion to Set requesting that a case be set for trial, unless a trial has already been set. See Rule 77 of the Arizona Rules of Family Law Procedure for additional information. Make two (2) copies before filing with the Clerk of the Superior Court. You will need to mail, hand-deliver or fax a copy to the other party.

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.

BECAUSE A TRIAL IS A COMPLICATED AND EXTREMELY IMPORTANT PROCEEDING, IT IS STRONGLY RECOMMENDED YOU SEEK THE HELP AND ADVICE OF AN ATTORNEY.