

SELF-SERVICE CENTER

PROCEDURES: HOW TO FILE AN APPLICATION AND AFFIDAVIT FOR DEFAULT *and* HOW TO GET A DEFAULT HEARING IN CASES WITHOUT MINOR CHILDREN

If the other party files a Response/Answer with the Court, YOU CANNOT GET A DEFAULT HEARING.

APPLICATION AND AFFIDAVIT FOR DEFAULT: TIME FRAMES AND FILING

STEP 1: **BEGIN COUNTING THE DAY AFTER THE OTHER PARTY WAS SERVED WITH THE PETITION/COMPLAINT.** Look at the Default Timetable below to find the method of service you used and the number of days you should count.

INCLUDE WEEKENDS AND HOLIDAYS until you reach the number of days listed in the Default Timetable. If the **last** day for the other party to respond falls on a Saturday, Sunday, or legal holiday, **DO NOT** count **that** day.

DEFAULT TIMETABLE

<u>SERVICE MADE IN ARIZONA</u>	<u>COUNT</u>	<u>EVENT</u>
Acceptance of Service	20 Days	after the other party signs the “Acceptance of Service”
Delivery with Signature Confirmation*	20 Days	after other party signs delivery confirmation*
Process Server	20 Days	after other party receives papers from a process server
Service by Sheriff	20 Days	after other party receives papers from Sheriff
<u>SERVICE MADE OUT OF STATE</u>		
Acceptance of Service out of State	30 Days	after the other party signs the “Acceptance of Service”
Process Server out of State	30 Days	after other party receives papers from a process server
Delivery with Signature Confirmation*	30 Days	after other party signs delivery confirmation*
Service by Sheriff	30 Days	after other party receives papers from Sheriff
Registered Mail out of State	30 Days	after other party signs a green return receipt card
<u>Publication</u>	60 Days	after 1 st publication

* available for *Family Court matters only*

STEP 2: Depending on **HOW** the papers were served on the other party, wait the number of days indicated above. **If the other party did not file an Answer/Response with the Court within the time frame indicated, on the next day after the number of days indicated (day 21, 31 or 61), complete the “Application and Affidavit for Default”, file it and mail or deliver a copy to the other party as instructed below. You must take this action for your case to proceed.**

STEP 3: **SIGNATURE:** Go to a Deputy Clerk of the Superior Court or a Notary Public and sign the **“Application and Affidavit for Default.”** Bring a picture ID with you and **make sure** you date the **“Application and Affidavit for Default”** with the date you are signing it. Do **not** go to the Notary Public or Clerk or sign the **“Application and Affidavit for Default”** before the amount of time shown in the Default Timetable above has passed.

STEP 4: **COPIES:** Make **two copies** of your notarized **“Application and Affidavit for Default”**.

FILE : File the original with the Clerk of the Court at any of these locations:

- **Central Court Building**, 201 West Jefferson Street, Phoenix, AZ 85003 (1st Floor);
- **Northwest Court Facility**, 14264 West Tierra Buena Lane, Surprise, AZ. 85374;
- **Southeast Court Facility**, 222 East Javelina Drive, Mesa AZ 85210; OR
- **Northeast Court Facility**, 18380 North 40th Street, Phoenix, AZ 85032.

CLERK: Hand the original & both copies of the **“Application and Affidavit for Default”** to the Clerk at the filing counter. The Clerk will keep the original, date-stamp both sets of copies and return the copies to you. **Make sure both** copies are stamped.

MAIL: Mail or hand-deliver one of the date-stamped copies of the "**Application and Affidavit for Default**" to the other party on the same day you file the papers with the Clerk of the Court. Keep the other copy for your records.

Would you like to get your divorce or legal separation default decree without having to go to court? If you qualify, you may apply for **DEFAULT BY MAIL**. To get your default divorce *or other* default court order by mail, see "**Procedures for Getting a Default Decree Without a Hearing**", the next to last document in this packet, to determine if you qualify, **OR** follow the steps below to schedule your default hearing.

STEP 5: COUNTING FROM THE DAY AFTER THE "APPLICATION AND AFFIDAVIT" WAS FILED, WAIT 10 WORKING DAYS BEFORE PROCEEDING TO STEP 6.

STEP 6: FILL OUT THE "DEFAULT SCREENING CHECKLIST" (the next document in this packet).

STEP 7: SCHEDULE YOUR OWN HEARING BY CALLING: 602-372-3332

STEP 8: PREPARE FOR THE COURT HEARING

GET YOUR PAPERS TOGETHER. Read the instructions for the Court Order/Decree packet that applies to your case. Fill out the Order or Decree and **MAKE COPIES** as instructed. Bring all required court papers to your hearing. If you do not bring all required documents, your hearing will be rescheduled.

- **IF THE COURT PAPERS YOU FILED INCLUDE A REQUEST TO ESTABLISH SPOUSAL MAINTENANCE (ALIMONY)**, and you do not already have a Temporary Order for Spousal Maintenance, bring Social Security Numbers and Employer Information (name(s), address(es) and telephone number(s) for you and the Respondent.

STEP 9: READ "ATTENDING YOUR DEFAULT HEARING - WHAT TO DO IN COURT"

STEP 10: GO TO YOUR HEARING AT THE SCHEDULED DATE AND TIME.

All hearings are held in Downtown Phoenix at 201 West Jefferson Street, Phoenix, Arizona 85003. Check in on the 3rd Floor of the Central Court Building in the **DEFAULT ROOM**.

- **DO NOT BRING CHILDREN TO COURT.**
- **EXPECT TO BE IN THE COURTHOUSE UP TO 4 HOURS OR MORE.**
- **Your paperwork will be checked before you enter the courtroom.**

ARRIVE BEFORE THE TIME SCHEDULED FOR YOUR HEARING.

YOU CANNOT BE LATE. IF YOU ARE LATE OR YOU BRING CHILDREN, YOUR HEARING WILL BE RESCHEDULED TO A DIFFERENT DAY.