

DO NOT
FILE THIS COPY
PAGE OR

**MOTION
TO
SET**

SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO FILL OUT THE FAMILY COURT “MOTION TO SET TRIAL DATE and Certificate of Readiness”

USE THIS FORM ONLY if

- There has been a petition **and** an answer/response filed in your case;
- At least one other party is represented by a lawyer – but you are **not**;
- Discovery, the process of requesting and exchanging information among the parties before going to trial, is complete, **AND**
- You want the court to schedule a trial date.

STEP 1: FILL OUT THE “MOTION TO SET TRIAL DATE. Print using **black ink only!**

In the top left corner of the first page fill in the information requested about you, the person filing this motion. If you are represented by an attorney, Stop! The attorney must be the one to file the motion (and will use his or her own form).

Case Caption: Fill in the name of the Petitioner and Respondent *and the case number* as they appear on the petition that originally started this case. Whoever was the Petitioner or Respondent for the filing of the original case remains Petitioner or Respondent for **all** other papers filed under this case number. Your case number **also** stays the same for any papers filed in your case.

Judge’s Name: Fill in the name of the Judicial Officer (Judge or Commissioner) assigned to your case. If you do not know the name of the judge assigned to your case, call Family Court Administration at the court location where your case was filed to find out.

For cases filed in Safford, call 928-428-3100

INFORMATION ABOUT MY CASE. Read every line. Put an “X” in the box for every true statement. Be sure to fill in any blank spaces for additional information where applicable.

1. **SET MY CASE FOR TRIAL.** Put an “X” in this box if you want the court to set your case for trial. Then add a date your case will be ready for trial.
2. **WE DO NOT AGREE.** Put an “X” in this box if a Petition **and** a Response or Answer have been filed. This tells the court that there are still disagreements between you and the other party, and a Hearing or Trial is necessary to settle the things you, and the other party, do not agree about.
3. **CERTIFICATION OF READINESS FOR TRIAL.** Put an “X” in this box if *discovery*, the process of requesting and supplying information requested by other parties in preparation for trial, has been completed (or there has been enough time and no request for discovery have been made) and your Domestic Relations/Family Court case is ready to proceed to trial. If you have questions about “*discovery*”, you should ask a lawyer for help or research the local rules and requirements at a law library.

4. INFORMATION ABOUT LAWYERS REPRESENTING PARTIES IN THIS CASE.

- Mark the box to indicate you are not represented by a lawyer.
- If you **are** represented by a lawyer, **STOP!** Your lawyer has to file the motion.

Information About The Other Party Or His/Her Lawyer.

- If the other party **is** represented by an lawyer, fill in the information requested about the lawyer;
- If the other party **is not** represented by a lawyer, fill in the information requested about the other party.

5. PREFERENCE FOR TRIAL. In accord with Rule 77 of the Arizona Rules of Family Law Procedure (**ARFLP**), your case is given preference by the court if it involves matters of custody of minor children. If this or some other rule or statute applies that would give your case priority in scheduling, put an "X" in the box that says "this case is entitled to be heard before other cases." If it is not Rule 77 but some other rule or statute, identify or list it in the space provide.

6. SHORT CASE. Some cases can be heard in an hour or less. If a lawyer has told you or you are otherwise fairly certain that your case can be heard in an hour or less, check the box for "yes"; otherwise, check the box for "no" or "not sure."

7. ESTIMATED LENGTH OF TRIAL. Indicate how long you think the trial will take.

Generally, you may want to request "**1 Day**" if:

- It is a divorce, paternity or custody trial,
- If you will be having a lot of witnesses, experts, and/or
- if there is an attorney for the other side.

If there are no witnesses other than you and the other party, and you don't have a lot to tell the judge, you should ask for "**2 Hours.**" The court will decide how much time to schedule for the trial. If the trial takes longer than the time allowed, the judge can continue the trial to another date and time.

8. CERTIFICATION OF MAILING OR DELIVERY. You must provide a copy of the **Motion to Set** to the judicial officer (Judge or Commissioner) assigned to your case and to every other party or his/her attorney as well. Check the box to indicate how you will deliver the judge's copy and when you will do so. Next, fill in the date the copy for the other party or his or her attorney will be mailed or delivered, and the address where it is being sent.

9. UNDER PENALTY OF PERJURY: Date and sign the motion in the spaces provided. Signing this motion is a statement to the court that the information you have supplied is true and correct to the best of your knowledge and belief.

STEP 2: GO TO THE "PROCEDURES" PAGE. After you have filled out the motion, read and follow the instructions on the page titled "**PROCEDURES: WHAT TO DO AFTER YOU HAVE COMPLETED THE "MOTION TO SET TRIAL DATE".**"

SELF-SERVICE CENTER

PROCEDURES: WHAT TO DO WITH THE FAMILY COURT “MOTION TO SET TRIAL DATE” AFTER YOU HAVE FILLED IT OUT

FOLLOW THESE PROCEDURES if you have filled out the Family Court “**Motion to Set Trial Date**” (commonly called “**Motion to Set**”) and you want a trial to be scheduled in your case.

STEP 1: REVIEW THE “MOTION TO SET TRIAL DATE” form. Make sure that the “**Motion to Set**” has been completely filled out in **black ink**. **Sign and date** the form **before** you make copies, though you may want to wait until the day you file the form before filling in the dates you are planning to mail or deliver the copies as stated on page 2.

STEP 2: COPIES. Make **3*** copies of the completed “**Motion to Set**”:

- **1 copy for the Judge assigned to your case**
- **1 copy for your records**
- **1 copy for the other party.**

**If there is more than one other party, you will need a copy for each.*

STEP 3: GO TO THE CLERK OF THE COURT’S FILING COUNTER:

Hand the original and all copies of the “**Motion to Set**” to the Clerk of the Court where you filed your case. The Clerk will stamp and file the original and return all copies to you. These are now called “conformed” copies to indicate that the copies conform to (appear to be the same as) the original document filed with the court.

COPY 1 of the “MOTION TO SET” for the Other Party. Mail one copy to the other party, **or if the party is represented by an attorney, to his or her attorney instead.** If there is more than one other party to the case, you will need to mail a copy to each.

COPY 2 of the “MOTION TO SET” for the Judicial Officer.

Provide a copy to the Judicial Officer (Judge or Commissioner) assigned to your case by:

1. Delivering a copy to Family Court Administration,
2. Placing it directly in the Judge’s “in-basket” in the lobby of the:
 - Northwest Court Facility in Surprise or the
 - Northeast Court at 40th Street and Union Hills in Phoenix, or
3. By mailing it directly to the assigned judicial officer.

COPY 3 of the “MOTION TO SET”: **Keep this copy for your records.**

STEP 4: WAIT TO RECEIVE A NOTICE FROM THE COURT. After you have filed the “**Motion to Set**,” you should be contacted by the office of the judge or commissioner assigned to your case to inform you of the dates of your Pretrial Conference and Trial. The document you will receive in the mail is called a “**Minute Entry**,” and it will give you instructions about what to file before the Trial.

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
ATLAS Number: _____
Lawyer's Bar Number: _____

For Clerk's Use Only

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

Name of Petitioner

Case Number: _____

FAMILY COURT MOTION TO SET TRIAL DATE and CERTIFICATE OF READINESS

Name of Respondent

Assigned to: _____
Judge's Name

INFORMATION ABOUT MY CASE: Check the box for each true statement. Fill in the blanks with any information requested. Refer to the separate instructions as needed.

1. **SET MY CASE FOR TRIAL.** By filing this motion, I am asking the court to set this case for trial. My case will be ready for trial on or after _____ (date). I have identified all issues known to me at this time that are related to this matter.
2. **WE DO NOT AGREE.** A Petition **AND** an Answer or Response in this case have been filed. The other party and I **do not** agree and we **have not** been able to settle this case.
3. **CERTIFICATION OF READINESS:** The parties have completed, or have had a reasonable opportunity to complete, discovery. By marking this box and signing this document, I am telling the court that I have obtained all of the facts and information I need from the other party, and that I have answered all discovery requests from the other party, and am ready to proceed to trial.

4. INFORMATION ABOUT LAWYERS REPRESENTING PARTIES IN THIS CASE:

I do not have a lawyer. (Note: If you do, **your lawyer** must file this motion – not you.)

INFORMATION ABOUT THE OTHER PARTY OR HIS/HER LAWYER
(If **other party** has a lawyer, enter the information about **the other party's lawyer**.)

Name: _____
Address: _____
City, State, Zip Code: _____
Telephone Number: _____

5. PREFERENCE FOR TRIAL. (Check only one box.)

This case **is** entitled to be heard before other cases because it is a Family Court case involving matters of custody (ARFLP Rule 77), or because of *this* Rule or Statute: _____.

This case **is not** entitled to be heard before other cases.

6. SHORT CASE. This case may be heard in an hour or less. **YES** OR **NO**

NOT SURE

7. ESTIMATED LENGTH OF TRIAL. How long will the trial in this case last?

Estimated length of time: ____ hours or ____ days. (Refer to Instructions.)

8. CERTIFICATION OF MAILING OR DELIVERY.

JUDGE'S COPY: I provided or will provide a copy of this document to the assigned judge by:

a. Delivering a copy to Family Court Administration on this _____.
(Month, Date, Year)

b. Mailing a copy to the judge on this date _____.

c. Delivering a copy to the Judge's mail box, on this date _____.*

***NOTE:** At the downtown Phoenix and Mesa courthouses, the Judge's mail boxes are located at Family Court Administration. At the Northwest Court in Surprise and Northeast Court at 40th Street and Union Hills in Phoenix, they are located in an area of the lobby open to public access.

You must also mail or deliver a copy of the "Motion to Set and Certificate of Readiness" to the other party or his/her lawyer. If there is a Court Order for the parties to not have contact, do NOT deliver *in person* to the other party.)

OTHER PARTY/ATTORNEY'S COPY:

A copy will be mailed or delivered to the other party or his/her attorney on : _____.
(Month, Date, Year)

At this address: _____.

9. UNDER PENALTY OF PERJURY:

I state to the Court that the contents of this document are true and correct.

Date

Signature of Person Filing Document