

# **QUESTION AND RESPONSE HANDBOOK**

## **Note to Court Personnel**

This Question and Response Handbook is a quick and easy reference intended for the use of court personnel who provide assistance to the public. It is recommended that you keep it in a place where it is easily accessible.

Of course, this handbook cannot anticipate all of the possible questions that court users may ask. When new questions arise, consult your supervisor. There are questions and responses that you may wish to annotate, supplement, or provide additional information that is appropriate for your specific court, with the approval or at the suggestion of your supervisor.

When you are uncertain if you are being asked to give legal advice, please suggest that the one asking the question consult an attorney.

**The Arizona Supreme Court  
Task Force Report on  
Legal Advice-Legal Information**

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## GENERAL QUESTIONS

### PROCEDURAL ASSISTANCE

***Q. What proof or evidence do I bring to court with me?***

**A.** Court personnel cannot determine what proof or evidence will be acceptable to the court. Parties may bring whatever witnesses, documents and other evidence they think support their case. Written statements of witnesses are generally inadmissible hearsay.

***Q. When do I submit my proof or evidence to court personnel before court?***

**A.** Parties should be prepared to bring their proof or evidence to the hearing or trial unless instructed otherwise by the court.

***Q. I received an inactive notice – what am I supposed to do now?***

**A.** Inactive notices may be sent when there has been no action taken in a case or if there has been no service on a case. The notice explains options available to the parties who must choose the option that best fits their situation. Parties who are not sure what to do may want to consult an attorney.

***Q. When am I supposed to file the affidavit of default?***

**A.** Court rules and statutes define the length of time a party has to file an answer with the court. The time frame depends on the status and location of the party who was served. The initiating party may not file the affidavit of default until this time has expired.

***Q. I have a disability that prevents me from filling out this form. Would you fill it out for me?***

**A.** For qualifying disabilities, court personnel must write exactly what the court customer dictates, being careful not to correct grammar or make any other changes to the court customer's words. Court personnel should note on the form that they assisted the court customer by placing the court customer's words verbatim on the form.

***Q. Would you look over this form and tell me if I did it right?***

**A.** Court personnel may tell a party if the party has provided all the required information. Court personnel cannot tell a party whether the information provided is correct or legally sufficient.

***Q. I want to talk to the judicial officer. Where is the office?***

**A.** The judicial officer talks with all parties to a case only at the same time in order to ensure fairness and impartiality. If the judicial officer talks to a party on one side of a dispute without the other party present, it is *ex parte* communication.

***Q. I know I can't talk to the judicial officer, but you're nice – could you please take this message for me?***

**A.** Court personnel are not allowed to act on behalf of a party to a case. Court personnel must remain neutral and not give one party an advantage over the other. The party may be able to put the request in writing to file in court, with a copy provided to the other party.

***Q. What will the judicial officer say?***

**A.** Court personnel cannot speculate on what a judicial officer might say or do. Judicial officers base their decisions on the law and the facts presented to the court.

***Q. How do I file for default?***

**A.** The court customer can file an Application for Entry of Default and Entry of Default 20 days after the other party has been served (30 days if they were served out of state). The local court may have forms with instructions available that the party can prepare, or the party may seek the help of an attorney. The clerk's office can inform the party of the current filing fee, if any. The court customer must send a copy of the Application for Default to the other party. The entry of default does not take effect until 10 business days after the filing of the application. Service can happen in several ways. Rules of Civil Procedure 55 and Rules of Family Law Procedure 44 provide specific information.

***Q. I can't afford an attorney. Can you tell me what to do?***

**A.** Court personnel are not allowed to give legal advice and cannot guess what might be in a court customer's best interests. Court personnel must remain neutral; there may be a list of local resources of attorneys who will work for a reduced fee or no fee.

***Q. I want a public defender/court-appointed attorney assigned. How do I get one?***

**A.** Parties are not entitled to court-appointed counsel in all types of matters. If the party requests in court, the judicial officer will inform the party if the party is eligible for court-appointed counsel.

***Q. Should I get a lawyer?***

**A.** Parties are not required to have a lawyer to file papers or participate in a court case. Court personnel cannot advise a party whether the party should hire a lawyer, nor may they recommend a specific lawyer. The State Bar of Arizona provides a lawyer referral number at 602-252-4804 or 866-482-9227 and the local County Bar Association may have a referral number. Some courts provide a list of local attorneys and there may be a list of local resources of attorneys who will work for a reduced fee or no fee.

***Q. I need a good lawyer. Who is the best?***

**A.** Court personnel cannot advise a party whether the party should hire a lawyer, nor may they recommend a specific lawyer. The State Bar of Arizona provides a lawyer referral number at 602-252-4804 or 866-482-9227 and the local County Bar Association may have a referral number. Some courts provide a list of local attorneys as well as a list of local attorneys who will work for a reduced fee or no fee.

***Q. What is "ex parte"?***

**A.** It is a Latin term that means communication with the court by one party without the presence or knowledge of the other party. In most cases *ex parte* contacts with the judicial officer are not allowed in order to remain neutral.

***Q. I'm filing this document asking the court to do something. Does that make me the plaintiff on this filing?***

**A.** A party's status in the case is usually determined by the initial filing on the case. If a party begins the case as plaintiff, defendant, petitioner or respondent, the party keeps that title throughout the case, regardless of who files individual motions or requests of the court later under the same case number.

***Q. What is a warrant?***

**A.** A warrant is an order from the court to law enforcement to take someone or something into custody. Some warrant

information is forwarded to law enforcement agencies throughout Arizona. For example, the court may order a bench warrant for law enforcement to arrest someone who failed to appear in court, or the court may issue a search warrant for law enforcement to seize and remove property from a person, place, or thing.

***Q. It says “relief requested” next to this blank on the form. What do I put there?***

**A.** “Relief requested” is a party’s opportunity to write in one’s own words what is requested of the court. Court personnel cannot tell parties what words to use. If a party has questions about the types of remedies available in a case, the party may consult an attorney.

***Q. What is the difference between a petition and a decree?***

**A.** A petition is a request, usually written, that a party files asking the court to do something. A decree is an order from the court detailing the parties’ status and obligations.

***Q. I have asked you several questions and you won’t answer them. Why aren’t you more helpful?***

**A.** Court personnel must remain neutral in all situations. Many questions would require court personnel to explain or interpret the law or how the law would apply in the party’s case. To do so would constitute legal advice, which court personnel may not provide.

***Q. Where can I find information on Arizona’s laws and rules?***

**A.** Arizona’s statutes (laws passed by the state legislature) are available in any law library and many public libraries. They may also be viewed at:

[www.azleg.state.az.us/ArizonaRevisedStatutes.asp](http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp).

The *Arizona Rules of Court* contain the procedures that litigants must follow in Arizona courts and are available in any law library and many public libraries. They may also be viewed at: [azrules.westgroup.com/home/azrules/default.wl](http://azrules.westgroup.com/home/azrules/default.wl).

## ***SCHEDULING & COURT APPEARANCES***

***Q. Do I have to be in court today?***

**A.** Court personnel may review whatever notice the party has to determine whether the party must appear in court and where the hearing (if any) will be held. Court personnel may also have access to the judicial calendar for the time period in question.

***Q. How do I schedule a hearing?***

**A.** The type of case (civil, family, etc.) determines the process for scheduling hearings. In cases that use a summons process, the court may automatically schedule a hearing after an answer is filed. If the court does not schedule a hearing, the party may file a Motion/Request to Set or a Notice of Hearing. The local court may have forms with instructions available that a party can prepare, or the party may seek the help of an attorney. The clerk’s office can inform the party of the current filing fee, if any.

***Q. Can I reschedule (continue) my hearing to a later date?***

**A.** The judicial officer decides whether or not to continue a hearing. Depending on local practice, the party may file a written request with the clerk or court and provide a copy of the request to the other parties (or the prosecuting attorney in a criminal case), and the judicial officer will consider the request.

***Q. Would you look over this form and tell me if I did it right?***

**A.** Court personnel may tell a party if the party has provided all the required information. Court personnel cannot tell a party whether the information provided is correct or legally sufficient.

## ***SEALED RECORDS***

***Q. Can I see a sealed file (e.g., adopted person seeking information or family member seeking information on a possible search warrant)?***

**A.** Court personnel are not authorized to provide sealed records to the public. Local courts and judicial officers may have different requirements, including an informal written request or a formal motion before allowing a court customer to view sealed information. The court customer’s written request may include the following:

- 1) sufficient information for the judicial officer to determine whether such a record exists (e.g. nature of the case; case number; names of parties; dates of possible case filings, judgments or events; date of birth);
- 2) the reason(s) supporting the court customer's right to view the sealed record; and
- 3) the court customer's name, address, and phone number.

## ***SUBPOENAS***

### ***Q. What are subpoenas?***

**A.** Subpoenas are orders to give testimony in court or at a deposition. They are also an order for documents to be submitted to the court or the requesting party.

### ***Q. How do I subpoena someone?***

**A.** A subpoena is issued by the clerk's office. Some clerks' offices have the subpoena form available, but the clerks' office does not prepare the form. The party wanting the subpoena needs to prepare it, have it issued by the clerk's office, and make arrangements to have it served. The clerk's office can inform the party of the current filing fee, if any, for issuing the subpoena.

## ***DOMESTIC VIOLENCE AND/OR HARASSMENT***

### ***Q. What's the difference between a restraining order and a protective order?***

**A.** A restraining order is a commonly-used term for an order of protection or an injunction against harassment, which are protective orders.

### ***Q. What is an order of protection?***

**A.** An order used for protection when there is a "family" relationship between the plaintiff and the defendant. The plaintiff must state how an act of domestic violence was threatened or committed against the plaintiff within the last year. If both a family relationship and an act of domestic violence do not apply, an injunction against harassment is the appropriate process. A petition and guidesheet must be filed, followed by an appearance before a judicial officer. If the judicial officer finds that the

defendant may commit or has committed an act of domestic violence, the judicial officer can issue an order of protection:

- Ordering one party not to commit acts of domestic violence,
- Granting one party exclusive use of residence,
- Preventing one party from coming near residence, place of employment or school of the other party, and
- Any other relief necessary for protection.

An order of protection can prohibit the possession of weapons. After a hearing, the judicial officer may order the defendant to obtain counseling.

### ***Q. What is a domestic violence crime?***

**A.** Domestic Violence includes: assault, aggravated assault, aggravated harassment, aggravated domestic violence, child or vulnerable adult abuse, criminal damage, criminal trespass, crimes against children, custodial interference, disobeying a court order, disorderly conduct, endangerment, harassment, kidnapping, stalking, surreptitious videotaping, threatening and intimidating, unlawful imprisonment, unlawful use of telephone.

### ***Q. What is the "relationship test" for an order of protection?***

**A.** The plaintiff and defendant need to meet one of the following "relationship test" requirements:

- married now or in the past
- live together now or lived together in the past
- parents of a child in common
- one party is pregnant by the other
- the parties are relatives (parent, in-law, brother, sister, or grandparent)

### ***Q. How do I file for an order of protection?***

**A.** The paperwork provided by the court must be filled out. Although an order may protect more than one person, it can only be issued against one person. A separate petition is required for each person filed against.

Each petition must have:

- The defendant's name
- A list of all acts of domestic violence or harassment that the defendant has committed within the past year. (The one-year

requirement may be waived if the defendant is out of state, incarcerated, or good cause is shown.)

- Plaintiff's address and phone number so the court can contact the plaintiff if the defendant requests a hearing. (Upon request, this information will be withheld from the defendant.)
- An address, if known, at which the defendant can be legally served with the court's order

***Q. How long is the order of protection in effect?***

**A.** If the judicial officer issues the order of protection, the defendant must be served with the order before it will be effective. Once an order has been served, it will be in effect for twelve (12) months.

A private process server or local law enforcement may serve the order. If using a private process server, the plaintiff is responsible for delivering the defendant's copy of the order to the process server and for paying a service fee and mileage.

***Q. What if the defendant is in jail?***

**A.** The plaintiff will need to advise court staff. The plaintiff may need to deliver the order to the jail and request that jail staff serve the defendant. If the defendant is in the process of being released, there may not be enough time to have service completed at the jail. If not, the plaintiff has one year in which to serve the defendant.

***Q. What if we are in the process of divorce?***

**A.** If a protective order was issued from a municipal or justice court, and a petition for dissolution or separation of marriage or maternity/paternity action is filed in superior court, one of the parties must notify the court immediately and the protective proceedings will be transferred to superior court and heard with the family court case.

***Q. What is harassment?***

**A.** According to Arizona law, harassment must involve a series of acts that can be spread over a long or short period of time, usually within the last year. The acts must show a continuity of purpose directed at a specific person, seriously alarming, annoying, or harassing the victim without serving a legitimate purpose, which would cause a reasonable person to suffer substantial emotional

distress. A single incident, no matter how bothersome, does not constitute legal harassment, although other violations of the law may have occurred. Injunctions do not resolve landlord-tenant disputes. A party must be specific about how the other party has harassed the plaintiff.

***Q. What is an injunction against harassment?***

**A.** Court assistance requested when the defendant has committed a series of acts (more than one) of harassment against the plaintiff in the last year. Also, a "dating" relationship without living together could be the basis for this injunction. A petition and guidesheet must be filed, followed by an appearance before a judicial officer. At the hearing, the plaintiff is the only party present. The injunction is not in effect until it is served on the defendant. Once served, the defendant has a right to a hearing.

***Q. How do I file for an injunction against harassment?***

**A.** The paperwork provided by the court must be filled out. Although an order may protect more than one person, it can only be issued against one person. A separate petition is required for each person filed against.

Each petition must have:

- The defendant's name.
- A series of two or more acts of harassment that the defendant has committed within the past year. (The one-year requirement may be waived if the defendant is out of state, incarcerated, or good cause is shown.)
- Plaintiff's address and phone number so the court can contact the plaintiff if the defendant requests a hearing. (Upon request, this information will be withheld from the defendant.)
- An address, if known, at which the defendant can be legally served with the court's order.

***Q. What if I don't know where the person I am filing against lives?***

**A.** If the defendant's whereabouts are unknown, the plaintiff should keep a copy of the injunction. As soon as the defendant's whereabouts are known, the plaintiff can contact a private process server or law enforcement so that they may attempt to serve the defendant.

***Q. How long is the injunction against harassment in effect?***

**A.** If the judicial officer issues the injunction against harassment, the defendant must be served with the order before it will be effective. Once an order has been served, it will be in effect for twelve (12) months. A private process server or local law enforcement may serve the order. If using a private process server, the plaintiff is responsible for delivering the defendant's copy of the order to the process server and for paying a service fee and mileage.

***Q. What do I do if the defendant violates the injunction once it is in effect?***

**A.** Violation of the court order is a criminal charge. It may be appropriate or necessary to call 9-1-1.

***Q. What if the other person contests the injunction?***

**A.** The defendant may request a hearing on the injunction one time during the twelve months in which it is in effect. A hearing will be held within ten (10) business days from the date requested unless the court finds compelling reasons to continue the hearing.

***Q. What do I do if my child is being harassed by a bully at school?***

**A.** Arizona has a new law that requires schools to have policies on bullying, harassment and intimidation. The message is clear: create an environment where bullying is not tolerated. Each school is required to have a procedure for students, parents and teachers to confidentially report bullying behavior to a school official to trigger investigation, punishment and prevention of further bullying behavior. See A.R.S. §15-341. If the bullying acts threaten or actually cause injury to a person or property, then more severe penalties are called for and carried out under Arizona's criminal laws. See A.R.S. §13-2911.

***Q. What is an injunction against workplace harassment?***

**A.** An injunction filed by an employer or owner of a business or operation for the benefit of an employee or the business against a single act or series of acts of harassment.

## ***SMALL CLAIMS & CIVIL CASES***

Note: The public may find a free publication at a local justice court.

***Q. How do I file a small claim?***

**A.** Court personnel may provide any pamphlets that are available as well as forms for filing small claims. Court personnel may also point out where information should be placed on the forms. Court personnel cannot offer recommendations about what to write on court forms, whom the party should sue, or whether a small claim should be filed.

***Q. It says "relief requested" next to this blank on the form. What do I put there?***

**A.** "Relief requested" is a party's opportunity to write in one's own words what is requested of the court. Court personnel cannot tell parties what words to use. If a party has questions about the types of remedies available in a case, the party may consult an attorney.

***Q. I have a disability that prevents me from filling out this form. Would you fill it out for me?***

**A.** For qualifying disabilities, court personnel must write exactly what the court customer dictates, being careful not to correct grammar or make any other changes to the court customer's words. Court personnel should note on the form that they assisted the court customer by placing the court customer's words verbatim on the form.

***Q. Which party do I file against?***

**A.** This question would require court personnel to interpret how the law applies in a particular case. The party may ask an attorney.

***Q. I live in Arizona and the defendant lives in another state. Where do I file?***

**A.** The party may consult an attorney or refer to Rule 4.2 of *Arizona Rules of Civil Procedure*, or Rule 42 of *Arizona Rules of Family Law Procedure*, based on the type of case.

***Q. I live in this county and the person I want to sue lives in another county. Where do I file?***

**A.** The party may consult an attorney or refer to Rule 4.1 of *Arizona Rules of Civil Procedure*, or Rule 41 of *Arizona Rules of Family Law Procedure*, based on the type of case.

**Q. *What kind of notice do I have to give?***

**A.** The type of notice may vary with the circumstances and type of claim. For a small claim, the judicial officer may require parties to attempt certified mailing first or risk the chance of not being awarded service fees, should they win a judgment.

**Q. *Do I have a potentially winning case?***

**A.** This question would require court personnel to interpret how the law will apply in a particular case. The party may ask an attorney.

**Q. *Once I file my claim, how long before I go to court?***

**A.** The party may refer to the instruction packet provided to the party or court personnel may explain the process for a particular court. (Ask court personnel in the civil department to explain.)

**Q. *My case was dismissed a year ago. Can I re-file?***

**A.** If the case was dismissed with prejudice, no. If it was dismissed without prejudice, yes. However, the party also needs to consider the statute of limitations. Court personnel can provide a copy of the statute but cannot interpret which timeline would fit the case. The party may consult an attorney on that matter.

**Q. *I received a paper and I don't know what it is. What am I supposed to do?***

**A.** To respond appropriately, court personnel will ask questions to determine what the paper is (the court customer may have to read the paperwork to court personnel).

**Q. *What is the difference between small claims and a civil case?***

**A.** A small claims case has a jurisdictional limit of \$2,500.00 and a civil case has a jurisdictional limit of \$10,000.00. Also there are no attorneys allowed in small claims (unless both parties agree), and there are no appeals in small claims. Attorneys and appeals are allowed in civil claims.

**Q. *My friend's dog bit me. Should I sue him?***

**A.** A party may want to talk to a lawyer to help make that decision. If a party decides to file a lawsuit without an attorney, a packet of information on how to file a civil action may be provided, along with the necessary forms. Another option is to contact local law enforcement or animal control.

**Q. *I was dating someone and we split up. They have property that belongs to me that they won't let me have (car, furniture, etc). How do I get my property back?***

**A.** If the value of the property is \$10,000 or less, the party may file a small claims case in justice court. If the value of the property is more than \$10,000, the party may file a civil complaint in superior court. For other options that may be available, a party may want to speak with an attorney.

**Q. *Will you mail me thirty small claims forms?***

**A.** Most clerks' offices will not do this. The answer to this question depends on the individual court's procedures.

**Q. *Are these the forms I need?***

**A.** Court personnel cannot make a legal determination if the court customer's papers are appropriate. If the court customer is not sure what type of claim to file, the customer may want to talk to an attorney.

**Q. *What do I do if I don't have the money to pay the filing fees?***

**A.** A request for fee deferral/waiver form may be filled out and filed. The court will determine what fees, if any, are waived or deferred until later in the case.

**Q. *What do I put in my complaint?***

**A.** Parties may, in their own words, write the following: what they are suing for, why, and for how much money, if applicable. Court personnel cannot tell parties what words to use. If a party has questions about the types of remedies available in a case, the party may consult an attorney.

**Q. *What is the time limit to file a small claim? (statute of limitations question)***

**A.** The party may consult an attorney, or court personnel may provide copies of the statute of limitations, but court personnel may not interpret which timeline applies to the party's case.

## ***SERVICE***

**Q. *What do I do when I don't know where the other person is to serve him/her?***

**A.** Service by publication may be available. *Arizona Revised Statutes* and court rules explain how to proceed if the other party is refusing or avoiding service, or if the other party is no longer at the last known address. The Service Members' Civil Relief Act is a federal statute that explains the requirements for serving a party who is in the military.

**Q. *Can I serve this or do you?***

**A.** A small claims summons and complaint may be served by registered or certified mail, return receipt requested. Service is considered to be complete when the defendant signs for it. The return receipt must then be filed with the court, unless there is a permissible exception. Service for other civil cases must be made in person by a sheriff, a sheriff's deputy, or private process server. Some exceptions are set out in Rule 4.1 and 4.2 of *Arizona Rules of Civil Procedure*. See Rules 40-42 of *Arizona Rules of Family Law Procedure* concerning service in family law cases.

**Q. *How do I serve the papers on someone who is out of state?***

**A.** Contact law enforcement or the local courts for a list of process servers or constables in that state. The party may consult an attorney or refer to Rule 4.2 of *Arizona Rules of Civil Procedure*, or Rule 42 of *Arizona Rules of Family Law Procedure*, based on the type of case.

## ***ANSWERING A CLAIM***

**Q. *I received a small claim notice in the mail. What do I do now?***

**A.** Follow the instructions on the notice and perhaps seek advice from an attorney. Court personnel cannot tell the defendant what words to use in the answer.

**Q. *How do I file a counterclaim?***

**A.** Court personnel may provide the appropriate forms and indicate where the information should be placed on the form, but cannot suggest what to write or whether a counterclaim should be filed.

**Q. *I was served with this complaint and summons. What do I do now?***

**A.** Follow the instructions in the summons and file an answer to the complaint within 20 calendar days (30 calendar days if out of state). Court personnel can inform the party of the current filing fee, if any.

**Q. *What do I do if I'm served with an amended complaint?***

**A.** The party may file a response or may contact an attorney.

**Q. *What do I write in my answer?***

**A.** The party writes down the response to a complaint. Court personnel cannot advise what to put in an answer. The party may want to consult an attorney.

**Q. *If I did not file my answer in time, and the plaintiff did not file default papers, can I still file my answer?***

**A.** Yes. The court will determine the effect of the late filing.

**Q. *When are my 20 days up (for filing an answer)?***

**A.** Start counting the 20 days on the day after service was completed. If a party doesn't know the date of service, court personnel may advise if proof of service was filed with the court.

**Q. *What do I do when I don't know where the other person is?***

**A.** Service by publication may be available. *Arizona Revised Statutes* and court rules explain how to proceed if the other party is refusing or avoiding service, or if the other party is no longer at the last known address. See Rule 4.2 of *Arizona Rules of Civil Procedure*. The Service Members' Civil Relief Act is a federal

statute that explains the requirements for serving a party who is in the military.

***Q. How long do I have to file my complaint?***

**A.** Many deadlines may apply depending on the type of case and facts involved. *Arizona Revised Statutes* and court rules list additional procedures and requirements, or the party may consult an attorney.

***Q. How do I serve my petition on the opposing party?***

**A.** There are various means of service in Rules 4.1 and 4.2 of *Arizona Rules of Civil Procedure*. The party may consult an attorney to determine the proper means of service for the party's particular case.

***Q. In what city or county do I file my case?***

**A.** The answer to this question depends on the type of case being filed, where the litigants live, and where events took place. Court personnel sorting out the impact of these factors would constitute legal advice. The party may consult an attorney.

***Q. How do I file an answer?***

**A.** A party's answer must be in writing and filed within the proper time period after the complaint was served on the party. The party must provide a copy to the opposing party.

***Q. When do I have to file my opposition papers on this motion?***

**A.** In civil cases, Rule 7.1 of *Arizona Rules of Civil Procedure* states that the opposing party shall file any answering memorandum within ten (10) days after the motion was filed and served. Rule 6 (e) of *Arizona Rules of Civil Procedure* allows an additional five (5) calendar days when the motion is served by mail. The judicial officer may determine there are grounds for an accelerated ruling, in which case the time for filing may be shortened. The time periods may be different when specific times for motions are otherwise provided by statute, *Arizona Rules of Civil Procedure*, or order of the court.

Unless the court orders otherwise, Arizona law requires all papers opposing a motion be filed and served on the opposing party at least ten (10) calendar days before the hearing.

***Q. I figured out that I have to file my papers ten days before the hearing, but that day falls on a holiday when the court is closed. What do I do?***

**A.** This situation is an exception to the ten-day rule. The party must file and serve the papers by the end of court business on the next day that the court is open following the holiday.

## ***CIVIL***

Civil cases involve legal conflicts among individuals, businesses, corporations, partnerships and governmental entities. Most civil cases are the result of personal injury, property damage, medical malpractice and contract disputes. *Arizona Rules of Civil Procedure*, beginning at Rule 72, explain how and when arbitration may be required in a civil case.

***Q. I want to file a lawsuit. Can you tell me how to do it?***

**A.** Civil actions start by filing a complaint. Additional steps in the rules of procedure are required. A civil case can be complex. Court customers may wish to contact an attorney.

***Q. What are subpoenas?***

**A.** Subpoenas are orders to give testimony in court or demand documents be submitted to the court or the requesting party. See page 8.

***Q. How do I subpoena someone?***

**A.** A subpoena is issued by the clerk's office. Some clerk's offices have the subpoena form available, but the clerk's office does not prepare the form. The party wanting the subpoena needs to prepare it, have it issued by the clerk's office, and make arrangements to have it served. The clerk's office can inform the party of the current filing fee, if any, for issuing the subpoena.

***Q. Can I serve a subpoena or do I have to hire someone to do it?***

**A.** *Arizona Rules of Civil Procedure (ARCP)* Rule 45(b) allows service by anyone who is at least 18 years of age and not a party to the case. See page 8.

***Q. How do I serve someone with a complaint?***

**A.** Service in the state of Arizona shall be by a sheriff, sheriff's deputy or private process server. A party to an action may also sign an Acceptance or Waiver of Service. *ARCP* Rule 4 and 4.1 cover different types of service, including out of state service.

**Q. *What do I do when I don't know where the other person is?***

**A.** Service by publication may be available. *A.R.S.* and court rules explain how to proceed if the other party is refusing or avoiding service, or if the other party is no longer at the last known address. The Service Members' Civil Relief Act is a federal statute that explains the requirements for serving a party who is in the military.

**Q. *It says "relief requested" next to this blank on the form. What do I put there?***

**A.** "Relief requested" is a party's opportunity to write in one's own words what is requested of the court. Court personnel cannot tell parties what words to use. If a party has questions about the types of remedies available in the case, the party may consult an attorney.

**Q. *I was served with this complaint and summons. What do I do now?***

**A.** The party should follow the instructions in the summons. If the party files an answer, it must be in writing and a copy served on the other party. Parties unsure how to file an answer may contact an attorney. The clerk can inform the party of the current filing fee, if any. See page 17.

**Q. *How long do I have to answer a complaint?***

**A.** The time to file an answer to a civil complaint is twenty (20) days from the date the party is served or accepts service, if it is in state. If it is out of state, the party has thirty (30) days to file an answer. (If the last day falls on a weekend or holiday, the party has until the end of the next business day to file.)

**Q. *How do I appeal a superior court ruling to the court of appeals?***

**A.** The party wanting to appeal (the appellant) must file a written Notice of Appeal no later than 30 days after entry of the judgment. The local court can inform the party of the current filing fee, if any.

The appellant must post a \$500.00 bond unless the court sets another bond amount. An Affidavit in Lieu of Bond may be submitted if the appellant is unable to post the bond (*Arizona Rules of Appellate Procedure*, Rule 10).

**Q. *How do I file for default?***

**A.** The court customer can file an Application for Entry of Default and Entry of Default 20 days after the other party has been served (30 days if they were served out of state). The local court may have forms with instructions available that the party can prepare, or the party may seek the help of an attorney. The clerk's office can inform the party of the current filing fee, if any. The court customer must send a copy of the Application for Default to the other party. The entry of default does not take effect for 10 business days after filing the application. Service can occur in several ways. *Arizona Rules of Civil Procedure* Rule 55 and *Arizona Rules of Family Law Procedure* Rule 44 provide specific information.

**Q. *I got an inactive notice. What am I supposed to do now?***

**A.** Inactive notices may be sent when there has been no action taken on a case or if there has been no service on a case. The notice explains options available to the parties, who must choose the option that best fits the situation. Parties who are not sure what to do may want to consult an attorney.

**Q. *Would you look over this form and tell me if I did it right?***

**A.** Court personnel may tell a party if the party has provided all the required information. Court personnel cannot tell a party whether the information provided is correct or legally sufficient.

**Q. *When do I have to file my opposition papers on this motion?***

**A.** In civil cases, Rule 7.1 of *Arizona Rules of Civil Procedure* states that the opposing party shall file any answering memorandum within ten (10) days after the motion was filed and served. Rule 6 (e) of *Arizona Rules of Civil Procedure* allows an additional five (5) calendar days when the motion is served by mail. The judicial officer may determine there are grounds for an

accelerated ruling, in which case the time for filing may be shortened. The time periods may be different when specific times for motions are otherwise provided by statute, *Arizona Rules of Civil Procedure*, or order of the court.

Unless the court ordered otherwise, Arizona law requires all papers opposing a motion be filed and served on the opposing party by at least ten (10) calendar days before the hearing.

***Q. I figured out that I have to file my papers ten days before the hearing, but that day falls on a holiday when the court is closed. What do I do?***

**A.** This situation is an exception to the ten-day rule. The party must file and serve the papers by the end of court business on the next day that the court is open following the holiday.

***Q. I have a disability that prevents me from filling out this form. Would you fill it out for me?***

**A.** For qualifying disabilities, court personnel must write exactly what the court customer dictates, being careful not to correct grammar or make any other changes to the court customer's words. Court personnel should note on the form that they assisted the court customer by placing the court customer's words verbatim on the form.

## **JUDGMENTS**

### **Small Cases**

***Q. I filed a debt collection case against a person. After that, the person filed for bankruptcy. How will the bankruptcy case affect my case against that person?***

**A.** The answer to this question can be complicated. It requires legal advice, which court personnel cannot provide. From a procedural standpoint, the filing of bankruptcy generally suspends ("stays") the court proceedings. The party may consult with an attorney as to how the bankruptcy might affect the party's claim.

***Q. If I file bankruptcy will my debts go away?***

**A.** Court personnel cannot speculate about how bankruptcy laws would apply in a particular case. In addition, bankruptcy is a complicated area of the law. A party may seek advice from an attorney.

***Q. Once a judgment is obtained, how long before I get my money?***

**A.** A judgment gives the winning party a lien against the losing party, but the judgment and lien do not guarantee voluntary payment. The winning party may pursue collection through various legal forms of execution, but these can be complicated. Court personnel may provide an "if you win packet" for more information. The party may want to contact an attorney, as there could be more options available.

***Q. For how long is my judgment good?***

**A.** Judgments are usually good for five (5) years, but refer to the applicable statute for information specific to the case.

***Q. How do I obtain garnishment?***

**A.** Court personnel may provide appropriate forms that are available for this process and point out where information should be placed on the forms, but court personnel may not give advice as to how the garnishment should be pursued. The party should read the instructions carefully.

**Q. How many garnishments can I file on a person at once?**

A. The party may only place one garnishment on a debtor at a time.

**Q. How do I find out where the defendant works?**

A. This information could be obtained through a debtor examination after a judgment has been obtained and the judgment creditor has unsuccessfully attempted an execution on that judgment. Court personnel may provide an “if you win packet” for more information. The party may want to contact an attorney, as there could be more options available.

**Q. I tried an execution, but it didn't work. What do I do now?**

A. This information could be obtained through a debtor examination after a judgment has been obtained. Court personnel may provide an “if you win packet” for more information. The party may want to contact an attorney, as there could be more options available.

**Q. What is a debtor's exam?**

A. This is a process available to someone who has obtained a judgment against another party and has attempted an execution on the judgment, but the judgment debtor still has not paid the debt. In this situation the winning party may file a request for a debtor's exam. Both parties will have to appear in court where the winning party may question the judgment debtor under oath regarding the amount and location of the judgment debtor's assets (e.g., bank accounts, real property).

**Q. Can the losing party make installment payments on the judgment?**

A. The winning party may accept partial payments, but the losing party may seek advice from an attorney as to whether the winning party, who has accepted partial payments, will be prevented from seeking accelerated collection of the judgment through other legal means.

**Q. Do I get accruing court costs?**

A. This answer depends on how the judgment is worded. Also, the party may want to consult with an attorney to determine if accruing court costs may be added to the judgment.

**Q. The other party paid me just the judgment and not court costs. How do I collect the court costs?**

A. If the judgment required the defendant to pay court costs, the judgment lien does not have to be released until those costs are paid. Court personnel may provide an “if you win packet” for more information. The party may want to contact an attorney, as there could be more options available.

**Q. Why can't the judicial officer just put the defendant in jail?**

A. Jail is usually not a legal remedy available in civil proceedings. The party may wish to consult an attorney to explore other available options.

**Q. How do I calculate my interest?**

A. A basic method for calculating interest on a judgment:  
Step 1: Multiply \$ (Judgment) X (interest) % = (Annual interest rate due)  
Step 2: Divide (Annual Rate) by 365 = (Daily Interest Amount)  
Step 3: Multiply the daily interest amount times the number of days since the judgment was entered. (Note: every time a payment is made the interest must be refigured.)

**Q. I paid my judgment in full and the plaintiff has not released it. How do I get the judgment released?**

A. Refer to the *Arizona Rules of Civil Procedure*, file proof and a motion with the court to satisfy the judgment, or speak with an attorney to find other options.

**Q. I paid my judgment, so why don't you satisfy it?**

A. The winning party is responsible for satisfying the judgment, not court personnel.

**Q. How do I stop a garnishment?**

A. The party may request a hearing. A hearing will be set within ten (10) days.

***Q. How do I file a mechanic's lien?***

**A.** This is done in the recorder's office. Due to potential complications concerning questions of law and notice, the party may want to consult with an attorney.

***Q. Are there any liens on my property?***

**A.** Court customers may search the records themselves in the recorder's office, or have a title company or an attorney conduct a search for them. Court personnel do not provide this service.

***Q. How long do I have to file a mechanic's lien?***

**A.** In most cases a contractor/subcontractor who is owed money for products or services must file for a mechanic's lien within 90 days after the last of the materials were furnished or the last of the labor was performed.

***Q. How long do I have to file an action to enforce a mechanic's lien?***

**A.** An action to enforce a mechanic's lien may be brought within two years from the expiration of the 90 days for filing a claim for the mechanic's lien. Since the determination of the 90-day filing period may involve complicated legal issues, the party may consult an attorney as to the application of these code sections to the party's case.

**Minors as Parties in a Small Claim or Civil Case.**

***Q. I'm 15 years old and I haven't been paid for work I've done. How do I sue to get my money?***

**A.** The minor's parent or guardian must file the claim.

***Q. Can I sue a minor?***

**A.** No; however, the parent/guardian of the minor may be sued.

***REAL ESTATE AND LANDLORD TENANT***

**Forcible entry and Detainer (F.E.D.)**

This is a complex area of law that customers may prefer the use of an attorney. Some courts may have copies of the Landlord Tenant Guide, or it can be found on the Arizona Secretary of State website.

***Q. Does a three day "notice to quit" include weekends and holidays?***

**A.** Yes.

***Q. What does "calendar days" mean?***

**A.** Calendar days include weekends and holidays.

***EVICTION & RECOVERY OF PERSONAL PROPERTY***

***Q. How do I get my stuff out of my house?***

**A.** This assumes that the party has been removed from the home by court order. The party may apply in writing to the judicial officer to allow the party to pick up personal property. The party must provide a copy of the application to the opposing party. The judicial officer will set a hearing to determine what property the party may remove, when the removal will take place, and under what conditions.

***Q. Can you provide me with a legal description of my property?***

**A.** This information is not available at most courts. Parties may get this information from the treasurer, assessor, and/or recorder in the party's county.

***Q. Is an address good enough when a legal description of real property is needed?***

**A.** An address is insufficient when a legal description of property is required.

***Q. How do I get someone's name off my property?***

**A.** This could be accomplished by a petition to quiet title. Like most lawsuits, it could become legally complicated. The party may wish to seek the assistance of an attorney.

## **APPEALS**

### **Civil/Limited Jurisdiction Courts**

#### ***Q. How long do I have to file an appeal?***

**A.** Fourteen (14) days from the date the judgment or decision was mailed. If it is a small claims case, there is no right to appeal. If it is a forcible entry and detainer case, the deadline is 5 days from the date of mailing.

#### ***Q. If I am evicted, do I still have to move/pay the judgment once I file my appeal?***

**A.** Unless a supersedeas bond is posted with the court, a party must move. This bond is usually the amount of the judgment and stays with the court pending the outcome of the appeal.

#### ***Q. What do I do to file an appeal?***

**A.** Fill out the proper paperwork and pay the filing fee. Read the notice of right to appeal to find out the process of the appeal and what to do next.

#### ***Q. I have filed an appeal on my eviction. Who do I pay my rent to?***

**A.** The monthly rent gets paid to the court and the court will issue a check to the landlord.

#### ***Q. I have filed my appeal. Now what?***

**A.** File an appellant memorandum within 60 days of the expiration of the appeal time. The Notice of Right to Appeal explains what an appellant memorandum is.

#### ***Q. I still don't understand what a memorandum is.***

**A.** It is a written explanation of why the court's ruling was legally wrong. It may not exceed 15 pages in length.

#### ***Q. I filed my appellant memorandum. Now what?***

**A.** The opposing side has 30 days to file an appellee's memorandum (response). Once filed, a Notice to Pay Filing Fees in Superior Court will be sent. Once the fees are paid, the trial court will send the record on appeal to superior court for a decision.

#### ***Q. Will I get another court date?***

**A.** Only if the superior court overturns the trial court's decision or if the record on appeal cannot be sent.

### **General Jurisdiction Courts**

#### ***Q. How do I appeal a superior court ruling to the court of appeals?***

**A.** The party wanting to appeal (the appellant) may file a written Notice of Appeal no later than 30 days after entry of the Judgment. The local court can inform the party of the current filing fee, if any. The appellant must post a \$500.00 bond unless the court sets another bond amount. An Affidavit in Lieu of Bond may be submitted if the appellant is unable to post the bond (*Arizona Rules of Appellate Procedure*, Rule 10).

#### ***Q. What does the "due date" heading on the appellate index refer to?***

**A.** This is the date the clerk's appellate unit is required to have the lower court record transmitted to the court of appeals, and is not related to the parties' obligations.

#### ***Q. I filed a document with the superior court but it is not included on the appellate index. Why not?***

**A.** Most often this occurs because the document was filed after the lower court record was transmitted to the court of appeals. If the appellate court requires the document, it will order the clerk to supplement the record by providing that document.

#### ***Q. Where do I file the appellate brief?***

**A.** Once the court of appeals has accepted jurisdiction in a case, the appellate brief is filed with the court of appeals. If the brief was mistakenly filed in superior court, the clerk's office will transmit it to the appellate court. Briefs mistakenly filed in superior court can be difficult to locate and may affect the party's timely filing with the appellate court.

#### ***Q. What happens at the court of appeals after the lower court record is transmitted?***

A. Contact the appellate court directly for information on the procedures.

**Q. The appellate court ruled on my case. How do I reopen it in the lower court?**

A. For more information, contact the division of court administration for the case type that was appealed.

## **JUVENILE**

### **Limited Jurisdiction Courts**

**Q. My son got a ticket for curfew violation, possession of tobacco, underage drinking, or truancy. Does he/she need to go to court?**

A. Yes.

**Q. Do I have to appear for court with my child?**

A. A parent or guardian must appear with the juvenile for all criminal or petty offenses.

**Q. My child received a criminal traffic ticket. Does he/she need to appear in court?**

A. In most cases, if the juvenile prefers to pay the ticket, he/she may; however, the juvenile will be required to appear in court with a parent or guardian on a class 1 misdemeanor or serious traffic violation.

**Q. Can I be held liable if my juvenile does not do what the judicial officer says?**

A. Yes.

**Q. Can a warrant be issued for my child's arrest?**

A. At this level of the court, a warrant will not issue for the child; however, the child's license may be suspended until the child turns 18 years of age, at which time a warrant can issue.

**Q. Can I sue a minor?**

A. No; however, the parent or guardian of the minor may be sued.

## **General Jurisdiction Courts**

**Q. How can I cancel an adoption?**

A. Court personnel do not provide any forms. The person may wish to consult an attorney.

**Q. How can I contest an adoption?**

A. Court personnel do not provide any forms. The person may wish to consult an attorney.

**Q. After a juvenile delinquency record has been destroyed, how do I answer the question, "have you ever been convicted?" when completing a job application?**

A. Arizona Revised Statutes and the "Order regarding Application for Destruction of Records" answer this question. An attorney can provide more information.

## **FAMILY**

**Q. We don't want to be married anymore. If our marriage license was never recorded do we still have to file for a divorce? Who would know we are married if there is no record?**

A. Based on the complexity of this situation, the parties may consult an attorney. Ultimately, the court decides the existence of the marriage, and divorce is based on facts and law.

**Q. How do I file a divorce without an attorney?**

A. The statutes pertaining to dissolution of marriage are found in Arizona Revised Statutes, Section 25. The Arizona Rules of Family Law Procedure list additional procedures and requirements. A party must file a written "Petition for Dissolution of Marriage," and all the required supporting documents at the clerk's office and pay a filing fee. A copy of the documents must be served on the opposing party. The opposing party has a specific number of days, determined by court rule, to file an answer. If an issue is contested, the case may be set for trial before a judicial officer. Some courts offer special programs such as conciliation services (counseling) and have other requirements prior to trial, such as mediation. If the other party does not respond, Arizona

*Revised Statutes* and court rules determine how to proceed by default. A divorce is often complicated, and parties are encouraged to seek advice and assistance from an attorney. Legal services may be available locally for those who cannot afford to hire a private attorney.

***Q. How do I file for legal separation?***

**A.** Legal separation is filed in the same manner as a petition for dissolution of marriage. *Arizona Revised Statutes* and the *Arizona Rules of Family Law Procedure* list additional procedures and requirements. The local superior court may have forms with instructions available that the party can prepare, or the party may seek the help of an attorney. The clerk's office can inform the party of the current filing fee, if any.

***Q. How do I file for divorce in a covenant marriage?***

**A.** Most marriages in Arizona are "traditional." *Arizona Revised Statutes* define what a "covenant" marriage is and the steps required to enter into a covenant marriage and the steps required before filing for divorce in a covenant marriage. See *Arizona Revised Statutes* §§ 25-121 and 25-903 for more information or seek the help of an attorney.

***Q. How soon after my divorce is final can I get married again?***

**A.** There is no waiting period in Arizona.

***Q. How do I file for an annulment?***

**A.** An annulment is filed in the same manner as a petition for dissolution of marriage. *Arizona Revised Statutes* and the *Arizona Rules of Family Law Procedure* list additional procedures and requirements. The local superior court may not have forms available; however, a party can prepare one's own forms, or the party may seek the help of an attorney. The clerk's office can inform the party of the current filing fee, if any.

***Q. I don't know if I'm divorced. I haven't seen my spouse for years. Do I need to get a divorce here?***

**A.** A party may begin by contacting the clerk's office in the county where the divorce may have occurred to see if a written divorce decree or open case exists. A party may file for divorce in his/her

current county, but the court will ask if a divorce case is proceeding in any other location.

***Q. What do I do when I don't know where the other person is to serve him/her?***

**A.** Service by publication may be available. *Arizona Revised Statutes* and court rules explain how to proceed if the other party is refusing or avoiding service, or if the other party is no longer at the last known address. The Service Members' Civil Relief Act is a federal statute that explains the requirements for serving a party who is in the military.

***Q. I just got served with divorce/lawsuit papers. What do I do?***

**A.** The summons that was served explains that a party wanting to contest the divorce or lawsuit must file a written Response/Answer within the proper time limits. The local court may have forms with instructions available that the party can prepare, or the party may seek the help of an attorney, but it needs to be in proper form according to court rule. The clerk's office can inform the party of the current filing fee, if any.

***Q. I was served with divorce papers on June 3. Exactly how many days do I have to respond?***

**A.** Court personnel cannot confirm the exact day, since they do not personally know the circumstances of how and when a party was served. Specific rules and timeframes for service apply; for instance, whether the party is served in-state (usually 20 calendar days) or out-of-state (usually 30 calendar days), or if the party is in the military. *Arizona Rules of Family Law Procedure* list additional procedures and requirements, as does the Service Members' Civil Relief Act.

***Q. How do I handle divorce, child custody and support payments?***

**A.** The local superior court may have forms with instructions available that a party can prepare, or the party may seek the help of an attorney. The clerk's office can inform the party of the current filing fee, if any.

***Q. My ex is not complying with the decree. How do I make my ex comply?***

**A.** To enforce the order, a party may file a Petition for Enforcement, or the party may initiate a contempt proceeding with an Order to Show Cause/Order to Appear, depending on the situation. Rules 91 and 92 of the *Arizona Rules of Family Law Procedure* list additional procedures and requirements. The local superior court may have forms with instructions available that the party can prepare, or the party can seek the help of an attorney. The clerk's office can inform the party of the current filing fee, if any. Some courts may have alternative dispute resolution services available to help resolve the matter without going before a judicial officer.

***Q. I want to see my child more than the old court order allows. How do I get more time with my child?***

**A.** To change or modify a court order that already exists, the local superior court may have forms with instructions available that the party can prepare, or the party may seek the help of an attorney. The clerk's office can inform the party of the current filing fee, if any. Rule 91 of the *Arizona Rules of Family Law Procedure* lists additional procedures and requirements for modifications.

***Q. My ex has custody of our child. I have our child for parenting time, but the child does not want to go back to my ex. Does our child have to go back?***

**A.** The court order for physical custody will answer this question. Children cannot decide which parent they reside with if there is a court order in place. If a party feels the court order is no longer appropriate for the situation, or both parties agree to a change (a stipulation), a party may file with the court for a change. If there is no court order, a party may file with the court to establish one. The local superior court may have forms with instructions available that the party can prepare, or the party may seek the help of an attorney. The clerk's office can inform the party of the current filing fee, if any.

***Q. I am supposed to pick up my kids this weekend, but my ex says I won't be allowed to have them. Can the court make my ex give me the kids?***

**A.** The court cannot enforce parenting time before the order is actually violated, as the party who has the children can change his/her mind and participate in the exchange. To enforce the

order, a party may file a Petition for Enforcement, or the party may initiate a contempt proceeding with an Order to Show Cause/Order to Appear, depending on the situation. Rules 91 and 92 of the *Arizona Rules of Family Law Procedure* list additional procedures and requirements. The local superior court may have forms with instructions available that the party can prepare, or the party may seek the help of an attorney. The clerk's office can inform the party of the current filing fee, if any.

***Q. I want to know if the judicial officer will read a text message on my phone and listen to a voice mail. This is evidence that my ex is denying me parenting time. I need to know this before the hearing that is currently set.***

**A.** It is up to the party to present evidence to the court. Parties cannot ask a judicial officer in advance what they will or will not listen to or read. Each party will have to determine how to present one's evidence. *Arizona Rules of Family Law Procedure* list additional procedures and requirements.

***Q. Will I get to talk to the judicial officer about my family court emergency?***

**A.** Everything a party wants the judicial officer to know may be included in the party's written filing. Some courts have procedures allowing the party to talk to the judicial officer; in others, the judicial officer decides based only on the written filing.

***Q. How do I modify my divorce decree?***

**A.** To change or modify a court order that already exists, a party may file a written petition to modify the specific area or areas of the decree (parenting time, custody, support, etc.) at the clerk's office and pay the filing fee. A copy of the petition and other required documents must be served on the opposing party. The opposing party has a specific number of days, determined by court rule, to file an answer. If an issue is contested, the case may be set for a hearing before a judicial officer. Modifications are often complicated, and parties may prefer to seek advice and assistance from an attorney. Legal services may be available locally for those who cannot afford to hire a private attorney. Rule 91 of the *Arizona Rules of Family Law Procedure* lists additional procedures and requirements for modifications.

***Q. Does an unwed mother automatically have custody of the children?***

**A.** Legal and physical custody between parents is determined by court order. If there is no court order, law enforcement agencies, schools, doctors, etc. may have different and conflicting policies on how they determine which parent has custody. To establish custody, the local superior court may have forms with instructions available that the party can prepare, or the party may seek the help of an attorney. The clerk's office can inform the party of the current filing fee, if any.

***Q. Where can I get help completing the Parent's Worksheet to establish or modify a child support order?***

**A.** The Arizona Supreme Court maintains an online child support calculator. If a party does not have exact figures, he/she can estimate the information input on the worksheet. The filing party should be prepared to explain to the court the numbers used. The calculator is located at: [www.supreme.state.az.us/childsup/](http://www.supreme.state.az.us/childsup/).

***Q. Can I get a child support order without getting a legal separation or divorce?***

**A.** If the parties have never been married, yes. The party may file a petition directly with the court; a private attorney may file on the party's behalf; or the local Department of Child Support Enforcement (DCSE) may help the party establish a support order, as well as paternity, if that is an issue in the case. If the parties are currently married, the party will need to contact an attorney or research the *Arizona Revised Statutes* to determine if child support can be ordered without filing a separation or divorce proceeding in court.

***Q. How do I appear after default is entered against me?***

**A.** *Arizona Rules of Family Law Procedure* list these procedures and requirements. The local superior court may have forms with instructions available that the party can prepare, or the party may seek the help of an attorney. The clerk's office can inform the party of the current filing fee, if any.

***Q. How do I amend a motion?***

**A.** *Arizona Rules of Family Law Procedure* list these procedures and requirements. The local superior court may have forms with instructions available that the party can prepare, or the party may

seek the help of an attorney. The clerk's office can inform the party of the current filing fee, if any.

***Q. My child and former in-law are divorced and now I'm being kept from seeing my grandkids. How can I get to see them?***

**A.** This is called grandparent's visitation. The local superior court may have forms with instructions available that the party can prepare, or the party may seek the help of an attorney. The clerk's office can inform the party of the current filing fee, if any.

***Q. How can I get my parental rights restored?***

**A.** Restoration of parental rights is a complex matter and court personnel do not provide forms. The parent may wish to contact an attorney.

***Q. How can I get my children back?***

**A.** If Child Protective Services has removed a party's child from the parent(s)' custody, the party will be served with a Notice of Hearing. A court hearing will be set within 7 days. Any requests to the court must be made in writing. The local court can provide forms for dependency petitions and service, requests for review of temporary custody (only in dependency) and requests for appointment of an attorney or court interpreter. Other forms are available at local court websites and self-service centers.

***Q. How do I tell the court what witnesses I'm bringing to a hearing?***

**A.** *Arizona Rules of Family Law Procedure* provides these requirements. The local superior court may have forms with instructions available that the party can prepare, or the party may seek the help of an attorney. The clerk's office can inform the party of the current filing fee, if any.

***Q. How do I get a protective order (order of protection or injunction against harassment)?***

**A.** Most protective orders can be filed in any justice court, municipal court or superior court. However, when there is an

active case between parties pending in superior court in family court, the petition must be filed in the superior court under the parties' active case number. The protective order must be served on the other party by a process server or law enforcement officer before it is effective. The order will remain in effect for one year from the date it is served on the other party. If the party is seeking an order of protection at the Superior Court in Maricopa County, the party needs to go to the Family Violence Prevention Center located at the courthouse.

provide Notice of Hearing Regarding Application for Change of Name. The local superior court may have forms with instructions available; a party can prepare one's own application or seek the help of an attorney. The clerk's office can inform the party of the current filing fee, if any.

***Q. I was dating someone and we split up. They have property that belongs to me that they won't let me have (car, furniture, etc). How do I get my property back?***

**A.** This situation is a civil matter. If the value of the property is \$10,000 or less, the party may file a small claims case in justice court. If the value of the property is more than \$10,000, the party may file a civil complaint in superior court. For other options that may be available, a party may want to speak with an attorney.

## ***NAME CHANGE***

***Q. How do I change my name?***

**A.** *Arizona Revised Statutes*, Title 12, addresses this. A person who desires to change his/her name and adopt another name may file an application in the superior court in his/her county of residence, listing reasons for the change and the name to be adopted. The court may enter judgment that the adopted name of the party be substituted for the original name. The party is required to contact the state vital records department of one's birth with the court order. The Arizona Supreme Court provides forms and directions for changing one's name at: [www.supreme.state.az.us/selfserv/formnmchg.htm](http://www.supreme.state.az.us/selfserv/formnmchg.htm).

***Q. How do I change a minor's name when the other parent won't sign the request?***

**A.** When the other parent does not agree with the request to change a minor's name, the parent requesting the change must

## **PROBATE - MENTAL HEALTH**

Informal probate information in A.R.S. §§ 14-3301 – 14-3311.

### ***Q. Do I have to open an estate for a dead relative?***

**A.** If the value of the estate is less than \$75,000, the person may file an Affidavit for Transfer of Property. Forms for the affidavits and instructions are available at:

[www.supreme.state.az.us/nav2/selfserv.htm](http://www.supreme.state.az.us/nav2/selfserv.htm). Some self-service center or superior courts may also have forms. The court customer may also qualify to file an informal probate if the value of the property exceeds \$75,000. Forms for filing an informal probate are available in some self-service centers and some superior courts. The person should consult an attorney to determine if the estate has to be probated and to help guard against undesired and unexpected consequences. The clerk's office can inform the party of the current filing fee, if any.

### ***Q. How do I get title changed on property that belonged to my husband, wife, father, mother, etc. who is now deceased?***

**A.** If the value of the estate is less than \$75,000, the person may file an Affidavit for Transfer of Property or Affidavit for Transfer of Real Property. Forms for the affidavits are available at: [www.supreme.state.az.us/nav2/selfserv.htm](http://www.supreme.state.az.us/nav2/selfserv.htm). Some self-service center or superior courts may also have forms. The court customer may also qualify to file an informal probate if the value of the property exceeds \$75,000. Forms for filing an informal probate are available in some self-service centers and some superior courts. The person should consult an attorney to determine if the estate has to be probated and to help guard against undesired and unexpected consequences. The clerk's office can inform the party of the current filing fee, if any.

### ***Q. My spouse died. How do I get his/her last paycheck?***

**A.** *Arizona Revised Statutes*, Title 14 addresses this. For wages, a party can file an affidavit at any time with the employer of the deceased and collect the deceased's wages if they are not more than \$5,000. If more than \$5,000, a probate case may be filed.

### ***Q. My spouse died. How do I get the money out of his or her savings/checking account or any other personal property?***

**A.** If the value of the estate is less than \$50,000, the person may file an Affidavit for Transfer of Property. Forms for the affidavits are available at:

[www.supreme.state.az.us/nav2/selfserv.htm](http://www.supreme.state.az.us/nav2/selfserv.htm). Some self-service center or superior courts may also have forms. The court customer may also qualify to file an informal probate if the value of the property exceeds \$50,000. Forms for filing an informal probate are available in some self-service centers and some superior courts. The person should consult an attorney to determine if the estate has to be probated and to help guard against undesired and unexpected consequences. The clerk's office can inform the party of the current filing fee, if any.

### ***Q. Do you have my will?***

**A.** The local superior court clerk can tell the party whether his or her will is being stored in the clerk's office. The local county recorder's office can tell the party if the will is recorded in its office.

### ***Q. How can I get someone committed because he is a threat to himself or others?***

**A.** The local county superior court may provide a Petition for Evaluation. If the court finds that the individual is suffering from a mental disorder and meets one or more of four criteria, the court will enter an Order for Treatment. The length and terms will vary. If further treatment is indicated, another petition must be filed and the process is repeated.

### ***Q. Do I need an attorney to file a guardianship and conservatorship?***

**A.** It is possible for an individual to file a guardianship and conservatorship on their own, but due to legal complexities and potential liability, parties may wish to consult an attorney. The local court or self service center may have forms and instructions. The clerk's office can inform the party of the current filing fee, if any.

### ***Q. How do I establish guardianship and/or conservatorship of an adult?***

**A.** The local superior court may have forms with instructions available that the party can prepare, or they party may seek the help of an attorney. The clerk's office can inform the party of the current filing fee, if any.

**Q. As a guardian (or conservator), do I have to file an annual report?**

**A.** Yes. *Arizona Revised Statutes*, Title 14, lists additional procedures and requirements in this area.

**Q. How do I prepare a guardian's report?**

**A.** The local superior court may have forms with instructions available that the party can prepare, or the party may seek the help of an attorney. The clerk's office can inform the party of the current filing fee, if any.

**Q. Who do I call for a bond?**

**A.** Some courts provide lists of bonding companies. Bonding companies can also be found online or in the phone book.

## **CRIMINAL**

### **Limited Jurisdiction and General Jurisdiction**

**Q. What is the procedure for entering a plea to a criminal charge?**

**A.** There are three possible pleas to a criminal charge:

- Plea of Not Guilty - The defendant denies guilt and the State must prove the criminal charge(s) against him/her. The State is represented by the city or county prosecutor's office.
- Plea of Guilty - The defendant admits that he/she committed the act(s) charged in the complaint, that the acts are prohibited by law and that he/she has no legal defense for such acts.
- Plea of No Contest - This plea, also known as *nolo contendere*, means the defendant is not admitting guilt and not denying it. The defendant is saying that he/she does not wish to contest the State's charge(s). Upon a plea of no contest, the judicial officer may find the defendant guilty and enter a judgment of guilt.

**Q. What happens at a trial on criminal charges/complaints?**

**A.** Depending on the alleged offense, a defendant may be entitled to a trial by jury. The defendant is entitled to hear all testimony introduced against him/her. A defendant has the right to cross-examine any witness who testifies against him/her, to testify on his/her own behalf and a Constitutional right not to testify. If he/she chooses not to testify, a refusal cannot and will not be used against him/her in determining his/her guilt or innocence. However, if a defendant chooses to testify, the prosecutor will have the right to cross-examine him/her. A defendant may call witnesses to testify on his/her behalf and has the right to have the court issue subpoenas for witnesses to ensure appearance at the trial.

**Q. What will be my sentence?**

**A.** The judicial officer imposes the sentence. Court personnel cannot guess, as different facts and law may apply to each case.

**Q. What happens at the arraignment?**

**A.** The process may vary depending on the court. The accused may be advised of his/her rights, charges and consequences of convictions and asked to enter a plea of guilty, not guilty or no contest. In some courts the judicial officer may enter a not guilty plea on behalf of the accused and remind the accused of the need to attend all hearings.

***Q. What happens after I enter a plea at arraignment?***

**A.** Once a defendant has decided upon his/her plea a defendant must enter a plea with the judicial officer at his/her arraignment. Unless the case involves a "victim" who has asked to be present, no witnesses will be present at arraignment and no testimony will be taken. At an arraignment, the judicial officer will not grant a defendant's request to dismiss any charges. The defendant enters a plea to the charge(s) against him/her.

- If a plea of guilty or no contest is entered, the defendant may be sentenced immediately following the judicial officer's acceptance of his/her plea or he/she may be sentenced at a later date.
- If a plea of "not guilty" is entered, a pre-trial disposition conference will be scheduled followed by a trial setting. The defendant must decide, if he/she has not already done so, whether to employ an attorney to represent him/her.
- A defendant may be represented only by him/herself or an Arizona licensed attorney. In some circumstances, a court-appointed attorney may be provided for the defendant.

If a defendant cannot afford an attorney and wishes representation, an application may be filled out requesting that an attorney be appointed to represent him/her. An examination of the defendant's financial status will be made to determine if he/she is entitled to a court-appointed attorney. If eligible, the defendant may be ordered to pay a portion of the attorney's cost.

***Q. How do I post bond?***

**A.** Procedures vary. Contact the local court or jail for locations and hours for posting bond. Some courts or agencies accept cash, money orders, bank checks (cashier's checks), personal checks, MasterCard, Visa or other major credit cards. Some agencies will only accept the exact amount of cash or a money order. Call first.

***Q. I do not have the money to post bond. How can I find a bail bond agency?***

**A.** Some courts provide lists of bonding companies. Bonding companies may also be found online or in the phone book.

***Q. What happens at a pre-trial conference?***

**A.** A defendant or the defendant's attorney will be given an opportunity to meet with a prosecutor to review the facts supporting the State's criminal charges against him/her. At the pre-trial conference, a defendant is entitled to review a copy of the complaint(s), any written police reports or any other evidence that the State intends to use at the trial. Witnesses do not attend the pre-trial disposition conference and no testimony is taken. However, victims do have the right to be present if they request to do so.

- A defendant has three options at the pre-trial conference:
  - (a) Change his/her plea to guilty and accept the prosecutor's settlement offer, which contains the recommended sentence he/she will receive upon acceptance by the judicial officer;
  - (b) Reject the prosecutor's offer and change his/her plea of not guilty to a guilty or no contest plea and accept the sentence determined by the judicial officer;
  - (c) Maintain his/her plea of not guilty and have the case set for a trial date.

***Q. Can I reschedule (continue) my hearing to a later date?***

**A.** Only the judicial officer can continue a hearing. A party may file a written request with the clerk and provide a copy of the request to the other parties (or the prosecuting attorney in a criminal case) for the judicial officer to consider the request.

***Q. Can I plead by telephone?***

**A.** If authorized by the court and the case is a misdemeanor, a telephonic plea may be available provided the defendant is an out of state resident or resides more than 100 miles from the court.

***Q. How do I get unsupervised probation?***

**A.** Probation is determined by the judicial officer. The defendant would in most cases be represented by counsel who could make the request to the court on behalf of the defendant. The defendant

may also talk to the probation officer who is preparing a pre-sentence report and ask the probation officer to recommend that, if appropriate. If the defendant is representing himself/herself, the defendant could request that the court impose unsupervised probation at the time of sentencing. The final decision is up to the judicial officer.

***Q. How do I clear my record and get my rights restored?***

**A.** A first-time offender, convicted of a single felony count, does not need to petition the court for restoration of civil rights. Civil rights are automatically restored upon successful completion of all aspects of sentencing, including payment of all court ordered fines, fees and restitution. The right to possess firearms requires petitioning the sentencing court. The judicial officer will determine whether or not to grant the request.

If the party served time in prison, two years must have passed since the date of absolute discharge before becoming able to file for restoration of civil rights. To restore civil rights, the party may apply to the sentencing court to vacate the judgment of guilt, dismiss charges and/or restore civil rights in Arizona. The Certificate of Absolute Discharge must be included with the application.

***Q. My relative got arrested. Who do I talk to?***

**A.** If the defendant has an attorney, the relative may contact the defendant's attorney. Court personnel may provide public information, such as upcoming court dates and how to post bond. In some cases, the arresting agency can provide terms of release or other information and may be able to accept bond.

***Q. I posted bond for someone. How and when can I get my money back?***

**A.** The bond will be exonerated (released) after the conclusion of the case or when ordered by the court. The court must have a current mailing address to return money, which usually occurs within a few days of the exoneration order.

***Q. What victim services are available?***

**A.** Victim services are available through the local county attorney's office. Victims' services vary between courts and agencies and based on misdemeanor or felony crimes may be available through the prosecutor's office involved in the case, the law enforcement

agency involved in the case, or an outside agency. A victim advocate can explain the judicial system, act as a link between the prosecutor and the victim, give current case status information, assist in obtaining orders of protection, make referrals for counseling, food, shelter, etc. and escort victims while they testify or appear at hearings.

***Q. What is a public defender?***

**A.** A public defender is an attorney who represents a person who is accused of a crime who cannot afford to hire an attorney. Some counties have public defender offices that have a number of attorneys on staff. Some counties may contract with private attorneys to provide services to the accused who cannot afford to hire an attorney.

***Q. Will the county attorney represent me?***

**A.** The county attorney and other prosecutorial agencies usually represent the State and its municipalities in criminal cases. For more information, the party may contact the county attorney or prosecuting agency.

***Q. Can you appoint an attorney for me?***

**A.** Only a judicial officer can appoint an attorney, and only in certain cases. In most civil and domestic cases, counsel is not appointed.

***Q. What is a warrant?***

**A.** A warrant is an order from the court to law enforcement to take someone or something into custody. Some warrant information is forwarded to law enforcement agencies throughout Arizona. For example, the court may order a bench warrant for law enforcement to arrest someone who failed to appear in court, or the court may issue a search warrant for law enforcement to seize and remove property from a person, place, or thing.

***Q. What are the different warrants?***

**A.** There are several different times in criminal cases when warrants may be issued by the court: at the beginning of a case, during a case if a defendant fails to appear or after sentencing when a defendant fails to comply with a court order. Criminal arrest warrants may be issued when there is reasonable cause to suspect an individual of a misdemeanor or felony crime.

Arrests result in being held in jail until a bond is paid or until the defendant is brought to court from the jail to see a judicial officer. The judicial officer will decide if bond is continued or if the defendant can be released on his/her own recognizance, meaning the defendant remains personally responsible for appearing, but is not required to post a bond.

When a person fails to appear for a scheduled court date, a warrant is issued. The defendant may be arrested and may be required to post a bond and another court date will be set. If a defendant knows ahead of time that he/she cannot attend court at the scheduled time, the defendant may request a continuance. The defendant must appear unless the continuance is granted by a judicial officer. If a person misses a court date, the defendant may contact his/her attorney, if one has been appointed or retained, or appear as soon as possible in court to ask the judicial officer to quash (end) the warrant and to reset the court date. The judicial officer decides whether to require bond.

A warrant may be issued if a person placed on probation violated his/her probation, or if the defendant failed to comply with any other order the court imposed at sentencing.

***Q. What attorney should I call to handle my case? Who would be good?***

**A.** Court personnel cannot advise a party whether the party should hire a lawyer, nor may they recommend a specific lawyer. The State Bar of Arizona provides a lawyer referral number at 602-252-4804 or 866-482-9227 and the local County Bar Association may have a referral number. Some courts provide a list of local attorneys and there may be a list of local resources of attorneys who will work for a reduced fee or no fee.

***Q. I cannot afford to hire an attorney. How do I get one appointed?***

**A.** A defendant may request the court to appoint an attorney when he/she makes the first court appearance. The defendant will have to complete a financial affidavit to determine whether or not he/she qualifies for a court appointed attorney. In some cases, the court may appoint an attorney to represent a defendant, even if the defendant does not want an attorney, if the court determines it is in the best interest of the defendant or if the case is too complex for the defendant to self-represent. In other cases, when the

defendant wants to self-represent, the court may appoint an attorney as advisory counsel. The court may order the defendant to pay a monthly amount towards the costs of his/her attorney either during the case or, if the defendant is convicted, after he/she has been sentenced.

***Q. What have I been charged with?***

**A.** Court personnel may show the defendant the public record file if it is not confidential or sealed.

***Q. What sentence will I get if I plead guilty?***

**A.** The judicial officer imposes the sentence. Court personnel cannot guess, as different facts and law may apply to each case. However, certain offenses have mandatory sentences, meaning a judicial officer cannot order a lesser sentence than is required. Other offenses allow a judicial officer to use discretion to determine the appropriate sentence. If a charge has a mandatory sentence, the judicial officer will inform the defendant of that during the sentencing proceeding.

***Q. When do I have to pay my fine?***

**A.** The terms and schedule for paying fines and other obligations are set by the judicial officer at the time of sentencing. If the defendant has lost his/her paperwork, the information may be available in the public record or from the probation office, if applicable.

**General Jurisdiction Court**

***Q. Will you give me an extension to pay my fine?***

**A.** Usually only a judicial officer may grant an extension. The defendant may file a request in writing with the clerk who will then process the request to the judicial officer for consideration. In some cases, probation officers have the authority to grant extensions. The defendant may check with the probation officer first.

***Q. How do I get unsupervised probation?***

**A.** Probation is determined by the court. The defendant would in most cases be represented by an attorney who could make the request to the court. The defendant may also talk to the probation officer who is preparing a pre-sentence report and ask the probation officer to recommend that option. If the defendant is representing himself/herself, the defendant could make the request at the time of sentencing. The final decision is up to the judicial officer.

***Q. How do I get a copy of my grand jury minutes or presentence investigation?***

**A.** For a copy of grand jury transcripts, a request must be made in writing to the judicial officer who presided over the case, providing a specific reason to support the request. Presentence Investigations are public record after they are filed with the clerk of the court's Office. Copies are available from the clerk.

***Q. How do I appeal my case?***

**A.** In superior court, a party can only appeal a criminal case under certain circumstances. The party's Notice of Rights of Review after Conviction will tell the party what may be appealed. Parties who do not have the right to appeal may file for post conviction relief. The Notice of Rights of Review after Conviction provides the procedure for filing post conviction relief.

***Q. How do I clear my record and get my rights restored?***

**A.** A first-time offender, convicted of a single felony count, does not need to petition the court for restoration of civil rights. Civil rights are automatically restored upon successful completion of all aspects of sentencing, including payment of all court ordered fines, fees and restitution. The right to possess firearms requires petitioning the sentencing court. The judicial officer will determine whether or not to grant the request.

If the party served time in prison, two years must have passed since the date of absolute discharge before becoming able to file for restoration of civil rights. To restore civil rights, the party may apply to the sentencing court to vacate the judgment of guilt, dismiss charges and/or restore civil rights in Arizona. The Certificate of Absolute Discharge must be included with the application.

## ***JURY SERVICE***

***Q. Where does the jury commissioner obtain names of prospective jurors?***

**A.** The list of names used to summon people for jury service is created by combining the county's voter registration list and Arizona Department of Transportation records. Names are randomly selected from that master jury list.

***Q. I have been called to serve three times in the past five years and none of my friends have ever been called. Why don't you pick some other people?***

**A.** Names are randomly selected to summon potential jurors. Since that process is random, some people may be selected more often than others.

***Q. Some people would volunteer for jury service if you'd let them. Why don't you?***

**A.** The jury office adheres to the random selection process set forth in the law. Arizona law does not allow people to volunteer for jury service.

***Q. I can no longer fulfill my duties as a juror. Can't you take my name off your list?***

**A.** Under certain circumstances, such as permanent mental or physical disability, jury staff can permanently remove a name from its records. Prospective jurors must explain their situation in writing and return it to the jury office with any required supporting documentation. Since April 13, 2005, people who receive a jury summons to an Arizona court who are at least 75 years of age may be excused upon written request. Eligible citizens who wish to be excused should mark this option on their summons and return it to the jury office.

***Q. I am not a citizen of the United States but I would still like to serve as a juror. Why can't I?***

**A.** Arizona law disqualifies non-citizens, non-residents, convicted felons whose civil rights have not been restored, and people under 18 years of age from jury service.

***Q. Is jury service mandatory?***

**A.** The United States Constitution and the Arizona State Constitution guarantee the right to trial by jury. Failure to attend as directed may subject the person to penalties provided by law, including a fine up to \$500 and being rescheduled for jury service. See *A.R.S* Title 21.

***Q. How long will I have to serve as a juror?***

**A.** If selected to serve on a jury for a trial, service is complete at the conclusion of the trial. Generally, jury service is also complete for those who are not selected to serve on the first day.

***Q. Are there ever any instances when I may have to serve longer?***

**A.** Jurors have to serve the length of the trial. Trials usually end within three to five days. During the jury selection portion of the case, the judge presiding over the trial will state the estimated length of that particular trial.

***Q. I served on a jury three years ago. Do I have to serve again already?***

**A.** Yes. Jurors who appeared for service but were not chosen for a trial are exempt from serving again for a period of time determined by the jury commissioner, generally ranging from one to two years. Jurors who served on a jury panel for a trial in Arizona are exempt from serving again for two years. If it has been more than two years since serving as a juror, citizens are required to appear for jury service again, regardless of how many times they have served in the past.

***Q. How do I request to be excused from jury service?***

**A.** Prospective jurors who are otherwise qualified to serve may be excused from jury service for certain reasons and hardships. The jury summons or local jury office can provide the specific reasons or hardships and explain the supporting documentation needed with the request to be excused. Each request is reviewed individually. Potential jurors are encouraged to complete the juror

questionnaire truthfully, to the best of their knowledge. Failure to do so is against the law. Jury service is a citizen's civic duty and responsibility.

***Q. I know that I will not be selected for a jury because of what I do for a living. Why not excuse me now and save time?***

**A.** Many courts try civil and criminal cases, both of which require juries. The random selection process prevents jurors from knowing in advance what trial or the type of trial for which they will be selected. Jury office staff cannot excuse potential jurors based on what they do for a living. However, peace officers wishing to be excused may review the requirements explained in *A.R.S.* Title 21, and send the necessary documentation to the jury office.

***Q. I am unable to judge anyone because of my moral or religious beliefs. May I be excused?***

**A.** Arizona law does not provide an excuse from jury service for moral or religious beliefs; jury service is still required. Prospective jurors may tell the judge about their beliefs during the jury selection process.

***Q. Does my employer have to pay me for serving as a juror?***

**A.** No. Arizona law does not require employers to compensate their employees while they are on jury service. Many employers support the jury system and provide jury service benefits and will continue employee wages while they serve as a juror. Each employer may have a policy answering this question.

***Q. Can my employer prevent me from serving as a juror?***

**A.** Arizona law (*A.R.S.* Title 21) prohibits an employer from discharging or in any manner discriminating against an employee for taking time off to serve as a juror if the employee, prior to taking time off, gives reasonable notice to the employer of the requirement to serve as a juror. Jurors who experience problems with their employers should contact the jury office for assistance.

***Q. I live closer to a different court than the one where I've been summoned. Why can't my service be transferred there?***

**A.** Arizona law requires that jurors be selected randomly from the court's jurisdiction. Prospective jurors must appear at the court to which they were summoned.

***Q. How late will I be at the courthouse?***

**A.** The hours of operation for most courts are 8:00 A.M. to 5:00 P.M. Prospective jurors should make arrangements to remain the entire day.

***Q. What about getting a postponement?***

**A.** Courts realize prospective jurors may have been summoned at an inconvenient time and in most instances are willing to reschedule service to a more convenient time. Review the jury summons or contact the local jury office for information on postponing jury service.

***Q. Will I be compensated for jury service?***

**A.** Yes. Jurors who appear only on the first day will be compensated for their mileage. Jurors selected to serve on a trial will receive compensation for every day the trial lasts, plus mileage. Courts differ in how often they compensate jurors for jury service (daily, weekly, bi-weekly, etc).

***Q. My jury summons asks if I have been convicted of a felony and if my civil rights have been restored. How do I find out if I was convicted, if it was a misdemeanor or a felony, and how do I know if my civil rights have been restored?***

**A.** The prospective juror may check with the records department of the court where he/she was sentenced to see what the conviction was on the sentencing minute entry or order. Parties are "convicted" when sentenced to a felony or if the charge is left "undesignated." If the conviction was a first-time felony, and all terms of the sentence are completed (monies paid, probation, etc) then civil rights and the right to sit on a jury are automatically restored. If the conviction was a second-time felony (or more), the party must apply to have civil rights restored. If the sentencing

minute entry or order reflects "undesignated felony" (still a felony conviction), the judge has the option to designate the offense a misdemeanor after the party has completed all aspects of the sentence. If the judge chooses to do this, the judge will mark "misdemeanor" on the bottom of the discharge. If the judge chooses not to designate the felony a misdemeanor, the party may motion the sentencing judge to do this. The discharge can also be found at the records department of the court where the party was sentenced.

## ***CALCULATING NUMBER OF DAYS***

### **Rules of Civil Procedure 6(a). Computation**

In computing any period of time prescribed or allowed by these rules, by any local rules, by order of court, or by any applicable statute, the day of the act, event or default from which the designated period of time begins to run shall not be included. When the period of time prescribed or allowed, exclusive of any additional time allowed under subdivision (e) of this rule, is less than 11 days, intermediate Saturdays, Sundays and legal holidays shall not be included in the computation. When that period of time is 11 days or more, intermediate Saturdays, Sundays and legal holidays shall be included in the computation. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a legal holiday.

### **Rules of Civil Procedure 6(e). Additional time after service by mail**

Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon the party, and the notice or paper is served by mail, five calendar days shall be added to the prescribed period. This rule has no application to the distribution of notice of entry of judgment required by Rule 58(e).

In computing any period of time of more than 24 hours prescribed by these rules, by order of court, or by an applicable statute, the day of the act or event from which the designated period of time begins to run is not to be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or legal holiday, in which case the period shall run until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sunday, and legal holidays shall be excluded in the computation. Whenever a party has the right or is required to take some action within a prescribed period after service of a notice or other paper and the notice or paper is served by a method authorized by Rule 5(c)(2)(C), (D), or (E), *Arizona Rules of Civil Procedure*, five calendar days shall be added to the prescribed period. Mailing pursuant to *Arizona Rule of Civil Procedure* 5(c)(2)(C) includes every type of service except same day hand delivery.

### **Rules of Criminal Procedure 1.3. Computation of Time**