

Helpful Information about Family Law Trials

Two Kinds of Family Law Trials

Do you have a family law trial coming up? If you do, you must choose between an Informal Trial and a Traditional Trial. You decide which type of trial is best for you. However, both parties must agree to have an Informal Trial instead of a Traditional Trial. Unless both parties agree to an Informal Trial, you will be scheduled for a Traditional Trial. [Rule 77.1](#) describes the Informal Trial procedures in more detail.

All Trials

1. Before trial, you and the other party must exchange copies of all documents and other evidence that you will submit to the court. Each party must also give copies to the judge.
2. The judge will follow the same law for informal and traditional trials.
3. After the trial, the judge may tell one party to draft the final orders. The final, written orders must contain all of the decisions that the judge made after trial. The case is not over until the judge signs the final orders.

Let's compare informal and traditional trials . . .

	Informal Trials	Traditional Trials
How easy is this type of trial for a person who does not have a lawyer?	<ul style="list-style-type: none">• Easier.• Both parties must agree to an informal trial.	<ul style="list-style-type: none">• Harder.• Will have this trial unless both parties agree to an informal trial.
How formal is the trial?	<ul style="list-style-type: none">• Less formal.• Before trial, the judge will make sure the parties understand how the informal trial works and that the parties volunteer to have that kind of trial.	<ul style="list-style-type: none">• More formal.• Each party makes an opening statement, telling the judge about the case and how they think the judge should rule. The petitioner goes first.• The petitioner calls all of their witnesses. They ask the witnesses questions and may give the judge evidence. The respondent then asks the witnesses questions. The parties usually testify.

	Informal Trials	Traditional Trials
		<ul style="list-style-type: none"> • The respondent then calls their witnesses and presents evidence. The petitioner can also question the respondent's witnesses.
What evidence does the judge consider?	<ul style="list-style-type: none"> • The judge decides what is important. • You can talk to the judge about things that may not be allowed under the Rules of Evidence, like conversations you had with people outside the courtroom (hearsay). • You can bring sworn statements from people who support your case, as well as other evidence or documents. • The judge reviews evidence that was presented in court. 	<ul style="list-style-type: none"> • If a party files a Notice under Rule 2, the parties need to follow the Rules of Evidence and make formal objections if they want to stop the judge from considering evidence. If not, the parties need to follow those rules set forth in Rule 2(b). • The parties make closing arguments. This summarizes the evidence, explains why the evidence means they should prevail, and tells the judge what is important.
Who asks questions?	<ul style="list-style-type: none"> • Usually, only the judge. • If there is lawyer, they can ask the judge to ask about certain topics. 	<ul style="list-style-type: none"> • Mainly, the parties or their lawyers, but the judge can also ask questions of witnesses.
Who are the witnesses in the case?	<ul style="list-style-type: none"> • Usually only the parties in the case and the experts and any court-appointed professional, if any. • You may submit an affidavit or declaration from a witness who is not an expert. • If there is an expert, they will usually testify first. • The judge will review reports from experts and court-appointed professionals, if there are any, and may let experts testify. 	<ul style="list-style-type: none"> • Whoever you or the other party lists as a witness before trial starts.

	Informal Trials	Traditional Trials
Can I ask the other party questions?	<ul style="list-style-type: none"> • Generally, no. The judge will ask all the questions, but if either party has additional questions, you may raise the issue with the judge. 	<ul style="list-style-type: none"> • Yes. This means you can ask the witness to talk about what you think is important and relevant. • The judge can allow a witness to be questioned again.
How are my rights affected?	<ul style="list-style-type: none"> • You lose the right to appeal the judge's use of the informal trial process. • You can appeal the final decision. 	<ul style="list-style-type: none"> • You can appeal the trial process and the final decision.

Instructions: How to fill out the Motion to Set Trial Date and Certificate of Readiness and Family Informal Trial Election forms

Use these forms only if all the following are true:

- ✓ There has been a petition and an answer/response filed in your case.
- ✓ Discovery, the process of requesting and exchanging information among the parties before going to trial, is complete or can be completed within 60 days.
- ✓ You want the court to schedule a trial date.
- ✓ You have decided which type of trial you are requesting – informal or traditional.

Print or type using black ink only. Complete all fields and provide required information.

Form: Motion to Set Trial Date and Certificate of Readiness (“Motion to Set”)

1. In the top left corner of the first page, fill in the information about you—the person filing this motion. If you are represented by an attorney, Stop! The attorney must file the motion (and will use his or her own form).
2. Case Caption: Fill in the name of the Petitioner/Party A and Respondent/Party B or Party C and the case number as they appear on the petition that originally started this case. Whoever was the Petitioner/Party A, Respondent/Party B, or Party C for the filing of the original case remains Petitioner/Party A, Respondent/Party B, or Party C for all other papers filed under this case number. Your case number also stays the same for any papers filed in your case.
3. Judge’s Name: Fill in the name of the Judicial Officer (Judge or Commissioner) assigned to your case. If you do not know the name of the judicial officer assigned to your case, call Family Administration at 602-506-1561.
4. Type of Trial: Check the box for the type of trial you are requesting. If you request an Informal Trial, all parties and the court must consent. The parties may elect an Informal Trial and waive a traditional trial on the record under oath or in writing using the Family Law Informal Trial Election form. Each party must file the election form.
5. Priority for trial. Per Rule 77 of the Arizona Rules of Family Law Procedure (ARFLP), your case is given preference by the court if it involves legal decision-making or parenting time of minor children. Check the appropriate box if your case is entitled to trial priority in scheduling.
6. Set your case for trial. Add a date at least 60 days from the date of the filing of this motion when

your case will be ready for trial.

7. Short case. Some cases can be heard in an hour or less. If a lawyer has told you or you are otherwise fairly certain that your case can be heard in an hour or less, check the box for “yes”; otherwise, check the box for “no” or “not sure.”
8. Estimated length of trial. Indicate how long you think the trial will take. Generally, you may want to request “1 Day” if:
 - It is a divorce, paternity, or legal decision-making and parenting time trial,
 - If you will be having a lot of witnesses, experts, or
 - There is an attorney for the other side.

If there are no witnesses other than you and the other party, and you do not have a lot to tell the judge, you may ask for “2 Hours.” The court will decide how much time to schedule for the trial. If the trial takes longer than the time allowed, the judge can continue the trial to another date and time.

9. Certification of readiness. Put an “X” in this box if discovery has been completed (or there has been enough time and no request for discovery have been made) and your Domestic Relations/Family Court case is ready to proceed to trial. If you have questions about “discovery,” you should ask a lawyer for help or research the local rules and requirements at a law library.

Form: Family Law Informal Trial Election

Complete this form if you have not previously consented on the record or in writing to have an informal trial and you are requesting an informal trial.

Next step: After you have filled out the motion and informal trial election (if applicable) forms, read and follow the instructions on the Procedures: What to do

Procedures: What to do with the Motion to Set and Family Law Informal Trial Election forms after you have filled them out

Follow these procedures if you have filled out the Motion to Set Trial Date and Certificate of Readiness (commonly called “Motion to Set”) and you want a trial to be scheduled in your case.

Step 1: Review the Motion to Set form to make sure it is complete and filled out in black ink. Sign and date the form before you make copies. You may want to wait until the day you file the form before filling in the dates you are planning to mail or deliver the copies as stated on page 3.

Step 2: If you are requesting an informal trial, all parties must sign and file the Family Law Informal Trial Election form included in this packet.

Step 3: Make 3* copies of the completed forms:

Set 1 – Originals for Clerk of Superior Court: <ul style="list-style-type: none">• Motion to Set• Family Law Informal Trial Election (if applicable)	Set 2 – Copies for Judge assigned to your case: <ul style="list-style-type: none">• Motion to Set• Family Law Informal Trial Election (if applicable)
Set 3 – Copies for Other Party: <ul style="list-style-type: none">• Motion to Set• Family Law Informal Trial Election (if applicable)	Set 4 – Copies for you (keep for your records): <ul style="list-style-type: none">• Motion to Set• Family Law Informal Trial Election (if applicable)

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

If you eFile your forms, you may not need as many paper copies. You will need a paper set of the filed forms to serve on the other party, Division of Child Support Services if they are involved in your case, and one for your judge or Family Administration (when required). For more information about how to eFile your papers, read the eFiling instructions: <https://superiorcourt.maricopa.gov/media/7448/dref93i.pdf>.

Step 4: File the papers at the court. Take the original and all copies to the Clerk of Superior Court filing counter.

Central Court Building
201 West Jefferson, 1st floor
Phoenix, Arizona 85003

Southeast Court Complex
222 East Javelina Avenue, 1st floor
Mesa, Arizona 85210

Northwest Court Complex
14264 West Tierra Buena Lane
Surprise, Arizona 85374

Northeast Court Complex
18380 North 40th Street
Phoenix, Arizona 85032

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

- Step 5: Provide a copy to the judge assigned to your case by:
1. Delivering a copy to Family Administration,
 2. Placing it directly in the judge’s “in-basket” in the lobby of the:
 - Northwest Court Facility in Surprise or the
 - Northeast Court at 40th Street and Union Hills in Phoenix, or
 3. By mailing it directly to the assigned judge.

Step 6: Mail one copy to the other party, or if the party is represented by an attorney, to their attorney instead. If there is more than one other party to the case, you will need to mail a copy to each.

Step 7: Wait to receive a notice from the court. After you have filed the Motion to Set, you should be contacted by the office of the judge assigned to your case to inform you of the dates of your Pretrial Conference and Trial. The document you will receive is called a Minute Entry, and it will give you instructions about what to file before the Trial.

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



Representing Self, without a Lawyer OR Attorney for Petitioner OR Respondent
OR Third Party

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

Name of Petitioner/Party A

Case No. _____

Name of Respondent/Party B

MOTION TO SET TRIAL DATE AND
CERTIFICATE OF READINESS
 Dissolution/Legal Separation/Annulment
 Paternity
 Other _____

Name of Third Party/Party C

Assigned to: _____
Judicial Officer's Name

I. Type of Family Law Trial: What type of trial are you requesting? (Choose one)

Informal Trial

OR

Traditional Trial

II. Information about my case:

I request that the above-numbered case be set for trial and certify that:

A. The Petition was filed on _____ (date) and a Response was filed on
_____ (date).

- B. I do not have a lawyer. (Note: If you have a lawyer, your lawyer must file this motion.)
- C. Priority for trial. (Choose one)
1. Legal decision-making and parenting time are at issue, and the case is entitled to trial priority.
 - a. Each party has completed the Parent Information Program, and the Certificates of Completion are filed with the court. Yes No
 - b. Mediation has been completed or does not apply. Yes No
 2. This case is not entitled to be heard before other cases.
- D. Set my case for trial.
1. My case will be ready for trial on or after (date) _____. (This date must be at least 60 days from the date this motion is filed.)
 2. Each party has completed, or will have had a reasonable opportunity to complete, all procedures intended to be undertaken per the Arizona Rules of Family Law Procedure 10 days prior to trial. Yes No
- E. This is a short case (may be heard in an hour or less);
- OR
- The is not a short trial and the estimated length of trial is: _____ hour(s) or _____ day(s); and the following parties have consented to proceed with an informal family trial under Rule 77.1 Petitioner Respondent Third Party, if applicable.
- F. Certification of readiness: Each party has completed, or has had a reasonable opportunity to complete, discovery. By marking this box and signing this document, I am telling the court that I have obtained all of the facts and information I need from the other party, I have answered all discovery requests from the other party, and I am ready to proceed to trial.

III. Information about lawyers representing parties in this case:

- A. Information about the other party or his/her lawyer. (If other party has a lawyer, enter the information about the other party's lawyer.)

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone: _____

IV. Certification of mailing or delivery.

A. Judge’s copy: I have provided or will provide a copy of this document to the assigned judge by:

1. Delivering a copy to Family Court Administration on this date _____.

(Month, Date, Year)

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

3. Delivering a copy to the judge’s mailbox, on this date _____*

*Note: At the downtown Phoenix and Mesa courthouses, the judges’ mailboxes are located at Family Court Administration. At the Northwest Court in Surprise and the Northeast Court at 40th Street and Union Hills in Phoenix, the judges’ mailboxes are located in an area of the lobby open to public access.

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

B. Other party/attorney’s copy: A copy of the Motion and Certificate has been mailed or delivered to the other party or his/her attorney. Yes No

Date mailed or delivered: _____

(Month, Date, Year)

At this address: _____

I declare under penalty of perjury that the forgoing is true and correct.

Date _____

Signature

Printed Name

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



Representing Self, without a Lawyer OR Attorney for Petitioner OR Respondent OR
 Third Party

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

Name of Petitioner/Party A

Case No. _____

FAMILY LAW INFORMAL TRIAL
ELECTION

Name of Respondent/Party B

Name of Third Party/Party C

Use this form if you want an Informal Trial instead of a Traditional Trial. You must file this form 30 days before the trial date (or trial setting if no trial date is scheduled).

Here are some of the differences between the two types of trials:

- In a Traditional Trial, both parties are allowed to call witnesses and to cross-examine the opposing witnesses. If either party requests, the Rules of Evidence apply.
- In an Informal Trial, the judge—not the parties—questions the witnesses. Other than the parties, only expert witnesses are allowed. The Rules of Evidence do not apply. Instead, the process follows the rules for Informal Family Law Trials (see AO 2022-159, adopting Rule 77.1.) See Rule 77.1 on the court's family court website.

I have reviewed the document “Helpful Information about Family Law Trials.”

1. I want an Informal Trial. I am the (check one): Petitioner/Party A Respondent/Party B Third Party/Party C.

I understand that if the other party does not agree to an Informal Trial, we will have a Traditional Trial.

2. I understand that an Informal Trial works like this:
- Each party will give a brief summary of the issues that need to be decided. Each party will speak to the judge under oath about the issues in the case (examples: how to divide property and debt, parenting plan, child support, spousal support).
 - Each party will have an opportunity to respond to the other party’s statement and explain how the law applies to their case.
 - There is no cross examination. The judge may ask questions.
 - Most of the time, the parties to the case are the only witnesses in an Informal Trial. Sometimes a party needs an expert witness (someone with special training and education) to give an opinion, which is allowed in informal trials. The parties or their lawyers may ask experts questions. The expert’s report will be received as an exhibit.
 - Non-expert witnesses are generally not allowed, unless the judge orders otherwise. Instead, each party may submit an affidavit or unsworn declaration under penalty of perjury from other people. Also, each party can submit any document or other evidence they want the judge to review.
 - If any professional has been appointed by the Court on the case, the individual may testify and answer questions from the Court.
 - The judge will decide what credibility and weight to give documents, physical evidence, and testimony that is entered as evidence during the Informal Trial. The judge is not bound by the Rules of Evidence.
 - The judge will follow the same law to decide the case, whether it is an Informal or Traditional Trial.

3. Expert witnesses (check one)

I do not have expert witness to testify at my trial.

I do have an expert to testify at my trial.

(Name) _____ has expertise in and has information relevant to my case. I have filed the report they prepared for my case.

4. I give up my right to a Traditional Trial.

By agreeing to an Informal Trial, I agree to the following:

- Voluntary. My participation in an Informal Trial is strictly voluntary. No one can force me to agree to this process. I have not been threatened or promised anything for agreeing to an Informal Trial.
- Format. The normal question-and-answer format of trial will not be used. The judge may ask me questions about the case. The other party and I can both tell the judge anything we feel is relevant.
- Rules. The Rules of Evidence will not apply in this Informal Trial. I will follow the procedures of Rule 77.1, the rule on Informal Family Law Trials.
- Evidence. Unless otherwise ordered, neither party will call any witnesses except for a court-appointed professional or expert.
- No appeal of the process. I give up my right to appeal the judge’s use of the Informal Family Law Trial process. I still have a right to appeal the final decision.

By signing below, I swear or affirm that the information above is true and correct.

Date

Signature

Printed Name

Certificate of Service

I filed the ORIGINAL of this document with the Clerk of the Superior Court in Maricopa

County on: _____.
(Month Day Year)

I mailed/delivered a COPY of the document to the Judicial Officer assigned to my case,

Judge (or Commissioner) _____,
(Name of Judicial Officer assigned to your case)

on _____.
(Month Day Year)

I mailed/delivered a COPY of the document to the other party/parties to my case,

_____,
(Name of Party)

on _____.
(Month Day Year)

_____,
(Name of Party)

on _____.
(Month Day Year)

By signing below, I state to the Court, under penalty of law, that I have filed/mailed the document as shown above. I understand that if I do not file/mail the document as shown above, the Judge in my case will not read the document.

Your signature