

REPRESENTING YOURSELF IN FAMILY COURT

It is not easy to represent yourself in Family Court, but many people do it for financial and other reasons. This brief guide gives you some very basic information to help you understand the proceedings. It does not tell you everything about family law or family court, and it is no substitute for understanding Title 25 of the Arizona Revised Statutes, the Arizona Rules of Family Law Procedure, and the Arizona Rules of Evidence. For more information, you should go to the Self-Service Center, visit the Maricopa County Superior Court website (www.superiorcourt.maricopa.gov) or consult a lawyer.

Proceedings In Family Court

Proceedings or hearings and conferences in Family Court follow the ***Arizona Rules of Family Law Procedure***.

In a divorce or paternity case, you may be referred to an Early Resolution Conference, Mediation, a Parenting Conference, or a Settlement Conference (sometimes called an Alternative Dispute Resolution or "ADR"). These proceedings are designed to help people reach agreement on all or some of their disputes. They generally are not done by your assigned judge.

You may have to appear before your assigned judge for a pretrial hearing. The most common pretrial hearings are (1) a ***Resolution Management Conference***, which helps the judge manage the case by setting deadlines and a trial date; and (2) a ***Temporary Orders Hearing***, at which the judge may make temporary orders to be followed until the trial.

If you do not settle all issues with the other person, there will be a ***trial***. A trial is the single hearing where the judge will hear evidence from both people and make final decisions on your disagreements.

Disclosure And Discovery

To help you prepare for the trial, the Arizona Rules of Family Law Procedure have ***disclosure*** and ***discovery*** requirements.

Disclosure requirements are in Rule 49. You and the other person must voluntarily provide certain information to the other person. You have an obligation to tell the other person or ***disclose*** such information to them, and you have a right to have the other person ***disclose*** such information to you. Failure to disclose as required may result in penalties called sanctions, including being prevented from talking about or showing evidence that was

not disclosed on time.

If you need information that the other person has not given you, you may engage in **discovery**, such as asking for documents from the other person or requesting with a subpoena documents from people or businesses that are not parties. Rules 51 through 65 of the Arizona Rules of Family Court discuss the requirements for discovery.

What Is A Trial?

A trial is the time for you and the other person to present **evidence** on issues you do not agree about.

General Issues If Children Are Involved In Your Case:

- Legal decision making (decision-making authority over major matters about the children).
- Parenting time (what time each parent will spend with the children).
- Child support.

Additional Issues If Your Case Involves A Divorce:

- Spousal maintenance.
- Division of community property and division of debts.

The judge will decide these issues based on the evidence given and talked about during the trial. ***Only evidence you bring to or talk about at the trial will be considered.***

After the trial, the judge may give you a ruling right there in court or may take the case "under advisement," which means that the judge will give you a written ruling at a later time.

The judge's ruling may be a signed **decree** or **judgment**, which officially ends the case. If the judge chooses, the judge may decide contested issues and then require you, the other person, or both of you to submit a decree for the the judge to sign based on what the judge decided.

Preparing For The Trial

When preparing for the trial, it is very important that you read the judge's minute entries carefully. The minute entries tell you what the judge expects of you for the trial. It may include: (1) Giving the judge and the other person a ***pretrial statement*** that describes the issues in the case and lists your witnesses and exhibits; and (2) Giving copies of your ***exhibits*** to the Clerk and to the other person before the trial.

Many judges may hold you to ***time limits*** at the trial. It is your responsibility to make sure you give all your evidence in the time allowed.

What Happens During The Trial?

The main thing that happens during the trial is the ***presentation of evidence***. The judge will make decisions based on the evidence you have given and talked about during the trial. Evidence is generally of two kinds: (1) Witness testimony and (2) Documents.

When you call a ***witness*** to testify, you must ask the witness questions. A witness may only answer questions that are asked. When the person who called a witness is done with questioning, the other person may "cross-examine" the witness by asking additional questions.

You and the other person may testify as a witness on his or her own behalf. However, while a witness is on the stand, you and the other person may only ask questions. Arguing with a witness or commenting on the answers is not allowed.

Documents may be evidence at the trial, but you must follow the rules. Before the trial (usually 5 days before), you must give documents that you want to use at trial to the Clerk of the Court to be "marked" with an exhibit number. However, marking an exhibit does not mean it is evidence. Rather, during the trial, you must "offer" the exhibit by asking the judge to admit it into evidence. The judge then decides whether to admit the evidence. The judge will consider only evidence that is ***admitted***.

Proper Court Behavior

Although family cases are often emotional, it is important that everyone act in a calm and respectful way in court. Here are some "Do's and Don'ts:"

- Do dress appropriately. Don't wear hats, sunglasses, or ragged clothes.
- Do wait your turn to speak. Don't interrupt or argue while someone else is talking.
- Do treat others with respect. Don't curse, make faces, or engage in insulting behavior.
- Do be honest and up front with the judge. Don't lie or try to hide things.
- Do make sure that friends and family who come with you sit quietly. They are not allowed to speak unless called to the witness stand to testify.

For Additional Information

This guide presents very basic information. For additional information, read about the statutes and rules, consult the Self-Service Center, go to the "Family Court" section of the Maricopa County Superior Court website (www.superiorcourt.maricopa.gov), and if necessary, talk with a lawyer.