INSTRUCTIONS: HOW TO FILL OUT THE
"MOTION TO REINSTATE"

USE THIS FORM ONLY if you have received an order of dismissal, and you want your case to proceed.

Step 1: Make sure your form is titled *"Motion to Reinstate".* **Type or print clearly using black ink only.**

Step 2: In the top left corner of the first page fill out the following: Your name; Address; City; State and Zip Code; Telephone Number; and your ATLAS Number if any.

Step 3: Fill in the names of the Petitioner and Respondent as well as the case number as they appear on your original paperwork.

Step 4: Write in the date your case was dismissed followed by your name in the spaces provided in the body of the motion.

Step 5: List the reasons why you feel the Judge should reinstate your case. You must have good reasons or "good cause" for the Judge to reinstate your case.

Step 6: Write in the day, month and year you are signing the Motion in the space provided. Then sign your name.

Step 7: On the bottom of the Motion you <u>must</u> indicate that you are mailing a copy to all other parties involved in your case. Do this by filling in the date the copy will be mailed or delivered and filling in the name and address of the other party or parties.

Step 8: Follow steps 3 and 4 on the *"Order to Reinstate"*.

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SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

_____

Petitioner, and

_____

Respondent.

Case No. _____

MOTION TO REINSTATE DISMISSED CASE

This case having been dismissed in its entirety on _____ (date)

_____, (your name) requests that the case be

reinstated for the following reason(s):

_____

_____

_____

Dated this _____ day of _____ , 20 _____

_____

Your Signature

_____

Printed Name

(**REQUIRED**)

A copy of this document was mailed this date: _____ _____ , 20 ____

                                                          (Month)   (Date)   (Year)

To the following persons: (List name and address)

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

_____
Petitioner, and

_____
Respondent.

Case No. _____

**ORDER TO REINSTATE
DISMISSED CASE**

The Court having reviewed the *"Motion to Reinstate Dismissed Case" and* good cause appearing, **IT IS HEREBY ORDERED:**

☐ **DENYING the** *"Motion to Reinstate Dismissed Case" to:*
(optional) *due* **to:** _____

_____

☐ **GRANTING "***Motion to Reinstate***" case dismissed on:** _____
(Date)

☐ **ALLOWING ADDITIONAL TIME to Effect Service of Notice:**
BY THIS DATE: _____ **, or**
WITHIN _____ **DAYS OF THIS ORDER.**

☐ **IT IS FURTHER ORDERED** that Petitioner must complete the default process, including a hearing by _____ date.

☐ **IT IS FURTHER ORDERED** scheduling matter for dismissal on the following date_____.

☐ **IT IS FURTHER ORDERED** that both parties shall appear for a

Resolution Management Conference, at the following time and place:

NAME OF JUDICIAL OFFICER: _____
DATE AND TIME OF HEARING: _____
PLACE OF HEARING: **Maricopa County Superior Court**
ADDRESS: _____
_____

☐ **IT IS FURTHER ORDERED** scheduling matter for dismissal on the date set for Resolution Management Conference above.

☐ **IT IS FURTHER ORDERED** that both parties shall satisfy the requirement of **Rule 76(A)(1)** and **(2)** of the **Arizona Rules of Family Law Procedure** prior to the date of the Resolution Management Conference.

DONE IN OPEN COURT this _____ day of _____ , 20 _____

_____
Judicial Officer

_____
Printed Name of Judicial Officer

DR19f-040416

PROCEDURES:
WHAT TO DO AFTER YOU HAVE FILLED OUT THE "MOTION TO REINSTATE".

STEP 1:   **COPIES AND ENVELOPES.**
Make **3 copies** of the *"Motion to Reinstate."*
Make **2 copies** of the *"Order to Reinstate."*
Prepare **2 stamped addressed envelopes**, one addressed to you and the other(s) addressed to the other party (or parties).

STEP 2:   **FILE THE ORIGINAL** *"Motion to Reinstate"* with the Clerk of the Court. Ask to have the copies of the Motion stamped to indicate they are *conformed copies*, meaning they are the same as the original filed with the court.

STEP 3:   **PROCESSING YOUR MOTION.** Give the following documents to Family Court Administration to put in the Judge's in-box*:

- the original *"Order to Reinstate"* and 2 copies
- one copy of the *"Motion to Reinstate"*
- the **2 stamped addressed envelopes**

* Alternatively you may *mail* the documents to the assigned judge.

STEP 4:   **MAIL OR DELIVER A COPY** of the *"Motion to Reinstate"* to the other party(s) involved in your case and keep one copy for your records. If the case was dismissed more than 30 days prior to filing your *"Motion to Reinstate"*, you must have the Motion personally served on the other party by a licensed process server, a deputy sheriff, or by certified mail or commercial delivery with signature confirmation.

STEP 5:   **WAIT TO RECEIVE A NOTICE FROM THE COURT.**
Once you have delivered your motion and order, the judge will either sign the original Order and send you a conformed (Clerk-stamped) copy or send a Minute Entry telling you whether or not your motion has been granted. If the Judge does not grant your motion, you may want to see a lawyer for help.

STEP 6:   **IF** the box at the bottom of the Order referring to **Rule 76** of the **Arizona Rules of Family Law Procedure (A.R.F.L.P.)** is checked, be sure to read and follow the instructions contained in that rule which appears on the next page.

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Rule 76, Arizona Rules of Family Law Procedure (A.R.F.L.P.)

A. Resolution Management Conference (RMC); Preparation and Matters to Be Discussed.

1. Upon written request of any party, the court shall, or upon its own motion the court may, schedule one or more Resolution Management Conferences that shall be held within sixty (60) days of receipt of written request by the court, unless extended for good cause shown.

2. Within the time set by the court in the particular case, or if no time is set then not less than five (**5**) judicial days prior to the date of the Resolution Management Conference, **each party shall:**

> **a.** personally meet and confer with the opposing party or parties and their counsel to resolve as many issues as possible (**if** there is a current court order prohibiting contact of the parties or a significant history of domestic violence between the parties, the parties shall **not** be required to personally meet or contact each other in violation of the court order, but the parties and their counsel shall take all steps reasonable under the circumstances to resolve as many issues as possible);
>
> **b.** comply with all applicable disclosure requirements set forth in Rule 49 or 50;
>
> **c.** prepare and file a written Resolution Statement setting forth any agreements and a specific and detailed position the party proposes to resolve all disputed issues in the case, without argument in support of the position (the Resolution Statement shall be submitted in a form substantially similar to Form 4 or 5, as applicable; if child support is an issue in the case, the statement shall include a completed Child Support Worksheet prepared in accordance with the *Arizona Child Support Guidelines*); and
>
> **d.** comply with the ADR reporting requirement of Rule 66(E).

To access the complete **Arizona Rules of Family Law Procedure**, go to

http://www.azcourts.gov/rules ,

click on "**Current Arizona Rules**", then, **"Rules of Family Law Procedure".** Clicking on a **[+]** beside any roman numeral will show the individual rules covered under that number.

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