

THE

BRIEF

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An electronic update for the legal community providing a brief look at news in the Clerk of the Superior Court's Office



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Clerk of the Superior Court

Defaults Redux

Civil applications for default in Maricopa County can cause confusion for attorneys unfamiliar with the filing process. Initially, documents for requesting a default judgment (the Notice of Default and Application for Entry of Default) must be eFiled through AZTurboCourt. Upon receipt of the filing, the assigned judge's division generates a minute entry stating the judge will take no action until the related paper documents are delivered to a commissioner. The minute entry names the commissioner who needs to receive the paper packet for review. Upon receipt of a paper copy of the default packet, the commissioner will review the case and filings to determine whether to grant a default judgment. The commissioner's order will then be distributed to the parties if stamped, addressed envelopes for the parties on the case are included with the paper packet that was delivered to the commissioner. If stamped envelopes are not provided, parties and attorneys will be able to view the order from the Electronic Court Record Online: <https://ecr.clerkofcourt.maricopa.gov/login.aspx>

Income Withholding Orders

Pursuant to Section 466(b)(5) of the Social Security Act (45 CFR 303.100, and 45 CFR 309.110), the federal Office of Child Support Enforcement (OCSE) requires that all entities including, but not limited to, state and tribal child enforcement agencies, courts/tribunals, private attorneys and custodial parties must use the OMB-approved and federally mandated Income Withholding Order for Support form (IWO) when notifying employers to withhold child support from an obligor's income. This applies to all cases, including non IV-D Orders of Assignment or other court-ordered withholding notices sent to employers. The IWO form became effective May 31, 2011 with a hard implementation date of May 31, 2012.

The current Order of Assignment form (OA) prescribed by the Supreme Court and provided on the judicial branch's internet Self Service Center website has been replaced with the OMB-approved form in compliance with federal mandates (<http://www.azcourts.gov/Portals/34/Forms/IWOBlank.pdf>). The next release of the Administrative Office of the Courts' Child Support Calculator will generate the IWO form required by federal regulations. Attorneys need to ensure they begin using the Supreme Court's prescribed form no later than May 31, 2012.

Annual Report

The Clerk's annual report has been recognized with awards for many years for its content and presentation and is now available for the 2010-2011 fiscal year. This year's electronic report is easily searchable to find just those topic or case type areas that interest or affect you most. The number of new civil cases filed in Superior Court this year compared to previous years? See page 22. The office's strategic priorities right now? See page 11. Where to find information? See page 16 for traditional and new media methods of communication. How many hundreds of thousands of budgeted dollars has the office given back to the county general fund through cost savings and efficiencies? See page 17. The vision of the Clerk's Office is to anticipate, meet and exceed your expectations. See the annual report online at http://clerkofcourt.maricopa.gov/AnnualReports/2012/Annual_Report_2012/index.html.

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