



Salt River Pima-Maricopa Indian Community Court

10040 E. Osborn Road, Scottsdale, Arizona 85256

Phone (480) 362-6315

_____,
(Print Full Name) Petitioner,

Case No.: _____

v.

_____,
(Print Full Name) Respondent.

MOTION AND AFFIDAVIT FOR CHANGE OF JUDGE FOR CAUSE

COMES NOW, _____ and states the following:

1. The Community Court judge who presides over the above-captioned matter is:
_____.
2. The judge is not qualified to preside over the case because the judge:
 - ☐ Has an interest in the outcome of the case (Sec. 4-36(b))
 - ☐ Is a relative to the first degree to a party by blood or marriage (Sec. 4-36(b))
 - ☐ Has a personal bias against the party filing the affidavit (Sec. 4-36(c))
 - ☐ Has a personal bias in favor of the other party (Sec. 4-36(c))
3. The allegations in paragraph 2 are supported by the facts alleged in the *Affidavit* attached as *Attachment A* and incorporated as if fully set forth herein.

Party's Signature

Date

Party's Printed Name

Phone number

Mailing Address

CERTIFICATE OF MAILING/DELIVERY

I hereby certify that on the ____ day of _____, _____, I served a true and correct copy of the foregoing request by first-class U.S. mail/ hand delivery to:

Your signature

ATTACHMENT A

_____))
(County or Reservation))ss.
_____))
(State)

AFFIDAVIT

I, _____, the undersigned affiant, being first duly sworn, do hereby depose and state in support of my Motion for Change of Judge for Cause, and in accordance with Sections 4-36(c) and (d) of the Salt River Pima-Maricopa Indian Community Code of Ordinances that:

1. I am a party named in the following case:

Case Name: _____ v. _____

I am the "Petitioner" "Plaintiff" "Respondent" "Defendant" (circle your party designation)

Case Number: _____

2. This motion and affidavit for change of judge for cause is timely filed: I filed it no more than five (5) days after the date on which the answer to the complaint is to be filed; and the assigned judge has not made a ruling on an issue of law or fact in the proceedings or in any earlier related case or proceeding.

3. I have not previously requested a change of judge in this case.

4. The judge presently assigned to the case is not qualified under Community law to preside over the case for the following reason(s):

Signature (Sign before Notary Public or Court Clerk)

Dated

Print Name: _____

Subscribed and Sworn to before me,

Mailing Address: _____

this _____ day of _____, 20 _____

Daytime Phone: () _____

Notary Public or Court Clerk Signature

Message Phone: () _____

My commission expires: _____

INSTRUCTIONS FOR MOTION AND AFFIDAVIT FOR CHANGE OF JUDGE FOR CAUSE

These instructions for completing the forms are provided for informational purposes to assist persons representing themselves. The instructions do not create any rights, duties or obligations under the law.

GENERAL INFORMATION

A party may request a change of judge for cause. This means that the person requesting a different judge must assert facts and reasons why the assigned judge is not qualified to act or is biased. The reasons why a judge may be disqualified from presiding over a matter are provided for in Sections 4-36(b) and (c) of the SRP-MIC Code of Ordinances. In addition, the motion and affidavit must be timely filed. The motion and affidavit must be filed no more than five (5) days after the date on which the answer to the complaint is to be filed; and the assigned judge must not have made a ruling on a substantive matter in the proceedings or in any earlier related case or proceeding. If you have any questions concerning the date on which the answer was due, ask the clerk.

HOW TO COMPLETE THE MOTION AND AFFIDAVIT FORMS

Complete the Motion.

1. The caption at the upper left-hand side of the form should be the same as the petition. Please include the case number.
2. In the introductory paragraph, identify yourself by name and your party designation (i.e., Petitioner, Plaintiff, Respondent or Defendant).
3. In Paragraph 1, identify the judge who is currently presiding over your case.
4. In Paragraph 2, indicate the reason(s) for the change of judge.
5. Complete the motion as indicated.
6. You must mail or hand deliver the motion and affidavit to the other party. Certify that this has been done by filling in the information and sign your name.

Complete Attachment A – Affidavit. The purpose of Attachment A is to provide the Community Court with the reasons and supporting facts upon which the Motion is made.

1. In the introductory paragraph, identify yourself by name.
2. Paragraph 1, identify the case name; circle your party designation; and identify the case number
3. In Paragraph 2, the statement affirms that you timely filed the motion and affidavit and that the assigned judge has not previously made a substantive ruling in the current case or in a prior related case or proceeding. Both must be true in order to maintain the request.
4. In Paragraph 3, the statement affirms that you have not previously requested a change of judge in this case.
5. In Paragraph 4, provide the facts upon which you think the judge should be disqualified.
6. **Sign and date the Affidavit in the presence of a Court clerk or Notary Public.**
7. Provide your name, mailing address and phone number(s) so that you may be contacted. Please note that it is your responsibility to notify the Court of any changes to this information. You will be deemed to have received notice of any documents mailed to the address provided.
8. Complete the Certificate of Mailing/Delivery at the bottom of the Motion form, and sign. You are responsible for the delivery of the Notice/Request to the other party.