

**CASE PROCESSING STANDARDS ANALYSIS
SUMMARY CIVIL – JUSTICE COURT EVICTION CASES**

National Center for State Courts Model Time Standards for Summary Civil Matters:

- 75% within 60 days
- 90% within 90 days
- 98% within 180 Days

Measurement: Filing of initial complaint through disposition (e.g., dismissal, judgment).

Arizona Justice Court Eviction Cases

The Arizona Case Processing Standards Steering Committee recommends that Arizona adopt a faster standard than the national standards:

98% within 10 days

- ✓ Residential rental of a dwelling unit, ARS Title 33, Chapter 10; Mobile Home, ARS Title 33, Chapter 11; Rental of RV in RV Park >180 days, ARS Title 33, Chapter 19; and General Landlord Tenant, ARS Title 33, Chapter 3 are included.
- ✓ Commercial evictions are included.

Measurement: Filing of initial complaint through disposition (e.g., dismissal, judgment).

Excluded Time: The following may result in a stay of proceedings, and the time elapsed will be excluded from the measurement: special actions, appeals, bankruptcy, and stays granted pursuant to the Servicemembers Civil Relief Act.

Arizona Rules and Statutes	Timelines under Statute and Rule
Petition Filed: Rule 5, RPEA ¹ Rule 18(a) and (c), RPEA	<p style="text-align: center;">(Measurement Starts Here)</p> Summons and Complaint for Eviction Actions. “Eviction” or “eviction action as used herein shall mean forcible detainer actions and special detainer actions as defined in this rule. Forcible detainer shall have the same meaning as set forth at ARS §§ 12-1173 and 12-1173.01.
Service: ARS ² § 12-1175(A) and (C) (Forcible Entry and Detainer) ARS § 33-1377(B) (Special Detainer- Residential) and ARS § 33-1485(B) (Special Detainer- Mobile)	A summons for a complaint for forcible entry or forcible detainer filed in justice court shall issue no later than the next judicial day after filing . The summons shall be served at least 2 days before the return day, and return made thereof on the day assigned for trial. Summons shall be issued on the day the complaint is filed and shall command the person to appear at the time and place named, which shall not be more than 6 nor less than 3 days from the date of the summons. The summons shall be served at least 2 days before the return day and the return day made on the day assigned for trial.

¹ Arizona Rules of Procedure for Eviction Actions

² Arizona Revised Statutes

Arizona Rules and Statutes	Timelines under Statute and Rule
<p>Home Parks Residential)</p> <p>ARS § 33-1377(C) (Special Detainer- Residential), ARS § 33-1485(C) (Special Detainer- Mobile Home Parks Residential)</p> <p>ARS § 33-1377(E) (Special Detainer- Residential)</p>	<p>For good cause shown supported by an affidavit, the trial may be postponed for not more than 3 days in justice court.</p> <p>Material and irreparable breach: trial date and return date shall be set no later than the 3rd day following the filing of the complaint.</p>
<p>Answer and Continuances: Rule 7, RPEA</p> <p>Rule 11(b)(2), RPEA</p> <p>Rule 9(b), RPEA</p> <p>Rule 10(b), RPEA</p> <p>Rule 11(c), RPEA</p>	<p>Answer: On or before the initial return date, the defendant shall answer, indicating whether the defendant admits or denies the allegations of the complaint. If the defendant does not have sufficient information to determine whether or not an allegation of the complaint is true, the defendant shall so state. The defendant's answer shall also state in short and plain terms any defenses the defendant wishes to assert to the plaintiff's claims.</p> <p>The defendant shall not be required to answer until the initial appearance. At the initial appearance, if the trial is not continued, the defendant may file an oral answer on the record. No answer fee shall be required for an oral answer.</p> <p>Responses and Replies: Responses and replies to any motion may be made orally in open court or by filing and serving the opposing party with a copy of the written response or reply. The filing of motions, responses and replies shall not delay the times set by statute for proceeding with an eviction action, except for continuances granted for good cause shown or by stipulation of the parties.</p> <p>Disclosure: Upon good cause shown, the court may order the taking of depositions, inspection of the premises, or the production of other pertinent documents in a manner that will not delay the times set by statute for proceeding with an eviction action, except for continuances granted for good cause shown or by stipulation of the parties.</p> <p>Continuances: Whenever possible, the trial should be held on the initial return date. The court may order the continuance of a trial date by up to 3 court days on the request of a party for good cause shown or to accommodate the demands of the court's calendar, but the court nevertheless shall give priority to hearing and resolving alleged “immediate and irreparable” evictions. No continuance of more than 3 court days may be ordered unless both parties are in agreement.</p>
<p>Trial:</p>	

Arizona Rules and Statutes	Timelines under Statute and Rule
<p>Rule 11(d), RPEA</p> <p>ARS § 12-1176(A) (Forcible Entry and Detainer)</p> <p>ARS § 12-1177(C) (Forcible Entry and Detainer)</p> <p>Rule 13, RPEA</p>	<p>Jury Trial: Contested detainer matters shall be set for a trial by a judge unless a jury trial is demanded by the plaintiff in the complaint or by the defendant at or before the initial appearance. Failure to request a jury trial at or before the initial appearance shall be deemed a waiver of that party's right to a jury trial. At the initial appearance, if a jury trial has been demanded, the court shall inquire and determine the factual issues to be determined by the jury. If no factual issues exist for the jury to determine, the matter shall proceed to a trial by the judge regarding any legal issues or may be disposed of by motion or in accordance with the Rules of Procedure for Eviction Actions, as appropriate.</p> <p>If a jury trial is requested by the plaintiff, the court shall grant the request. The jury shall consist of six persons. The trial date shall be no more than 5 judicial days after the aggrieved party files the complaint.</p> <p>For good cause, the trial may be postponed for a time not to exceed 3 calendar days.</p> <p>Entry of judgment and relief granted. (Measurement Stops Here)</p>
<p>Post-Judgment: Rule 14(b)(1), RPEA</p>	<p>Writ of Restitution: A party who obtains a judgment for possession in an eviction action shall have up to 45 days to apply for a writ of restitution.</p>