

Instructions: How to fill out the papers for petition to enforce a physical custody order when you have a current out-of-state (non-Arizona) Court Order

NOTICE

- This procedure may only be used by a party with a NON-ARIZONA court order.
- This procedure does not result in the minor children being returned to you immediately.
- The minor children will either remain with the other party until after a hearing, or
- The Judge will order the Sheriff to pick up the minor children immediately, and the children will go to the Arizona Department of Child Safety until after a hearing.

GENERAL INSTRUCTIONS

Complete all of the court forms included in the packet as instructed below. All forms must be typed or neatly printed in black ink. All of the blanks must be filled in or you must write in "N/A" for "*not applicable*". If you have any legal questions, you should see a lawyer for help. Where these instructions refer to "child", it may mean one child or more.

"PETITION TO ENFORCE A CHILD CUSTODY ORDER". Follow these instructions lettered and/or numbered to match the letters/numbers on the form.

STEP INSTRUCTION

- (A) (At top left) Print the name and other information requested for the person submitting this form. If you are representing yourself in this matter, check the box before "Self".
- (B) Case caption: Write in the name of the Petitioner / Party A, the name of the Respondent/ Party B, and the case number. If this is the first document to be filed in Arizona, *you* are the Petitioner / Party A, and the other party or person who has illegally withheld your minor child (or children) from you is the Respondent / Party B.
- 1 Information about me, the applicant. Fill in your name, address, and relationship to the minor children who have been illegally withheld from your custody.
- 2 Information about the other party who has your minor child. Fill in the other party's name, address, and relationship to the minor child(ren) who have been illegally withheld from your custody.

3 Information about children under 18 years old about whom this petition is filed: Fill in the name of each child, each child's date of birth, the age of each child, and the location of each child right now. **WARNING: If you do not know where the children are located, this procedure will not work.** The Judge must be able to tell the Sheriff where to serve the "Warrant to Take Physical Custody of Children" and how to pick-up the children if necessary.

4 Information about current custody order: You must have a current custody order that gives you physical custody of the minor children. Do not use the forms in this packet unless this is true.

Current custody order. Write in the date of the Order, the city and state in which the court is located where the Order was signed, and the name of the Judge who signed the Order. Then, write in the name of the person who was given/awarded physical custody of the minor children. (Note: If you were not awarded physical custody, this procedure will not work for you.) Also, mark the box to show whether the Judge that signed the Order stated the jurisdictional basis it relied on to grant the Order/Decree. If so, state the jurisdictional basis cited by the Judge. If the Order/Decree that awards you physical custody has been vacated, stayed or modified by a court, complete the information requested. Mark the box to show whether you attached a certified copy of the Court Order.

5 Pending court cases about the custody/parenting time related to the children. Check only one box. If you do not have any information about any pending court cases about the custody/parenting time related to the minor children, check the second box, and go on to number 6.

If you do have case information, check the second box, and write in the name of each minor child, the name of the court, the court location, the court case number, the current status of the case, how the minor child is involved, and a brief summary of the court order if there is one. If you need more space, attach another piece of paper.

6 Registration of physical custody order from another state (if applicable). If you have a custody order from another state about your minor child(ren) illegally taken from you, you can register that out-of-state custody order in Arizona. For more information on that process, please see Arizona Revised Statutes Section § 25-1055. Please understand that there will be a processing fee to register that out-of-state custody order. The processing fee may be required in full, or may be deferred or waived, depending upon your financial circumstances.

If you have registered an out-of-state custody order in Arizona, please write in the spaces provided the name of the Arizona court where you registered the order, and the date when that was done.

7 Why you need the court to issue an order directing the person(s) with physical custody of the minor children to appear in court. Mark the appropriate box(es). Write in the name of the person who has the minor children without your consent, and without lawful authority.

8 Why you need the Court to issue a warrant to take physical custody of children. If this section applies to you, mark the box(es) that best describes your situation.

Then, explain in writing to the judge how the children are in immediate danger and will suffer harm or why you think the person who has the children will flee with the children if an order is not entered today. If this section does not apply to you, write in N/A for not applicable, and go on to RELIEF REQUESTED. (Note. the form entitled *“Warrant to Take Physical Custody of Children”* is not in your packet, but has been given to the Judges directly. If the Judge believes you are entitled to this Warrant, he or she will sign a *“Warrant to Take Physical Custody of Children.”*)

RELIEF REQUESTED. This is the section of the Petition where you ask the Court to make orders relating to the relief you want. Mark the box(es) that describe what you want the judge to order.

OATH OR AFFIRMATION AND VERIFICATION. You must sign the oath or affirmation and verification section in front of a Notary Public. Make sure you bring picture identification with you. You should only sign the oath and verification section after you have carefully reviewed your Petition and believe that everything contained in the Petition is true and correct. By signing the Petition under oath or affirmation, you swear or affirm, under penalty of perjury, that the information is true.

OTHER FORMS

- *“FAMILY DEPARTMENT SENSITIVE DATA / COVERSHEET” (if required)*
 - Write in the requested information. If you know any party’s address to be protected by court order, write “protected” in the space provided for that party’s address.
 - Case Type: Check the box that matches the legal procedure for which you are filing these documents: “Other”
 - Does any party require an interpreter? If “yes”, write in for what language.

NEXT STEP. Read the document called *“Procedures: what to do with the court documents after you have filled them out.”*