

Procedures: What to do after completing all forms to get a court order for grandparent visitation

Is your grandparent visitation case a new case or an existing case?

New Case – A new case means your case:

- Is the first court case involving your grandchildren in this court; and
- There is no existing family case involving the parents in this court; and
- There are no existing court orders involving the children from this court.

A new case gets a new case number and requires a Summons for proper service.

Existing Case – An existing case means:

- There is already a court case involving your grandchildren in this court; or
- There is already a family case involving the parents in this court; or
- There is already a court order involving the children from this court.

An existing case will use the same case number and will require an Order to Appear for proper service.

If you have a New Case, follow the steps below – but skip Steps 5 AND 6.

If you have an Existing Case, follow all the steps below.

Step 1: Complete the Family Department/Sensitive Data Coversheet. (No copies needed.)

Step 2: Photocopy: Make 3 copies or more* of the following documents after you complete them.

- Summons (New cases only) - OR - Order to Appear (For an Existing case)
- Petition to Establish Grandparent Visitation

New Case: If you will eFile your forms, you may not need as many paper copies. You will need a paper set of the filed forms to serve on the other party, one for Division of Child Support Services if they are involved in your case, and one for the judge (when required). You will also need to print out the forms auto generated by the eFile system to serve. For more information about how to eFile your papers, read the eFiling instructions: <https://superiorcourt.maricopa.gov/media/7446/dref13i.pdf>.

Existing Case: If you will eFile your forms, you may not need as many paper copies. You will need a paper set of the filed forms to serve on the other party, Division of Child Support Services if they are involved in your case, and one for your judge or Family Administration (when required). For more information about how to eFile your papers, read the eFiling instructions: <https://superiorcourt.maricopa.gov/media/7448/dref93i.pdf>.

Step 3: Separate papers into sets: One (1) set of originals and 3 (or *more) copies as arranged below:

<p>Set 1 – Originals for the Clerk of Superior Court</p> <ul style="list-style-type: none"> • Family Department Cover Sheet • Petition for Grandparent Visitation • Summons (new case only) <u>OR</u> Order to Appear (existing case only) 	<p>Set 2 – Copies for Judge</p> <ul style="list-style-type: none"> • Petition for Grandparent Visitation • Summons (new case only) <u>OR</u> Order to Appear (existing case only) • 1 Self-Addressed Stamped Envelope
<p>Set 3 - Copies for Party A (If living, and parental rights have not been terminated by a court order)</p> <ul style="list-style-type: none"> • Petition for Grandparent Visitation • Summons (new case only) <u>OR</u> Order to Appear (existing case only) 	<p>*Set 4 - Copies for Party B (If living, and parental rights have not been terminated by a court order)</p> <ul style="list-style-type: none"> • Petition for Grandparent Visitation • Summons (new case only) <u>OR</u> Order to Appear (existing case only)
<p>Set 5 – Copy for yourself</p> <ul style="list-style-type: none"> • Family Department Cover Sheet • Petition for Grandparent Visitation • Summons (new case only) <u>OR</u> Order to Appear (existing case only) 	<p>*Set 6 – Or more, if needed - for legal guardian or other persons or agency claiming custody of the child</p> <ul style="list-style-type: none"> • Petition for Grandparent Visitation • Summons (new case only) <u>OR</u> Order to Appear (existing case only)

Step 4: File the papers with the Clerk of Superior Court:

You may file your papers at any of the following Superior Court locations. The court is open from 8 a.m. to 5 p.m., Monday through Friday.

Central Court Building
201 West Jefferson, 1st floor
Phoenix, Arizona 85003

Southeast Court Complex
222 East Javelina Avenue, 1st floor
Mesa, Arizona 85210

Northwest Court Complex
14264 West Tierra Buena Lane
Surprise, Arizona 85374

Northeast Court Complex
18380 North 40th Street
Phoenix, Arizona 85032

At the Clerk of Superior Court's filing counter:

Give the original set and all sets of copies to the Clerk of Superior Court at the filing counter and pay the filing fee. The Clerk of Superior Court will keep the original set, stamp the extra copies to show that these are copies of papers you have filed with the Court, and return the stamped copies to you. These stamped sets of copies are now called "conformed" copies.

Fees: A list of current filing fees is available from the Law Library Resource Center and from the Clerk of Superior Court's website.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request papers for a deferral (payment plan) before you file your papers with the Clerk of Superior Court. Deferral Applications are available at no charge from the Law Library Resource Center. Present the completed Deferral Application to the Clerk of Superior Court at the same time you hand over the Petition and other papers.

Step 5: (For Existing Case only): Deliver the Judge's Set of Papers to one of the following Family Department administrative offices.

The Judge's Set of Papers should include:

- File-stamped Petition (Judge's Copy)
- Order to Appear (all copies)
- A self-addressed stamped envelope.

Central Court Building
201 West Jefferson, 3rd floor
Phoenix, Arizona 85003
(To Family Department Administration)

Southeast Court Complex
222 East Javelina Avenue, 1st floor
Mesa, Arizona 85210
(To Family Department Administration)

Northwest Court Complex
14264 West Tierra Buena Lane
Surprise, Arizona 85374
(To Family Conference Center)

Northeast Court Complex
18380 North 40th Street
Phoenix, Arizona 85032
(To Family Conference Center)

Step 6: (For Existing Case only): Wait for the Judge to sign the Order to Appear.

After you give the judge two copies of the Order to Appear and a copy of the petition showing the court's filing stamp, the judge will review your petition, and either 1) issue the Order to Appear, or 2) reject the petition.

If the judge issues the Order to Appear, Family Administration will schedule a hearing for your case, and add the date, time and place of the hearing to the Order to Appear. They will then mail the Order to Appear to you in the self-addressed stamped envelope you provided, so that you may serve it and the Petition to both parents, and other interested parties.

Step 7: Serve the Papers You must serve the other parties with the Petition and other papers.

The papers may be delivered by the Sheriff's Department, a licensed private process server, commercial delivery service or mail by which you can obtain an original or copy of the other party's signature confirming delivery, or by Acceptance of Service as described in the Service packet available from the Law Library Resource Center or its website.

Note: You must serve both parents with papers unless they are no longer living or have had their parental rights permanently severed. This includes your own son or daughter, even if he or she agrees with your request.

Step 8: Attend the Hearing.

Do not copy
or file
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