

## Procedures: What to do after you have completed the petition and forms to modify an “Income withholding order”

(When the other party will not sign an agreement to the change)

STEP 1: Make two copies\* (or 3, if the State (DES/DCSE) is involved) of the:

- “Petition to Modify Income Withholding Order” (*“Petition to Modify”*)
- “Order to Modify Income Withholding Order”

STEP 2: Separate your papers into three sets\* (4, if DES/DCSE is involved)

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| Set 1 – ORIGINALS to file with the Clerk of Superior Court<br><br><i>“Petition to Modify”</i> (1 original)<br><i>“Order to Modify Income Withholding Order”</i><br><i>“Current Employer Information Sheet”</i> (1 original)<br><br>+2 self-addressed, stamped envelopes:<br>One addressed to you;<br>One addressed to the other party<br>(will need 3 envelopes if the State is a party) | Set 2 – COPY for the other party<br>(1) <i>“Petition to Modify”</i>          |
|  | Set 3 – COPY for you<br>(1) <i>“Petition to Modify”</i>                      |
|  | Set 4*– COPY for the State (*if required)<br>(1) <i>“Petition to Modify”</i> |

\* If DES or DCSE is involved, you will also need an *extra copy* of the *Petition*, to serve on the State, as instructed in STEP 5 on the next page.

STEP 3. Go to the Clerk of Superior Court filing counter to file your papers. You may file your papers from 8 a.m. to 5 p.m., Monday through Friday, at the following Superior Court locations:

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

Hand the originals and all sets of copies to the Clerk at the filing counter *and pay the filing fee*. The Clerk will keep the originals, 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. The stamped sets of copies are now called "conformed" copies.

**FEES:** A list of current 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 a deferral (payment plan) when you file your papers with the Clerk of the Court. Deferral Applications are available at no charge from the Law Library Resource Center.

**STEP 4:** Make sure you get back the following from the Clerk

- Your copy
- The other party's copy
- The copy for DES/DCSE (if required\*)

**STEP 5:** Serve the papers on the other party(ies). The papers may be delivered by the Sheriff's Department, a licensed 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 the Internet.

*The State of Arizona may be involved* if any party received public assistance for the children or used the services of the State in establishing or collecting child support. If either party already has a case with the State (DCSE or DES) involving the same children as in this case, notice of this action must also be given to the Attorney General's Office.

**SERVING PAPERS ON THE STATE:** (*if required*). The Office of the Attorney General (the "AG") will accept service by signing an "*Acceptance of Service*" form and returning the form *for you to file with the Court*. There are no court fees for serving the State with an *Acceptance*, as described below:

a) You may mail or personally deliver to the Office of the Attorney General (the "AG") assigned to your case\*:

- a copy of the "*Petition to Modify Income Withholding Order*" along with an
- "*Acceptance of Service*" AND
- a self-addressed, stamped envelope (*addressed back to you*).

b) There may also be a "drop-box" in the Clerk of Court's filing counter area at which you may leave the above listed documents and the envelope for the AG. Ask the clerk at the filing counter, *OR*

c) You may mail all listed documents and the self-addressed stamped envelope to:

Office of the Attorney General  
Child Support Services Section  
2005 N. Central Avenue – Mail Drop 7611  
Phoenix, AZ 85004

Note: The State is not considered served until the AG's signed *Acceptance of Service* is filed with the Court!

Note: A party who is served with the papers *in Arizona*, whether a person or the State of Arizona (the AG / DCSE), has 20 days from the date of service to file a request for a hearing. A party who is served with the papers outside Arizona has 30 days from the date of service to file a request for hearing.

STEP 6: WAIT for the Court to let you know whether the Order was signed or the matter was set for a hearing. If a hearing is requested, a hearing or a conference will be scheduled. If no party requests a hearing, the Judge may grant or deny your request or may still schedule a hearing to obtain further information. If a hearing is scheduled, you will receive written notice of the date, time, and location.

*If* a hearing or a conference is scheduled:

- Write down the date, time and location
- Attend
- Be On Time
- Dress Neatly
- Do NOT Bring Children to Court