

**PETITION FOR HEARING
ON EX PARTE INCOME
WITHHOLDING ORDER**
(WITHOUT ADVANCE NOTICE OR HEARING)

3

**To Make the Party Obey A Court Order
For Support**

**Part 3:
PETITION FOR HEARING TO OBJECT TO
EX PARTE INCOME WITHHOLDING ORDER**

Forms and Instructions

“PETITION FOR HEARING ON EX PARTE INCOME WITHHOLDING ORDER”

CHECKLIST

Forms and Instructions

USE THESE FORMS IF:

- ✓ Your employer or other payor was served with an **“Ex Parte Income Withholding Order”** to take money from your pay for child support and/or spousal maintenance, **AND**
- ✓ One *or more* of the following statements is true:
 - I am **not** the person named in the **“Ex Parte Income Withholding Order”** (Mistaken Identity), **OR**
 - The amount is incorrect or has been modified, **OR**
 - The child support or spousal maintenance order has been dismissed or is no longer valid, **OR**
 - Current child support or spousal maintenance is no longer owed, **OR**
 - All arrearages and interest have been paid/satisfied and are no longer owed.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Law Library Resource Center website.

**PETITION FOR HEARING ON EX PARTE
INCOME WITHHOLDING ORDER
(ORDER WITHOUT ADVANCE NOTICE OR HEARING)**

FOR THE PARTY OBJECTING TO AN INCOME WITHHOLDING ORDER

This packet contains court forms and instructions to file a petition for hearing on ex parte income withholding order. Items in **BOLD** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

Order	File Number	Title	# pages
1	DRWA3k	CHECKLIST: Use these forms if . . .	1
2	DRWA3t	Table of Contents (this page)	1
3	DRWA31i	INSTRUCTIONS: How to File a Request for Hearing on an <i>Ex Parte Income Withholding Order</i>	1
4	DRWA31f	"Petition for Hearing RE: Ex Parte Income Withholding Order"	1
5	DRWA32f	"Notice of Hearing Regarding Ex Parte Income Withholding Order"	1

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How to petition for a hearing regarding an ex parte income withholding order

To complete these forms, you will need a copy of the ex parte order.

Instructions: for all forms: type or print neatly using black ink.
Match the number of the instruction to the corresponding number on the form.

1st Form: Petition for Hearing Re: Ex Parte Income Withholding Order

- (1) Type or print the information requested at the upper left corner for the person filing this form.
- (2) Type or print the information requested as it is listed on the “*Ex Parte Income Withholding Order*”.
- (3) Type or print your name in the blank space provided.
- (4) Check all of the boxes that describe why you want a hearing regarding the “*Ex Parte Income Withholding Order*”.
- (5) Check this box if you want the Court to order the Support Payment Clearinghouse to not pay out any monies already received until after the hearing (Note: This hold, if granted, does not happen instantly.).
- (6) Sign and Date the form. By signing the form you are stating to the Court that the information you have entered is true and correct to the best of your knowledge, under penalty of perjury.

2nd Form: Notice of Hearing – Fill in only the information described below.

- (1) Type or print the name of Petitioner and Respondent, Case Number, and ATLAS Number (if any) as listed on the “*Ex Parte Income Withholding Order*”.
- (2) Leave the rest of the form blank. The Judicial Officer or Clerk will complete the rest.

Procedures: what to do after you have completed the forms

1. Make two copies of both forms (three, if there is an ATLAS Number).
2. File your papers with the Clerk of the Superior Court at any Maricopa County Courthouse location:
201 W Jefferson, Phoenix; 18380 North 40th Street, Phoenix;
222 E. Javelina Avenue, Mesa or 14264 W. Tierra Buena Lane, Surprise
3. Hand your originals and all copies to the Clerk at the filing counter who will enter the date, time and place of hearing, sign the Notice, and return the copies to you. Keep one set for your records.
4. There is a fee for filing this request, *but* if you have never “appeared” in this case, meaning you or your attorney have not previously filed any response or other papers in this case, *there may also be an Appearance Fee*. If you cannot afford this fee, you may request a fee deferral application from the Clerk of Court’s Office or the Self Service Center. The form may also be obtained from the Self Service Center’s website.
5. Immediately serve a copy of the “*Petition*” and the “*Notice*” on the other party or his/her attorney. See the Self-Service Center’s “Service” packet for further information if needed.
6. If either party is using the child support collection services of the state IV-D agency (DES), you must also send a copy to that agency. You may do this by mailing to this address:
Office of the Attorney General – Child Support Services Section
2005 N. Central Avenue – Mail Drop 7611
Phoenix, AZ 85004-2926
7. Attend the hearing.

Person Filing: (1) _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
ATLAS Number: _____
Lawyer's Bar Number: _____

For Clerk's Use Only

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

(3) _____
Petitioner (in original case)

(2) Case No. _____

ATLAS No. _____

Respondent (in original case)

**PETITION FOR HEARING
RE: EX PARTE INCOME
WITHHOLDING ORDER
A.R.S. § 25-504**

**THIS FORM IS NOT TO BE USED TO REQUEST A CHANGE IN YOUR EXISTING SUPPORT ORDER.
THIS FORM ONLY APPLIES TO THE EX PARTE INCOME WITHHOLDING ORDER.**

(3) I, _____ ask the court to set a hearing within ten (10) days before the Ex Parte Income Withholding Order becomes binding on my first employer/payor served with the Ex Parte Income Withholding Order. This petition is filed within **SEVEN DAYS** from the date the Petition for Assignment, Ex Parte Income Withholding Order and Notice were delivered to me.

(4) This Petition for Hearing is based on the following statement(s) regarding the Ex Parte Income Withholding Order. (Check all boxes that apply)

- The person named in the Ex Parte Order is not me (Mistaken Identity).
- The amount shown in the Ex Parte Order is incorrect or has been modified.
- The child support or spousal maintenance order has been dismissed or is no longer valid.
- The current child support or spousal maintenance is no longer owing.
- All arrearages/interest have been paid/satisfied and are no longer owing.

(5) I request the Court to order the Support Payment Clearinghouse to hold any payments received pursuant to the Ex Parte Income Withholding Order until after the hearing. I realize that this hold will not be instant and that monies will continue to be sent out until a judicial determination is made.

By signing this form I state to the Court, under penalty of perjury, the information I have given is true and correct.

(6) _____
Date

Signature of Requesting Party

**SUPERIOR COURT of ARIZONA
IN MARICOPA COUNTY**

For Clerk's Use Only

Petitioner (in original case)

Case No. _____

ATLAS No. _____

Respondent (in original case)

**NOTICE OF HEARING REGARDING
EX PARTE INCOME WITHHOLDING
ORDER - A.R.S. § 25-504**

A Petition for Hearing regarding the "Ex Parte Income Withholding Order" has been filed: This matter has been set for hearing:

NAME OF JUDICIAL OFFICER: _____

DATE AND TIME OF HEARING: _____

PLACE OF HEARING: Maricopa County Superior Court

ADDRESS: _____

Bring any documents or exhibits that you want to use as proof in your case.

If either party fails to appear at the hearing after proper notice, the Court may take evidence from the party who does appear and may make a decision based on the information provided in the pleadings, and any oral testimony presented at the hearing, or the court may issue other orders.

Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case by the party needing accommodation or his/her counsel at least three (3) judicial days in advance of a scheduled proceeding.

Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

Date

Judicial Officer/Deputy Clerk of Court