

## Procedures: How to file a Petition for Termination of Parent-Child Relationship

(A.R.S. (Arizona Revised Statutes) §§ 8-531-544, and 8-863 and sections that follow)

Please read this carefully.

There are many important steps required to pursue a private Petition for Termination of Parent-Child Relationship and this list is not comprehensive. Failing to comply with each step may result in delays or the Court dismissing the matter.

Where these documents refer to “child,” “children” or “child(ren)” it means as many children as are the subject of this process, whether one or more.

Documents Required Before the Initial Hearing on a Private Petition for Termination of Parental-Child Relationship:

1. Petition for Termination of Parent-Child Relationship (filled out and filed by you)
2. Order Setting Initial Hearing (issued by the Court after Petition is filed)
3. Notice of Initial Hearing (issued by the Court after Petition is filed)

Step 1: Properly fill out and sign the Petition for Termination of Parent-Child Relationship in black ink.

Step 2: File the Petition for Termination of Parent-Child Relationship with the Clerk of Superior Court at one of the following locations:

Durango Facility  
3131 W Durango Street  
Phoenix, AZ 85009

Southeast Facility  
1810 S Lewis Street  
Mesa, AZ 85210

OR

eFiling is an option in Juvenile Court. If you would like to eFile your Petition, please visit this link for more information:

<https://efilingonline.clerkofcourt.maricopa.gov/Web/#/>

Step 3: Wait for the Court to send you a signed Order Setting Initial Hearing.

**Please Note:** The Court may dismiss the Petition if it finds it does not comply with certain requirements. If that happens, Petitioner may attempt to fix the deficiencies and file with the Clerk of Superior Court another Petition for Termination of Parent-Child Relationship that complies with all requirements.

Step 4: Wait for the Court to send you a Notice of Initial Hearing.

The Notice will include the date, time, place and location where the Initial Hearing will be held.

After you have received from the Court the (1) Order Setting Initial Hearing and (2) Notice of Initial Hearing:

Step 5: Make copies and assemble your papers. You will need to make a copy of the following documents for every interested party:

- Petition for Termination of Parent-Child Relationship
- Order Setting Initial Hearing
- Notice of Initial Hearing

Once your papers are copied, assemble them into packets, with each packet containing a copy of the Petition, Order, and Notice. Assemble as many packets as needed to serve all interested parties. You must serve the three documents on:

- all parents, and if applicable, each custodian or Indian custodian,
- Tribe of any child(ren) as defined by the federal Indian Child Welfare Act, 25 U.S.C. § 1901, et seq. (and sections that follow);
- person(s) having legal custody of the child(ren);
- person(s) standing in loco parentis\* to the child(ren);
- guardians ad litem of any party and
- any other individual or entity that the court orders must be served.

Step 6: Complete Service or Notice of Process as directed in the separate Service Packet.

Step 7: The Court will order that an appropriate agency or person conduct a Social Study unless it chooses to waive this requirement.

- a. Social Studies are governed by A.R.S. § 8-536 and must:
  1. Be prepared by an appropriate agency or person;
  2. Include the circumstances of the petition, the social history, the present condition of the child(ren) and parent, proposed plans for the child(ren) and other facts pertinent to the parent-child relationship;
  3. Address whether the parent-child relationship should be terminated; and
  4. Contain other information required by statute.

Step 8: The Initial Hearing.

- a. The Petitioner must attend the Initial Hearing. If the Petitioner does not personally attend the Initial Hearing, the Court may dismiss the Petition or may set a continued hearing, which will cause delay.
- b. Petitioner should file the following documents prior to the Initial Hearing:
  1. Originals of the applicable service of process documents to show the Court that service is completed;
  2. Documents showing parentage including:
    - a. a birth certificate for each child listed in the Petition;
    - b. paternity documents;
    - c. child support or custody orders or related documents;
  3. Copies of any applicable guardianship documents;
  4. Originals of any consents; waivers; relinquishments; the social study (if not waived and if prepared before the Initial Hearing)
  5. Any evidence supporting the Petitioner's request;
  6. Any other documents Petitioner may want the Court to consider.

Note:

- Failure to comply with the applicable statutes and rules may result in the initial hearing being reset or the petition dismissed.
- Unrepresented parties are encouraged to consult legal counsel. Court employees cannot provide legal advice.