

# **FAMILY COURT CASES**

# **1**

## **HOW TO FILE A PETITION TO ENFORCE A PHYSICAL CHILD CUSTODY ORDER**

**(To Have Your Child, Who is Being Illegally  
Withheld From You, Returned to You)**

**(Forms Packet)**



**SELF-SERVICE CENTER**

**PETITION TO ENFORCE A PHYSICAL CHILD CUSTODY  
ORDER**

**(to have your child, who is being illegally withheld from you, returned  
to you)**

**CHECKLIST**

**You may use the forms and instruction in this packet only if the following factors  
apply to your situation:**

- ✓ You have a current legal decision making or child custody order from this State (Arizona) or from any other state that says you are entitled to the physical custody of one or more minor children,

**AND**

- ✓ The minor children are presently in the physical custody of the other party without your consent and without lawful authority and the other party has failed to return the minor children to you,

**AND**

- ✓ The minor children are currently, or will be, in the State of Arizona and you know how to find or locate the minor children.

**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 Self-Service Center website.

## SELF-SERVICE CENTER

# PETITION TO ENFORCE A PHYSICAL CHILD CUSTODY ORDER

(Forms Only)

This packet contains court forms and instructions to file a petition to enforce a physical child custody 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	DREHC1k	Checklist: <i>You may use these forms if . . .</i>	1
2	DREHC1ft	Table of Contents (this page)	1
3	DRSDS10f-c	Family Court Sensitive Data Cover sheet ( <i>if required – See instructions.</i> )	1
4	DREHC11f	<b>“Petition to Enforce a Physical Child Custody Order”</b>	4
5	DREHC82f	<b>“Order for Appearance of Person(s) with Physical Custody of the Minor Child(ren)”</b>	1

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Person Filing: \_\_\_\_\_  
 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

Petitioner	Case No. _____
Respondent	ATLAS No. _____

**FAMILY COURT / SENSITIVE DATA  
COVERSHEET WITH CHILDREN  
(CONFIDENTIAL RECORD)**

Fill out. File with Clerk of Court. Social Security Numbers should appear on this form only and should be omitted from other court forms. Access Confidential pursuant to ARFLP 43(G)(1).

A. Personal Information:	Petitioner	Respondent
Name	_____	_____
Gender	<input type="checkbox"/> Male or <input type="checkbox"/> Female	<input type="checkbox"/> Male or <input type="checkbox"/> Female
Date of Birth (Month/Day/Year)	_____	_____
Social Security Number	_____	_____

**WARNING: DO NOT INCLUDE MAILING ADDRESS ON THIS FORM  
IF REQUESTING ADDRESS PROTECTION**

Mailing Address	_____	_____
City, State, Zip Code	_____	_____
Contact Phone	_____	_____
Email Address	_____	_____
Current Employer Name	_____	_____
Employer Address	_____	_____
Employer City, State, Zip Code	_____	_____
Employer Telephone Number	_____	_____
Employer Fax Number	_____	_____

B. Child(ren) Information:			
Child Name	Gender	Child Social Security Number	Child Date of Birth
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

<b>C. Type of Case being filed - Check only one category.</b> <i>*Check only if no other category applies</i>		<b>Interpreter Needed:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, what language? _____
<input type="checkbox"/> Dissolution (Divorce)	<input type="checkbox"/> Paternity	
<input type="checkbox"/> Legal Separation	<input type="checkbox"/> *Legal Decision Maker (Custody)/Visitation	
<input type="checkbox"/> Annulment	<input type="checkbox"/> *Child Support	<input type="checkbox"/> Register Foreign Order
<input type="checkbox"/> Order of Protection	<input type="checkbox"/> Other	

**DO NOT COPY THIS DOCUMENT. DO NOT SERVE THIS DOCUMENT TO THE OTHER PARTY.**

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



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

## SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

\_\_\_\_\_(B)  
Name of Petitioner

CASE NUMBER \_\_\_\_\_(B)

### PETITION TO ENFORCE A PHYSICAL CHILD CUSTODY ORDER (A.R.S. 25-1058)

\_\_\_\_\_(B)  
Name of Respondent

### STATEMENTS MADE TO THE COURT UNDER OATH OR BY AFFIRMATION:

#### 1. INFORMATION ABOUT ME, THE APPLICANT:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Relationship to child(ren): I am  Mother  Father Other \_\_\_\_\_

#### 2. INFORMATION ABOUT THE OTHER PARTY WHO HAS YOUR MINOR CHILD(REN):

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Relationship to child(ren): He/she is  Mother  Father Other \_\_\_\_\_

#### 3. INFORMATION ABOUT THE CHILD(REN) UNDER THE AGE OF 18 YEARS ABOUT WHOM THIS PETITION IS FILED:

Child's Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_  
Current Location (Address): \_\_\_\_\_

Child's Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_  
Current Location (Address): \_\_\_\_\_

(If there are additional children, provide that information on a separate piece of paper)

**4. INFORMATION ABOUT CURRENT PHYSICAL CHILD CUSTODY ORDER:**

Date of Order: \_\_\_\_\_

Location of Court issuing order (city & state): \_\_\_\_\_

Name of Judge who signed Order/Decree: \_\_\_\_\_

According to the Order/Decree, who was awarded physical custody? \_\_\_\_\_

**A Certified Copy of the Order/Decree is attached to the "Petition to Enforce a Physical Child Custody Order."**

**5. PENDING COURT CASES REGARDING LEGAL DECISION MAKING /CUSTODY/PARENTING TIME RELATED TO THE MINOR CHILD(REN). (Check one box):**

I do  I do NOT have information regarding a legal decision making/custody/parenting time court case relating to any of the minor child(ren) that is pending in this state or in any other state. (If so, explain here, if not, go on to next question)

Name(s) of child(ren): \_\_\_\_\_

Name(s) of court(s): \_\_\_\_\_

Location(s) of court(s): \_\_\_\_\_

Court case number(s): \_\_\_\_\_

Current status of case(s): \_\_\_\_\_

How is/are the child(ren) involved? \_\_\_\_\_

Summary of court order(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**6. REGISTRATION OF PHYSICAL CUSTODY ORDER FROM ANOTHER STATE (A.R.S. 25-1055) (If applicable)**

There is OR  There is not a physical custody order from another state that has been issued about the minor child(ren) listed above. (If there is a physical custody order from another state, please complete the information below.)

The out-of-state order  has OR  has not been registered in Arizona. (Complete the information below if the order has been registered in Arizona.)

The name of the court in Arizona where the physical custody order is registered is:

\_\_\_\_\_

The case was registered in Arizona on: \_\_\_\_\_  
(date of registration)

7. **WHY YOU NEED THE COURT TO ISSUE AN ORDER DIRECTING THE PERSON(S) WITH PHYSICAL CUSTODY OF THE MINOR CHILD(REN) TO APPEAR IN COURT (A.R.S. 25-1040):**

The minor child(ren) is/are presently in the physical custody of \_\_\_\_\_ without my consent and without lawful authority and he/she has failed to return the minor child(ren) to me.

8. **WHY YOU NEED THE COURT TO ISSUE A WARRANT TO TAKE PHYSICAL CUSTODY OF MINOR CHILD (or "CHILDREN") (A.R.S. 25-1061):**

The minor child(ren) is/are immediately likely to suffer serious physical injury OR be removed from the State of Arizona. Explain to the Judge how the minor child are in immediate danger and will suffer harm or why you think the person who has the minor children will flee with the minor children if an order is not entered today.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RELIEF REQUESTED:** (Check any that you wish to request.)

That an **"Order for Appearance of Person(s) With Physical Custody of the Minor Child(ren)"** be issued and directed to the other party (the party holding the minor child(ren), commanding him/her to produce the minor child(ren) before this Court at the time and place stated in that Order.

That a **"Warrant to Take Physical Custody of Minor Child(ren)"** be granted by this Court, directed to the Sheriff of Maricopa County, commanding the Sheriff that the minor child(ren) shall be picked up immediately and delivered to me or turned over to the Court or to Child Protective Services prior to the hearing AND/OR if the Court deems necessary that the person who has illegally detained and/or restrained the minor children be picked up and arrested pursuant to A.R.S. 25-1061 and brought before the Court.

For the Court to grant the relief in the ***“Petition to Enforce a Physical Child Custody Order”***, and

- I. That the minor child(ren) be immediately delivered to my physical custody; and,
- II. For any other order that is in the best interest of the minor child(ren); and,
- III. That the court award the Applicant all costs, including but not limited to, necessary travel expenses, investigator’s fees and other costs and fees incurred in this matter.

**UNDER OATH OR BY AFFIRMATION**

I, being duly sworn and under oath or by affirmation state that I am the Applicant in the matter above. I have read the Petition and all the statements are true and complete to the best of my knowledge and belief. I am not filing this Petition to harass or to cause unnecessary delay or to increase the cost of litigation. I understand that if the judge finds that I filed this Petition for an improper purpose, the judge may make an “Order of Contempt” or other sanctions against me, including all reasonable costs, attorney fees, or other expenses caused by my filing of this petition.

The contents of this document are true and correct to the best of my knowledge and belief.

\_\_\_\_\_ Date

\_\_\_\_\_ Signature

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Subscribed and sworn to or affirmed before me this: \_\_\_\_\_ by  
(date)

\_\_\_\_\_.

(notary seal)

\_\_\_\_\_  
Deputy Clerk or Notary Public

Person Filing: \_\_\_\_\_  
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

\_\_\_\_\_(A)  
Name of Petitioner

CASE NUMBER \_\_\_\_\_(A)

### ORDER FOR APPEARANCE OF PERSON(S) WITH PHYSICAL CUSTODY OF THE CHILD(REN) (A.R.S. § 25-1040)

\_\_\_\_\_(A)  
Name of Respondent

**THE COURT ORDERS THAT:** \_\_\_\_\_  
(name(s) of person(s) charged with illegal detention of child(ren))

1. Appear before the Honorable \_\_\_\_\_,  
Judge of the Superior Court of Maricopa County, Family Court Division, located at:

- 201 West Jefferson Street, Phoenix OR  18380 North 40<sup>th</sup> Street, Phoenix  
 14264 West Tierra Buena Lane, Surprise OR  222 East Javelina Avenue, Mesa, Arizona

on \_\_\_\_\_(month/date/year)

at \_\_\_\_\_ o'clock  a.m. OR  p.m.

for \_\_\_\_\_ minutes

to show cause why you have restrained and detained the minor child(ren) and why the relief requested in the **"Petition to Enforce a Physical Child Custody Order"** should not be granted.

2. Produce the minor children: \_\_\_\_\_  
\_\_\_\_\_

at the time and location stated above for the hearing unless the child(ren) are in the custody of the Arizona Department of Economic Security or the Child Protective Services. The CPS shall then produce the child(ren) at the time and place stated above for the scheduled hearing.

3. If you fail to appear or fail to produce the child(ren) at the above scheduled hearing, a Civil Arrest Warrant may be issued for your arrest.

Done in Open Court: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT