

FAMILY COURT CASES

1

HOW TO FILE A PETITION TO ENFORCE A CHILD CUSTODY ORDER

(Instructions Packet)

SELF-SERVICE CENTER

HOW TO FILE A PETITION TO ENFORCE A CHILD CUSTODY ORDER

(INSTRUCTIONS ONLY)

This packet contains court instructions to file a petition to enforce a 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!

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Self-Service Center

INSTRUCTIONS: HOW TO FILL OUT THE PETITION TO ENFORCE A CHILD CUSTODY ORDER and OTHER COURT PAPERS

GENERAL INSTRUCTIONS

Complete all of the court forms included in the form's packet as instructed below. All forms must be neatly printed in **black ink**. All of the blanks must be filled in or you must write in "**N/A**" for "**not applicable**". If you have any legal questions, you should see a lawyer for help. Where these instructions refer to "children", it may mean one child or more.

"PETITION TO ENFORCE A CHILD CUSTODY ORDER". Follow these instructions lettered and/or numbered to match the letters/numbers on the form.

- | STEP | INSTRUCTION |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (A) | (At top left) Print the name and other information requested for the person submitting this form. If you are representing yourself in this matter, check the box before "Self". |
| (B) | Case Caption: Fill in the name of the Petitioner, the name of the Respondent, and the case number. If you have an Arizona custody decree or order, use the same information as appears on your previous court documents ("pleadings"). If this is the first pleading/document to be filed in Arizona, you are the Petitioner and the other party or person who has illegally withheld your minor child (or children) from you is the Respondent. |

STATEMENTS MADE TO THE COURT, UNDER OATH (or by affirmation)

- 1 Information about Me, the Applicant.** Fill in your name, address, and relationship to the minor children who have been illegally withheld from your custody.
- 2 Information about the Other Party who has your minor Child.** Fill in the other party's name, address, and relationship to the minor child(ren) who have been illegally withheld from your custody.
- 3 Information about Children under 18 years old about whom this Petition is Filed:** Fill in the name of each child, each child's date of birth, the age of each child, and the location of each child right now. **WARNING:** If you do not know where the children are located, this procedure will not work. The Judge must be able to tell the Sheriff where to serve the "**Warrant to Take Physical Custody of Children**" and how to pick-up the children if necessary.
- 4 Information about Current Custody Situation:** You must have a current custody order that gives you custody of the minor children. Do **not** use these forms unless this is true.

Current Custody Order. If you have a current custody order that gives you custody of the minor children, write in the date of the Order, the city and state in which the court is located where the Order was signed, and the name of the Judge who signed the Order. Then, write in the name of the person who was given/awarded custody of the minor children. (Note: If you were not awarded custody, this procedure will not work for you.)

5 Pending Court Cases Regarding the Custody/Parenting Related to the Children. Check only one box. If you do not have any information about any pending court cases regarding the custody/parenting time related to the minor children, check the first box, and go on to number 6.

If you do have any information, check the second box, and write in the name of each minor child, the name of the court, the court location, the court case number, the current status of the case, how the minor child is involved, and a brief summary of the court order if there is one. If you need more space, attach another piece of paper.

6 Registration of Custody Order from Another State (If applicable). If you have a custody order from another state about your minor child(ren) illegally taken from you, you can register that out-of-state custody order in Arizona. For more information on that process, please see Arizona Revised Statutes Section §25-1055. Please understand that there will be a processing fee to register that out-of-state custody order. The processing fee may be required in full, or may be deferred or waived, depending upon your financial circumstances.

If you have registered an out-of-state custody order in Arizona, please write in the spaces provided the name of the Arizona court where you registered the order, and the date when that was done.

7 Why you Need the Court to Issue an Order Directing the Person(s) with Physical Custody of the Minor Children to Appear in Court. Write in the name of the person who has the minor children without your consent, and without lawful authority.

8 Why you Need the Court to Issue a Warrant to Take Physical Custody of Children. If this section applies to you, explain to the judge how the children are in immediate danger and will suffer harm or why you think the person who has the children will flee with the children if an order is not entered today. If this section does not apply to you, write in N/A for not applicable, and go on to **RELIEF REQUESTED**. (Note. The form entitled “**Warrant to Take Physical Custody of Children**” is not in your packet, but has been given to the Judges directly. If the Judge believes you are entitled to this Warrant, he or she will sign a “**Warrant to Take Physical Custody of Children.**”)

RELIEF REQUESTED. This section of the Petition asks the Court to make orders relating to the relief you are asking for.

OATH OR AFFIRMATION AND VERIFICATION. You must sign the oath or affirmation and verification section in front of a Notary Public. Make sure you bring picture identification with you. You should only sign the oath and verification section after you have carefully reviewed your Petition and believe that everything contained in the Petition is true and correct. By signing the Petition under oath or affirmation, you swear or affirm, under penalty of perjury, that the information is true.

NOTICE

- This procedure does not result in the minor children being returned to you immediately.
- The minor children will either remain with the other party until after a hearing, or
- the Judge will order the Sheriff to pick-up the minor children immediately, and the children will go to Child Protective Services until after a hearing.

OTHER FORMS

“FAMILY COURT / SENSITIVE DATA COVERSHEET” (if required. See below)

NOTE: If you already have a court case and case number in this county concerning the custody of the same children who are being illegally withheld from you, you do **NOT** need to fill out and file this form.

- Write in the requested information. If you know any party's address to be protected by court order, write **“protected”** in the space provided for that party's address.
- **Case Type:** Check the box that matches the legal procedure for which you are filing these documents: **“Custody”**
- Does any party require an interpreter? If “yes”, write in for what language.

This document is not a part of the public record and is not available for public viewing – but may be accessible to other parties to the case.

“ORDER FOR APPEARANCE OF PERSON(S) WITH PHYSICAL CUSTODY OF THE MINOR CHILDREN” (REQUIRED)

Fill in the information about the Petitioner, the Respondent, and the case number as on the Petition. Leave the rest of the Order blank for the court to fill out.

NEXT STEP. Read the document called ***“Procedures: What to do With the Court Documents After You Have Filled Them Out”***.

PROCEDURES: WHAT TO DO WITH THE COURT DOCUMENTS AFTER YOU HAVE FILLED THEM OUT

- STEP 1:** Make copies of the following documents after you have filled them out:
- | DOCUMENT | NUMBER OF COPIES |
|------------------------------------------------------------------------------------|------------------|
| ▪ <i>“Petition to Enforce a Child Custody Order”</i> | 3 |
| ▪ <i>“Order for Appearance of Person(s) With Physical Custody of the Children”</i> | 3 |

STEP 2: Separate your documents into four (4) sets:

SET 1 - ORIGINALS: <i>“Family Court Cover Sheet”</i> <i>“Petition to Enforce Child Custody Order”</i> <i>“Order for Appearance of Person(s) With Physical Custody of the Child(ren)”</i>	SET 2 - YOUR COPIES: <i>“Petition to Enforce Child Custody Order”</i> <i>“Order for Appearance of Person(s) With Physical Custody of the Child(ren)”</i>
SET 4 - COPY FOR THE JUDGE: <i>“Petition to Enforce Child Custody Order”</i>	SET 3 - COPIES FOR THE OTHER PARTY: <i>“Petition to Enforce Child Custody Order”</i> <i>“Order for Appearance of Person(s) With Physical Custody of the Child(ren)”</i>

STEP 3: GO TO THE SUPERIOR COURT TO FILE YOUR PAPERS: The court is open from 8:00 am-5:00 pm, Monday-Friday. **You should go to the court at least two hours before it closes.** You may file your court papers at the following Superior Court locations:

The Clerk of the Superior Court
Central Court Building
 201 West Jefferson, 1st floor
 Phoenix, Arizona 85003

The Clerk of the Superior Court
Southeast Court Complex
 222 East Javelina Avenue, 1st floor
 Mesa, Arizona 85210

The Clerk of the Superior Court
Northwest Court Complex
 14264 West Tierra Buena Lane
 Surprise, Arizona 85374

The Clerk of Superior Court
Northeast Regional Court Center
 18380 North 40th Street
 Phoenix, AZ 85032

FILE: Go to the Clerk of the Court filing counter to file your documents.

FEES: There is no filing fee for this procedure.

WHAT THE FILING CLERK WILL DO:

The Clerk will keep the original of the *“Petition to Enforce a Child Custody Order”* to place in the permanent Court file. The Clerk will then court-stamp all the originals and copies you have, to show what documents were filed, and give them back to you.

STEP 4: Take the *“Petition to Enforce a Child Custody Order”* and the other court papers given back to you by the Filing Clerk to **the Judge’s office** if your case is filed in Downtown or Northeast Phoenix, or Surprise, or **Family Court Administration** if your case is filed in Mesa. If you are not sure which Judge is assigned to your case, call Family Court Administration at: **602-506-1561** in Downtown Phoenix, **602-506-2021** in Mesa, **623-372-9403** in Surprise, or **602-372-7700** for the Northeast Court Facility (at 40th Street & Union Hills, Phoenix).

If you filed your **Petition in Downtown Phoenix or Surprise**, you will be directed to a waiting area outside the Judge's office. If you filed your **Petition in Mesa**, you will be told by Family Court Administration to take your papers to the floor where the Judge is located, where you will be met by the Judge's staff. If you filed your **Petition at the Northeast facility**, you will be directed to use the intercom system to contact the Judge's staff. You will be asked to wait until the Judge has the opportunity to grant or deny your Petition.

WARNING: If you have a custody order the Judge will often ask his or her staff to confirm that it is valid. This takes time. If you take your papers to the Judge late in the afternoon it is not always possible to confirm the validity of the custody order *until the next day*. You should try your very best to take your papers to the Judge as soon as possible *in the morning*.

What the Judge will do: The judge will look over the "**Petition to Enforce a Child Custody Order**," and may:

- Sign the "**Order for Appearance of Person(s) with Physical Custody of the Child(ren)**" without seeing you,
- OR ask you to come into the office and explain the situation,
- OR schedule a formal court hearing.

The Judge will then decide one of the following:

- To sign the "**Order for Appearance of Person(s) with Physical Custody of the Child(ren)**," which will schedule a court hearing.
- OR to reject your request and not sign the "**Order for Appearance of Person(s) with Physical Custody of the Children**" right then,
- OR to order whatever else the Judge thinks is proper. This includes orders against you if the Judge thinks you deliberately tried to do something improper by filing the "**Petition to Enforce a Child Custody Order**".

If the Judge signs the "**Order for Appearance of Person(s) with Physical Custody of the Child(ren)**", the Judge or his or her staff will keep the original and the courtroom clerk will make a certified copy to give you.

STEP 5: Get a certified copy of the completed "**Order for Appearance of Person(s) with Physical Custody of the Child(ren)**" and a copy of your petition legally served on the other party. You can hire a private process server for this, or you can go to the Maricopa County Sheriff's Office to have the documents served on the other party. If you go to the Sheriff's Office, someone at that office will ask you to fill out a form, or ask you many questions about the other party and the child(ren), including what they look like, where they live, where they work, and so forth. They may also ask you for pictures of the other party and the child(ren) if you have them, and will conduct a criminal history check on all parties involved. For more information on your options for legally serving the other party with court papers, please see the Self-Service Center packet Number Two on "**Service**".

STEP 6: **The Court Hearing.** Be sure to write down the date, time and place of the court hearing, and come to the hearing. Be on time. Dress neatly. Be prepared to show the Judge why you are entitled to the custody of the child. **Unless you have been ordered to bring your children to court, do not bring any children to Court.**