

# TO REGISTER A FOREIGN FAMILY COURT ORDER

# 1

## FOR CHILD CUSTODY

Legal Decision Making, Parenting Time, or Visitation

Part 1: Completing and Filing the Court Papers

**(Instructions)**

SELF-SERVICE CENTER

**REGISTER A FOREIGN (Out-of-State) COURT ORDER  
For CUSTODY, LEGAL DECISION MAKING,  
PARENTING TIME or VISITATION**

**PART 1 – COMPLETING AND FILING THE COURT PAPERS**

**(Instructions)**

This packet contains court-approved instructions to register a foreign (out-of-state) court order for custody, legal decision making, parenting time, or non-parent visitation in Arizona. 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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The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

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**INSTRUCTIONS: HOW TO FILL OUT THE FORMS TO REGISTER A FOREIGN (OUT-OF-STATE) COURT ORDER FOR CUSTODY, LEGAL DECISION MAKING, PARENTING TIME, OR NON-PARENT VISITATION**

ALL FORMS: PRINT NEATLY IN LARGE CLEAR LETTERS USING BLACK INK.

**NOTICE:** If specific address or identifying information would endanger a party or child and the information is not already known to other parties, write “Protected” in the space for that information and supply it to the court on the “Request for Protected Address” form available from any Self-Service Center location or the Self-Service Center website.

Form 1: **FAMILY COURT / SENSITIVE DATA COVERSHEET** (DRSDS10fc)

(All Forms: TYPE OR PRINT IN BLACK INK)

- Write in the information requested about the Petitioner and Respondent, (as listed in other state’s case), and any children still under the age of 18 who are subjects of the order.
- **DO NOT INCLUDE MAILING ADDRESS ON THIS FORM (OR OTHERS) IF REQUESTING ADDRESS PROTECTION.**
- **Case Type:** Mark the box [x] for “Register Foreign Custody Order”.
- **Interpreter:** Check “yes” or “no” to indicate whether an interpreter will be needed for any party. If “yes”, write in for what language(s).
- No additional copies of this document are needed.

**PLEASE NOTE:**

- The papers in this packet only serve to *register* the other state’s order in Arizona.
- Registration is effective when filed. (**A.R.S. § 25-1055**)
- The order is enforceable (in/by Arizona) as of the date of registration.
- A request to enforce the order may be filed at the same time as registration, or later.
- Separate forms are required to request the order be enforced or modified, and are available from the Self-Service Center.
- Arizona may not modify the order unless it has legal authority (“jurisdiction”) to do so.
- Arizona will not have jurisdiction unless the issuing court has lost jurisdiction because no child, parent, or person acting as parent reside in the issuing state (**A.R.S. § 25-1033**), or other basis of jurisdiction under **A.R.S. §§ 25-1031-1034** applies.

Form 2: **REQUEST TO REGISTER FOREIGN (Other State’s) COURT ORDER** (DRFOC11f)

This document serves as a cover or transmittal letter to state your request to the court and to accompany the documents required to register the foreign order in Arizona.

- Fill in the information requested at top left about the person filing the request to register the other state's order in Arizona.
- Do not fill in the box that says "For Court Use Only". The Clerk at the Filing Counter will stamp a new, case number in that space when the papers are filed.
  - Please read and be aware of the content of the statements that appear below the information about the order.
  - **Enclosures:** Read and check the appropriate boxes to indicate you are including the documents that apply to your situation
  - Sign and date the letter.

**Form 3: AFFIDAVIT TO REGISTER FOREIGN ORDER (DRFOC12f)  
(regarding Custody, Legal Decision Making, Parenting Time, or Non-Parent Visitation)**

- Fill in the information requested at top left about the person filing the request to register the other state's order in Arizona.
- Do not fill in the box that says "For Court Use Only". The Clerk at the Filing Counter will stamp a new, local case number in that space when the papers are filed.
- Write in the name of the Petitioner and Respondent as listed on the Order you are seeking to register in Arizona.
- Check one or more boxes to indicate the purpose for registering the other state's order in Arizona.

**1. INFORMATION ABOUT THE FOREIGN ORDER TO BE REGISTERED IN ARIZONA.**

- A.** Fill in the information requested about the foreign (non-Arizona) order to be registered.
- Check the box to indicate your understanding and belief that this is the most recent and valid order and that it has not been modified.
- B. "Have all parties named in the other state's order moved out of the issuing state?"**
- Answer "**Yes**" if the parties named in the order no longer live in the state that issued the order.
  - Answer "**No**" if any party named in the out-of-state order still lives in the issuing state.

**2. INFORMATION ABOUT THE PARTIES.**

Supply the information requested about the adult parties named in the other state's order. If specific address or identifying information would endanger a party or child and the information is not already known to other parties, write "Protected" in the space for that information. You will need to supply the information to the Court on the "**Request for Protected Address**" form available from the Self-Service Center or the Self-Service Center website.

**3. INFORMATION ABOUT MINOR CHILDREN IN THE OUT-OF-STATE CASE.**

Supply the information requested about the children named in the other state's order.

**4. ADDITIONAL CASE INFORMATION.**

List any states (not including the issuing state) where the order has previously been registered.

Note that you will need to supply additional information about the children who are still under the age of 18 on the separate “**Affidavit Regarding Minor Children to Register Foreign Order**”, DRFOC13f, the next document in the “Forms” packet.

Sign the form in the presence of a Clerk of the Court or a Notary Public. By signing this document you are stating to the court under oath or by affirmation, that the information you have provided is true and correct. Note that intentionally providing false information could subject you to prosecution for the crime of perjury.

**Form 4: AFFIDAVIT REGARDING MINOR CHILDREN TO REGISTER FOREIGN CUSTODY ORDER (DRFOC13f)**

- Fill in the information requested at top left about the person filing the request to register the other state’s order in Arizona.
- Do not fill in the box that says “For Court Use Only”. The Clerk at the Filing Counter will stamp a new, local case number in that space when the papers are filed.
- Write in the name of the Petitioner and Respondent as listed on the other state’s order.

**1. FIVE YEAR RESIDENTIAL HISTORY FOR EACH MINOR.**

- Space is provided on this form to list three (3) minor children and their residential history for the past five (5) years, or since birth for any younger than five.
- **IF THERE ARE MORE THAN THREE (3):** Check the box at the bottom of page 2 to indicate additional minor children (and their residential histories) are listed on an “**Additional Children**” document included with, and which should be considered part of this Affidavit. Your oath or affirmation on this Affidavit that the information provided is true and correct to the best of your knowledge and belief applies to the extra page(s) as well.
- You are also required to list the current address of any adult with whom any child named in the order lived over the past five years **unless**:
  1. that information is not already known to other parties, **AND**
  2. that information would endanger those persons or someone else if made public or included with documents to be served on (delivered to) other parties in the case.

If **BOTH** 1 and 2 above apply, write “Protected” in the space provided for the address and supply that information on the **Request for Protected Address** form available from the Self-Service Center or the Self-Service Center website.

**REGARDING 2, 3, and 4 (below):** Space is provided to describe only one other custody related case, one other non-custody related case or proceeding, and one non-party person (or agency) who claims rights regarding one or more children named in the other state’s order, **if there is more than one**:

- Check the box at the bottom of each section to indicate you are supplying the same information as required for that section on extra pages, which should be considered part of this Affidavit.
- Give the added pages the same title as the section for which you are supplying the additional information, for example “**Other Cases you participated as a party, a witness . . .**” etc.
- Your oath or affirmation on the Affidavit that the information provided is true and correct applies to the extra page(s) as well.

2. **OTHER COURT CASES YOU PARTICIPATED AS A PARTY, A WITNESS OR OTHERWISE IN ANY MATTER THAT ADDRESSED YOUR CUSTODY, VISITATION OR PARENTING TIME** involving any minor named in the other state's order (other than the case which resulted in the other state's order).

Check "Yes" or "No" to indicate whether there are other court cases as described above. If "yes", read carefully and provide the information requested.

3. **ANY DOMESTIC VIOLENCE, PROTECTIVE ORDER, TERMINATION OF PARENTAL RIGHTS AND ADOPTIONS INVOLVING ANY OF THE PARTIES IN THE CASE YOU ARE SEEKING TO REGISTER.** Check "Yes" or "No" to indicate whether there are other any cases or proceedings like the cases listed.

4. **ANY OTHER PERSON WHO HAS PHYSICAL CUSTODY OF OR VISITATION WITH THE CHILDREN LISTED.** Check "Yes" or "No" to indicate whether there are persons other than those listed in the other state's order who claim a right to physical custody or visitation of any minor named in that order. Use the space provided to list those persons' names and (if not protected) addresses. Briefly explain why each believes he or she has or should have rights concerning any child named in the other state's order. For example you could simply list their relation to the child or children, such as "grandparent", or state that one or more of the children lived with that individual for some period of time.

## **YOUR SIGNATURE**

**Sign the form** in the presence of a Clerk of the Court or a Notary Public. By signing this document you are stating to the court under oath or affirmation that the information you have provided is true and correct to the best of your knowledge and belief. Note that intentionally providing false information could subject you to prosecution for the crime of perjury.

**NEXT:** Go to "**PROCEDURES, What to do After Completing all Forms**" DRFOC10P, (the last document in this "Instructions" packet) and follow the instructions on how to organize and file your papers.

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**PROCEDURES: WHAT TO DO AFTER YOU HAVE COMPLETED ALL FORMS TO REGISTER A FOREIGN CUSTODY COURT ORDER**

(for CUSTODY, LEGAL DECISION MAKING, PARENTING TIME, OR NON-PARENT VISITATION IN ARIZONA)

**AFTER YOU HAVE COMPLETED THE FOLLOWING DOCUMENTS:**

- “Family Court Sensitive Data Cover Sheet”, DRSDS10f-c (no copies needed)
- “Request to Register” letter, DRFOC11f
- “Affidavit to Register a Foreign Order”, DRFOC12f
- “Affidavit Regarding Minor Children to Register Foreign Custody Order”, (DRFOC13f), along with any extra pages used.
- “Five Year Residential History – Additional Children”, (DRFOC13fb) (if necessary)

**STEP 1. GATHER CERTIFIED COPIES OF THE ORDER(S)** to be registered.

**STEP 2. MAKE 2 COPIES** (or more, if more than one other party is involved) **of the following:**

- Request to Register letter
- Affidavit to Register Foreign Custody Order
- Affidavit Regarding Minor Children (along with any extra pages)
- The foreign order(s) being registered

**STEP 3. SEPARATE YOUR DOCUMENTS INTO 3 SETS\*** (or More, if additional parties)

SET 1 – FOR CLERK OF COURT	SET 2: Your Copy
<b>Originals</b> (some will be copies of originals) <ul style="list-style-type: none"><li>• Family Court Sensitive Data Coversheet</li><li>• Request to Register letter</li><li>• Affidavit to Register Foreign Custody Order</li><li>• Affidavit Regarding Minor Children + extra</li><li>• Five Year History sheet – if needed</li><li>• One certified copy of Foreign Order</li></ul>	<ul style="list-style-type: none"><li>• Request to Register letter</li><li>• Affidavit to Register Foreign Custody Order</li><li>• Affidavit Regarding Minor Children + extra</li><li>• Five Year History sheet – if needed</li><li>• Copy of Foreign Order</li></ul>
	<b>SET 3 (or more):* Other Party’s Copy</b> <ul style="list-style-type: none"><li>• Request to Register letter</li><li>• Affidavit to Register Foreign Custody Order</li><li>• Affidavit Regarding Minor Children + extra</li><li>• Five Year History sheet – if needed</li><li>• Copy of Foreign Order</li></ul>
<b>SET 4 (or more)*.</b> Only if needed. (See below)	
<b>*If more than one other adult</b> (or agency) is listed as a party in the order being registered, you will need to make an <b>additional</b> set of the documents listed in Set 3 for <b>each party</b> .	

#### STEP 4. FILE YOUR PAPERS WITH THE CLERK OF COURT.

Court is open from 8:00 A.M. to 5:00 P.M., Monday through Friday, except holidays. You may file at any of the following court locations.

##### Central Court Building

201 West Jefferson, 1st floor  
Phoenix, Arizona 85003

##### Northwest Court Complex

14264 West Tierra Buena Lane  
Surprise, Arizona 85374

##### Southeast Court Complex

222 East Javelina Avenue, 1st floor  
Mesa, Arizona 85210

##### Northeast Court Complex

18380 North 40<sup>th</sup> Street  
Phoenix, Arizona 85032

**FEES:** There is a filing fee to register another state's order regarding matters of custody, legal decision making, parenting time, or non-parent visitation. If you cannot afford the filing fee, you may obtain the (free) fee deferral (payment plan) or waiver application from any Superior Court Self-Service Center location or from the Self-Service Center online.

Go to the Clerk of the Court's Filing Counter. Hand over the originals, all sets of copies, and the filing fee or **Fee Deferral Application** to the Clerk at the filing counter.

##### The Clerk will:

- Assign a new Maricopa County case number,
- Review the Fee Deferral Application (if applicable). (You will later receive a bill or payment plan if fees are not waived).
- Keep the originals and all but one set of copies,
- Stamp the extra copies to indicate they conform to (are the same as) documents filed with the Court, *and*
- Return one set of stamped ("conformed") copies for you to keep for your records.

**NOTE:** For purposes of *enforcement*, a custody, legal decision making, parenting time or (non-parent) visitation order is registered when filed (A.R.S. § 25-1055), and may be immediately enforced in the same manner as an order issued by a court of this state, however no court of this state may *modify* that order if the issuing court still has jurisdiction (A.R.S. §§ 25-1033, 1056).

#### AFTER YOU FILE:

- The Court will notify the non-registering party of your request to register the other state's order in Arizona. Notice will include copies of orders involved and related documents.
- Those receiving notice have **twenty (20) days** to request a hearing to object or otherwise respond to the order being registered in Arizona.
- For purposes of responding to registration and a request to **enforce** the order, the other parties may seek to vacate (cancel) the registration, defend against accusations they violated the order, or dispute what you are asking the Court to order.
- For purposes of responding to registration and a request to **modify** the order, the other parties may dispute whether Arizona has jurisdiction to do so if any parties still live in the issuing state and no other provisions of A.R.S. § 25-1031-1034 apply.

**If a non-registering party requests a hearing, the Court will notify all parties of the date, time and place of the hearing.**

**STEP 5 (A). IF THERE IS A HEARING: GO.** If a conference and hearing have been scheduled, be sure to write down the date, time and place, and attend the hearing.

- **Be on time.**
- **Dress neatly.**
- **Do not bring children to court.**

A party disputing the validity or enforcement of a registered order or seeking to vacate (cancel) the registration has the burden of proving one or more of the defenses listed in **A.R.S. § 25-1055 (D)**.

#### **WHAT THE COURT WILL DO:**

**If a party presents evidence establishing a full or partial defense**, the court may:

- Stay (halt or prevent) enforcement of the registered order,
- Continue the proceeding to permit introduction of additional relevant evidence,
- Enforce the uncontested parts of the order.

**If the contesting party does not establish a defense** to the validity of the order itself or to enforcement of the order, the court will issue an order confirming the order. **A.R.S. § 25-1055(D)**

#### **STEP 5 (B). IF THERE IS NO HEARING.**

**If no request for hearing is made within 20 days**, in accord with **A.R.S. § 25-1055 (D)** and **(E)**,

- 1. Registration will be confirmed by operation of law** (automatically),
- 2. Later attempts to dispute any matter that could have been brought up will be barred, and**
- 3. The court will notify the person who requested registration and all other parties previously served of the confirmation.**

**NOTICE: Once registration is confirmed**, whether after notice and hearing or by operation of law because no party requested a hearing to dispute it, **later attempts to dispute any matter that could have been brought up at the time of registration are barred.** **A.R.S. § 25-1055 (F)**

Once registration is confirmed, the order may be enforced as if issued by a court of this state. Separate requirements apply however, for this state to be able to **change** the order. If you want to modify the registered order, see **A.R.S. § 25-1033** and the other statutes it mentions to help determine whether Arizona may now or in the future have jurisdiction to modify the order, or consult an Arizona licensed attorney for advice.