

# **TO REGISTER A FOREIGN FAMILY SUPPORT ORDER**

**1**

**For Spousal or Child Support or Income Withholding for  
Family Support Payments**

**Part 1: Completing and Filing the Court Papers  
(INSTRUCTIONS)**

SELF-SERVICE CENTER

**REGISTER A FOREIGN (Out-of-State)  
FAMILY SUPPORT ORDER**

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

**(INSTRUCTIONS)**

This packet contains court-approved instructions to register a foreign (out-of-state) family support order in Arizona for spousal maintenance, child support, or for income withholding for payment of family support. 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 FORMS TO REGISTER A FOREIGN (OUT-OF-STATE) FAMILY SUPPORT ORDER.

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. 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 web site.

**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 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.

**Form 2: REQUEST TO REGISTER FOREIGN FAMILY SUPPORT ORDER (DRFOS11f)**

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 (other state's) 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.
1. Check the box for **1A** if there is a single non-Arizona order involved that you want to register. Check the box for **1B** if there are multiple out-of-state orders and you are asking this court to declare a particular one as the controlling order, and to register that order. Check the box for **1C** if there are multiple out-of-state orders and you want the court to decide which one is the controlling order and to register that order.
  2. Please read and be aware of the content of these statements.
  3. **Enclosures:** Read and check the appropriate boxes to indicate you are including the documents that apply to your situation (and sign and date the **Request to Register** letter).

**Form 3: AFFIDAVIT FOR REGISTERING FOREIGN SUPPORT ORDER (DRFOS12f)**

- 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 to be registered in Arizona. If asking Arizona to declare which of several orders is the "controlling order", list the Petitioner and Respondent as named on the most recent other state's order.

**PLEASE NOTE:**

- The papers in this packet only serve to *register* the other state's order. Separate forms to request enforcement or modification of the order being registered are available from the Self-Service Center. Requests to enforce or modify can be filed at the same time as the request to register the foreign order, or later.
- While Arizona can act to **enforce** the order if the person ordered to pay support lives or works in this state, Arizona may not **change** or modify the order unless it has jurisdiction to do so.
- Arizona will not have jurisdiction to modify unless all parties have moved out of the issuing state at some time since the order was issued (even if they moved back later), or parties remaining in the issuing state have filed papers in the courts of that state saying they consent to the transfer of jurisdiction to Arizona. Other conditions may apply. See **A.R.S. §§ 25-1221-1231, 1311, 1313**.
- Arizona's **Division of Child Support Services (DCSS)** may be able to enforce the other state's order without your having to go through the registration process if requested by you or the family support enforcement agency of the state that issued the order. (**A.R.S. § 25-1287**)

**UNDER OATH OR AFFIRMATION**, carefully read and fill out the rest of this form accurately and completely.

1. **A.** Fill in the information requested about the other state's (non-Arizona) order to be registered. If more than one order is in question, provide information here about the one order you believe to be the valid and controlling order, or if more than one order is involved and you are asking the court to determine which order is valid and controlling, list information here about the most recent order involved.

**B. "Have all parties named in the other state's order either moved out of the issuing state or filed a "consent to transfer to Arizona"?"**

- Answer "**Yes**" if all parties named in this order:
  1. Moved out of that state at some time since the order was issued, **OR**
  2. Any party who has remained in the issuing state has filed papers in the courts of the issuing state to consent to the transfer of jurisdiction to Arizona.
- Answer "**No**" if any party named in the other state's order still lives in the issuing state, has never moved from that state since the order was issued, and has not filed a "consent to transfer".

If a party remains in the issuing state who has not filed a "Consent to Transfer" in the courts of that state, Arizona may still enforce the order even if it does not have the authority to *change* the order. (**A.R.S. § 25-1303(C)**)

2. Answer **“Yes”** if the order described in “1” is the only order under which money is still owed, whether for arrears, meaning overdue support payments, or current, ongoing child or spousal support. Skip Section 3 and go directly to Section 4. If the answer is **“No,”** meaning there are multiple orders under which money is owed, whether for arrears or current, ongoing child or spousal support, fill out Section 3.

3. **INFORMATION ABOUT ADDITIONAL ORDERS** (for either current support or arrears (“back support”) or income withholding). You may supply information for up to two (2) additional orders here (A,B). If there are more than two orders involved, check the box at the end of 3(B) to indicate the same information for additional orders is included on separate pages.

**C. ARREARS.** Enter the total amount of overdue support (arrears) from **all** orders involved (and which you will supply copies of).

**D. CERTIFIED STATEMENT OF ARREARS.** Check the box for “D” if you are including a certified statement of arrears from the court or agency responsible for maintaining records of support payments.

4. **INFORMATION ABOUT THE PARTIES**

Supply the information requested about the adult parties named in the order described in “1”. As stated on the form, 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 from the Self-Service Center web site.

5. **ADDITIONAL INFORMATION.**

A. Read the question and answer “Yes” or “No” to the best of your belief.

B. If the answer to “A” is “Yes” list the states here. Do not include the issuing state.

C. Read the question and answer “Yes” or “No” to the best of your belief. If “Yes,” list and describe the property.

D. Other Information: If there are any Income Withholding Orders in effect for either current or overdue support or other information specifically related to the support order being registered, that has not already been mentioned, describe here, as specifically as possible.

**UNDER OATH OR AFFIRMATION,** 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.

**NEXT:** After you have completed all forms go to **“PROCEDURES, What to do After Completing all Forms”** DRFOS10P, (the last document in this packet) and follow the instructions on what to do next.

## SELF-SERVICE CENTER

### PROCEDURES: WHAT TO DO AFTER YOU HAVE COMPLETED ALL DOCUMENTS TO REGISTER A FOREIGN (OUT-OF- STATE) FAMILY SUPPORT ORDER IN ARIZONA

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

- “Family Court Sensitive Data Cover Sheet”, DRSDS10f-c (no copies needed)
- “Request to Register” letter, DRFOS11f
- “Affidavit to Register a Foreign Support Order”, DRFOS12f

**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 Support Order
- The foreign order(s) to be registered (or if multiple orders involved, of each order)
- Every “Consent to transfer to Arizona” filed in the other state’s court (if any).

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

<p><b>SET 1 – FOR CLERK OF COURT</b></p> <p><b>Originals</b> (some will be copies of originals)</p> <ul style="list-style-type: none"> <li>• Family Court Sensitive Data Coversheet</li> <li>• Request to Register letter</li> <li>• Affidavit to Register Foreign Support Order</li> <li>• One certified copy of Other State’s Order(s)</li> <li>• One certified copy of all “Consent(s) to Transfer” (if any)</li> </ul>	<p><b>SET 2: Your Copy</b></p> <ul style="list-style-type: none"> <li>• Request to Register letter</li> <li>• Affidavit to Register Foreign Support Order</li> <li>• Other State’s Support Order(s)</li> <li>• “Consent(s) to Transfer” (if any)</li> </ul>
<p><b>SET 4 (or more)*</b> Only if needed (See below).</p>	<p><b>SET 3 (or more):* Other Party’s Copy</b> (Will be kept and served by Court)</p> <ul style="list-style-type: none"> <li>• Request to Register letter</li> <li>• Affidavit to Register Foreign Order</li> <li>• Affidavit Regarding Minor Children + extra</li> <li>• Copy of Other State’s Order</li> <li>• “Consent(s) to Transfer” (if any)</li> </ul>

**\*If more than one other adult** (or agency) is listed as a party in the order being registered, you will need to make an **additional** set of the documents listed in Set 3 for **each** additional party.

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

Court is open from 8 A.M. to 5 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

**Southeast Court Complex**  
222 East Javelina Avenue, 1st floor  
Mesa, Arizona 85210

**Northwest Court Complex**  
14264 West Tierra Buena Lane  
Surprise, Arizona 85374

**Northeast Court Complex**  
18380 North 40<sup>th</sup> Street  
Phoenix, Arizona 85032

**FEES:** There is **no fee** for filing to register another state's support order, but note there is a fee to file the (separate) papers to request that the order registered be *enforced or modified* by this Court.

Forms to apply for a fee deferral (payment plan) or waiver if you cannot afford the filing fee or cost of serving notice by sheriff or by publication for a request to enforce or modify are available at no cost from any Superior Court Self-Service Center location, or the Self-Service Center web site.

**GO TO THE CLERK OF THE COURT'S FILING COUNTER:** Hand over the originals and all sets of copies to the Clerk at the filing counter. **The Clerk will:**

- Assign a new Maricopa County case number,
- 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 support or income withholding order is registered when filed with this court, 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. § 25-1303.**

#### **AFTER YOU FILE:**

- The Court will notify the non-registering party of your request to register the other state's order in Arizona and, if necessary, to determine a controlling order. 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, disagree about the amount of unpaid, overdue support (arrearages) or which of several orders is valid or controlling, 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 who have not filed consent to transfer jurisdiction to Arizona, and no other provisions of **A.R.S. § 25-1311** or **1313** apply.
- Failure to dispute the validity of the order within the 20 days will result in confirmation of the order, assumption that the amount of arrears said to be owed (if any) is correct, and bar later attempts to dispute any matter that could have been brought up at this time. **A.R.S. § 25-1308**
- **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. IF THERE IS A HEARING, GO.** If a conference and hearing have been scheduled, be sure to write down the date, time and place of the court hearing, 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. § 25-1307**.

**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. § 1307 (C)**

Once an order has been confirmed, later attempts to dispute any matter that could have been brought up at the time of registration are barred. **A.R.S. § 25-1308**

**NOTICE: IF A CONFIRMED ORDER IS MODIFIED:**

**Within 30 days after the new order is issued**, the person who requested the modification must, according to **A.R.S. § 25-2314**, file a certified copy of the new, modified order with:

1. The court or other tribunal (court or other institution with authority over such matters) that had jurisdiction over the order now registered in Arizona, and
  2. In each court or tribunal in which the party knows the earlier order has been registered.
- A party who obtains a modified order and fails to file a certified copy is subject to sanction (punishment) by a tribunal in which the issue of failure to file comes up.
  - Failure to file does not affect the validity or enforceability of the modified order issued.