

TO ENFORCE A COURT ORDER TO PAY

1

SUPPORT

**Child Support, Spousal Maintenance,
Medical Expense Reimbursement and
Medical Insurance Coverage**

FORMS & INSTRUCTIONS

SELF-SERVICE CENTER

PETITION AND PAPERS
TO ENFORCE A COURT ORDER TO PAY SUPPORT

CHECKLIST

You may use this packet if . . .

- ✓ You have a Court Order from Yuma County for child support, spousal maintenance, medical insurance coverage, or for reimbursement of medical, dental or vision care expenses not covered by insurance, **AND**
- ✓ The other party is behind in child support, spousal maintenance, and/or medical expense reimbursement payments at least one full month, **OR**
- ✓ The other party is not providing medical insurance coverage, **OR**

DO NOT USE THESE FORMS:

- ✗ if your Order is from a court outside this county (unless a lawyer has advised you to).
- ✗ to try to *change* your existing Order.

WARNING: If the order you want to enforce is not from this county, ask a lawyer about the requirements to file your Petition (Request) with this Court.

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

TO ENFORCE A COURT ORDER TO PAY SUPPORT

(Forms and Instructions)

This packet contains court forms and instructions to file to enforce a court order to pay 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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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.

SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO COMPLETE THE PETITION TO ENFORCE A COURT ORDER FOR SUPPORT

TYPE OR PRINT CLEARLY. USE BLACK INK ONLY.

Match the numbered instructions to the numbers on the “Petition to Enforce.”

- (1) Fill in the name, address, and phone number of the person requesting enforcement. If filed by an attorney, the attorney must also list his or her name and State Bar Number.
- (2) Fill in the name of the persons shown as “Petitioner” and “Respondent” on the case where the support order you are trying to enforce was issued.
- (3) Fill in the ATLAS number (if known) that applies to this case.
- (4) Fill in the case number that was assigned for the case where the support order you are trying to enforce was issued.
- (5) Check the appropriate box or boxes to indicate the type of support you are asking the Court to enforce. Do ***not*** check the boxes for Child Support, Spousal Maintenance, or “Arrears” for either unless the other person is at least one full month behind in payments.

INSTRUCTIONS FOR SECTION A

Complete Section A *only* if you marked the box(es) to enforce Child Support and/or Child Support Arrears.

- (A)(1)** Date(s) of the Order(s) you want to have enforced.
- (2) Name of the Judicial Officer who signed your order.
- (3) Name of the party who owes you child support.
- (4) Amount of child support the Court ordered the other party to pay **AND** the ***exact wording of the Order***. If you do not have a copy of your order, you may get a copy from the Clerk of the Court at any of the following locations:

**Yuma County Justice Center
Clerk of Superior Court
250 W. 2nd Street
Yuma, Arizona 85364**

- (5) Enter the total amount of child support past due.
- (6) Enter the *time period* for which you claim the past due support was not paid.

- (7) Enter total amount of any Child Support Payments made directly to you and NOT through the Clearinghouse.

INSTRUCTIONS FOR SECTION B

Complete Section B *only* if you marked the box(es) to enforce Spousal Maintenance (alimony) and/or Spousal Maintenance Arrears (back alimony).

- (B)(1) Date(s) of the Order(s) you want to have enforced.
- (2) Name of the Judicial Officer who signed your Order.
- (3) Name of the party who owes you spousal maintenance.
- (4) Amount of spousal maintenance the court ordered the other party to pay **AND** the **exact wording of the Order**. If you do not have a copy of your order, you may get a copy from the Clerk of the Court at any the locations listed under (A) (4) on the previous page.
- (5) Enter the total amount of spousal maintenance past due.
- (6) Enter the time period for which you claim the past due support was not paid.
- (7) Enter total amount of any Spousal Maintenance Payments made directly to you and NOT through the Clearinghouse.

INSTRUCTIONS FOR SECTION C

Complete Section C *only* if you marked the box(es) to enforce Medical Expense Reimbursement or Medical Insurance Coverage. NOTE: *If you complete Section C, you must also complete and attach "Attachment A", the "Unreimbursed Medical Expense Worksheet"* (which includes dental and vision care expenses).

- (C)(1) Date(s) of the Order(s) you want to have enforced.
- (2) Name of the Judicial Officer who signed your Order.
- (3) Name of the party who owes you reimbursement of medical, dental, or vision care expenses or who was ordered to provide insurance coverage.
- (4) What the Order said about providing insurance coverage or payment of medical expenses. Use the **exact wording of the Order**. If you do not have a copy of your order, you may get a copy from the Clerk of the Court at any the locations listed under (A) (4) on the previous page.
- (5) **IF** the other person failed to provide insurance coverage as ordered, enter the *time period* for which you claim insurance coverage was not provided.
- (6) **Complete Attachment A, the *Unreimbursed Medical Expense Worksheet*.** Enter the total amount of reimbursement that is *past due* according to the **Worksheet**.

REQUESTS TO THE COURT

There is nothing for you to fill out in this section. The Court may consider these or other actions appropriate for your situation.

OATH OR AFFIRMATION

Do *not* sign and date the **Petition** until you are directed to do so by a Clerk of the Superior Court or a Notary Public. Your notarized signature states to the Court that the information you have provided is true and correct to the best of your knowledge, under penalty of law.

PROCEDURES: WHAT TO DO AFTER YOU HAVE COMPLETED THE PETITION

After you have completed the **Petition** and any required **Worksheets**, go to the "Procedures" page at the end of this packet and follow the steps listed there concerning number of copies, filing fees, etc.

NOTICE TO THE PERSON FILING THIS PETITION: After this petition is filed with the Clerk of the Court you must get an **Order to Appear** from the **Family Court Conference Center**. The **Order to Appear** will tell you what information you need to bring to court and the date and time of your conference and hearing. The person who filed the petition must arrange delivery of the **Petition** and the **Order to Appear** to the other person.

Delivery may be by licensed process server, law enforcement officer, or by return receipt mail or commercial delivery service (such as FedEx, DHL, or UPS) where you can obtain a copy of the other party's signature of receipt to file with the Court. You may **only** hand-deliver or otherwise send without proof of delivery if the other person will sign an **Acceptance of Service**, in front of a Notary Public or a Clerk of the Superior Court, and will return that form for you to file with the Court.

Person Filing: _____
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

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

Case No. _____

Petitioner / Party A

ATLAS No. _____

Respondent / Party B

**FAMILY DEPARTMENT SENSITIVE DATA
COVERSHEET WITH CHILDREN
(CONFIDENTIAL RECORD)**

Fill out. File with Clerk of Superior Court. Social Security Numbers should appear on this form only and should be omitted from other court forms. Access Confidential pursuant to ARFLP 43.1(f).

A. Personal Information:

Petitioner / Party A

Respondent / Party B

Name

Gender

Date of Birth (Month/Day/Year)

Social Security Number

☐ Male or ☐ Female

☐ Male or ☐ Female

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

Mailing Address

City, State, Zip Code

Contact Phone

Receive texts from Court to
contact phone number above?

☐ Yes ☐ No texts

☐ Yes ☐ No texts

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

C. Type of Case being filed: Mark only one (1) category below. (*) Mark this box only if no other case type applies.

☐ Dissolution (Divorce)

☐ Paternity

☐ Order of Protection

☐ Legal Separation

☐ *Legal Decision-Making
/ Parenting Time

☐ Register Foreign Order

☐ Annulment

☐ *Child Support

☐ Other

D. Do you need an interpreter? ☐ Yes or ☐ No. If Yes, what language? _____

DO NOT COPY this document. DO NOT SERVE THIS DOCUMENT to the other party.

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 YUMA COUNTY

Petitioner (2)

Case Number _____ (4)

Respondent (2)

ATLAS No. _____ (3)

PETITION TO ENFORCE

- (5) ☐ Child Support
☐ Child Support Arrears
☐ Spousal Maintenance (alimony)
☐ Spousal Maintenance Arrears
☐ Medical Insurance Coverage
☐ Medical Expense Reimbursement

SECTION A: Complete this section ONLY if you marked boxes above to enforce Child Support and/or Child Support Arrears.

On this date (1) _____, the Honorable (2) _____, a Judicial Officer of the Superior Court of Arizona, ordered (3) _____ to pay child support as follows: (4) _____

The total amount of **child support** past due beginning from the first court order to present is (5) \$_____, for the time period beginning (6) _____, through _____.

Child support payments made directly to me since the first court order are (7) _____. (If the amount is more than zero, please complete an Affidavit of Direct Payment and file it with this Petition)

SECTION B: Complete this section ONLY if you marked boxes above to enforce Spousal Maintenance (alimony) and/or Spousal Maintenance Arrears.

On this date (1) _____, the Honorable (2) _____, a Judicial Officer of the Superior Court of Arizona, ordered (3) _____ to pay spousal maintenance as follows: (4)

The total amount of **spousal maintenance** past due and owed since the first court order is (5) \$ _____, for the time period beginning (6) _____, through _____.
Spousal maintenance payments made directly to me since the first court order are (7) _____. (If the amount is more than zero, please complete an Affidavit of Direct Payment and file it with this Petition.)

SECTION C: Complete this section ONLY if you marked any of the boxes to enforce: Medical Insurance Coverage or Reimbursement of Medical / Dental / Vision Care Expenses.

On this date (1) _____, the Honorable (2) _____, a Judicial Officer of the Superior Court of Arizona, ordered (3) _____ to obtain medical insurance coverage and/or to pay the following percent of uninsured medical, dental or vision expenses as follows: (4)

The time period for which medical insurance coverage was not provided is from (5) _____ to _____.

I have completed and attached "**Attachment A**", the "**Unreimbursed Medical Expense Worksheet**", a **chronological** (earliest to most recent) **summary** of all bills claimed, insurance payments, personal payments, and the remaining unpaid balance on each bill. The **Worksheet** shows the total amount of **medical, dental or vision care expense reimbursement** that is past due is (6) _____. Documentation of these expenses has been presented to the other party **and** reimbursement is **more than 30 days past due**.

REQUESTS TO THE COURT

I request that the Court consider any or all of the following action(s):

- Order the other person to bring to the conference those items set forth in the Order to Appear.
- Enter judgment for past-due support, un-reimbursed uninsured medical/dental/vision care expenses, clerk's fees, service costs, and other court costs against the other party.
- Enter an Income Withholding Order to require the other person's employer to take money for the following from the other person's paycheck: current child support, child support arrears, current spousal maintenance, and/or spousal maintenance arrears.
- Order the other person to pay support through the Support Payment Clearinghouse.
- Find the other party in civil contempt of court and order sanctions including but not limited to, incarceration and the posting of a surety bond.
- Issue a civil or child support arrest warrant if the other party fails to appear, and/or enter a default judgment.
- Order the other party to provide evidence of medical insurance coverage within a fixed period of time.
- Order other relief as deemed just and proper by the court.

OATH OR AFFIRMATION for PETITION TO ENFORCE SUPPORT ORDER

I state to the Court under penalty of perjury that 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

IMPORTANT INFORMATION

After this petition is filed with the Clerk of the Court you must get an Order to Appear from the Family Court Conference Center. The Order to Appear will tell you what information you need to bring to court and the date and time of your conference and hearing. The person who filed the petition must arrange delivery of the petition and the **Order to Appear** to the other person.

Delivery may be by licensed process server, law enforcement officer, or by return receipt mail or commercial delivery service (such as FedEx, DHL, or UPS) where you can obtain a copy of the other party's signature of receipt to file with the Court. You may **only** hand-deliver or otherwise send without proof of delivery if the other person will sign an **Acceptance of Service**, in front of a Notary Public or a Clerk of the Superior Court, and will return that form for you to file with the Court.

The conference and hearing may last two hours and additional conferences or hearings may be scheduled if needed. Conferences are for the Petitioner and the Respondent. Attorneys are invited to attend and participate in the conference. Spouses, children, family members, significant others, and friends will **not** be allowed in the conference.

DO NOT BRING CHILDREN.

They will not be allowed in the conference or hearing and may NOT be left unattended.

Attachment A: UNREIMBURSED MEDICAL, DENTAL & VISION CARE EXPENSES

Case Number: _____

Father's Name:

Father's share of all unreimbursed expenses listed on this sheet is:

Mother's Name:

Mother's share of all unreimbursed expenses listed on this sheet is:

Total: 100%

[illegible]

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 YUMA COUNTY

Name of Petitioner

Case No. _____

ORDER TO APPEAR

Name of Respondent

Read Me: This is an important Court Order that affects your rights. Read this Order carefully. If you do not understand this Order, contact a lawyer for help.

Based on the _____, the documents filed with it, and pursuant to Arizona Law,

IT IS ORDERED THAT YOU _____ (name) appear at the time and place stated below so the court can determine whether the relief asked for in the Motion/Petition should be granted.

NAME OF JUDICIAL OFFICER: _____

DATE AND TIME OF HEARING: _____

PLACE OF HEARING: Yuma County Superior Court

ADDRESS: _____

IT IS FURTHER ORDERED that a true copy of this "Order to Appear" and a true copy of the Motion/Petition and documents filed with the Motion/Petition shall be served by the moving party on the parties who are required to appear and a true copy of these documents shall be mailed immediately to parties who have appeared in this action, in accordance with Arizona Rules of Family Law Procedure, Rules 40-43, 47.

Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case by the party needing accommodation or his/her counsel at least three (3) judicial days in advance of a

scheduled proceeding.

Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

DONE IN OPEN COURT: _____.

Judge/Commissioner of the Superior Court

Read Me: This is a 15-minute proceeding with the court. The court will determine if more time is needed. All parties, whether represented by attorneys or not, must be present. If there is a failure to appear, the court may make such orders as are just, including granting the relief requested by the party who does appear.

PROCEDURES: WHAT TO DO AFTER YOU HAVE COMPLETED ALL DOCUMENTS TO ENFORCE A SUPPORT ORDER

STEP 1. MAKE THREE (3) COPIES (4, IF DES/DCSS is involved*) OF THE:

- “Petition to Enforce a Support Order”
- Attachment A (if required)

STEP 2. Separate your papers into 3 sets (4, if DES / DCSS are involved).

SET 1 - ORIGINALS FOR CLERK OF SUPERIOR COURT <ul style="list-style-type: none">• “Petition to Enforce a Support Order”• Attachment A – if required	SET 2 - COPIES FOR FAMILY DEPARTMENT <ul style="list-style-type: none">• “Petition to Enforce a Support Order”• Attachment A – if required
SET 3 - COPIES FOR OTHER PARTY <ul style="list-style-type: none">• “Petition to Enforce a Support Order”• Attachment A – if required	SET 4 - COPIES FOR YOU <ul style="list-style-type: none">• “Petition to Enforce a Support Order”• Attachment A – if required

* If DES or DCSS is involved you will also need an extra copy of the *Petition*, any *Attachments* and the *Order to Appear* to serve on the State as described in **STEP 5** on next page.

STEP 3. FILE THE PAPERS AT THE COURT:

GO TO THE CLERK OF SUPERIOR COURT’S FILING COUNTER: Hand over the originals and all three sets of copies to the Clerk of Superior Court at the filing counter **and pay the filing fee**. The Clerk of Superior Court will keep the originals, stamp the extra copies to show that these are copies of papers you have filed with the Court, *and return the stamped* (now called "conformed") copies to you.

You may file your papers from 8:00 a.m. to 5:00 p.m., Monday through Friday, at the following Superior Court locations:

**Yuma County Justice Center
Clerk of Superior Court
250 W. 2nd Street
Yuma, Arizona 85364**

FEES: A list of current fees is available from the Law Library Resource Center and from the Clerk of Superior Court's website.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a deferral (payment plan) when you file your papers with the Clerk of Superior Court. Deferral Applications are available at no charge from the Law Library Resource Center.

NOTE: WITHIN 30 DAYS AFTER YOU FILE these papers, you must **SEND THE OTHER PARTY** any documentation that supports your claim – including **PROOF OF PAYMENT**.

**DELIVER SET 2 OF THE CLERK-STAMPED COPIES and
PICK UP AN "ORDER TO APPEAR".**

Family Department Center will schedule a conference and hearing. You and the other party will meet with a conference officer to talk about the case to try to reach agreement on as many issues as possible. For those matters on which you are unable to reach full agreement, a hearing will be held just after your conference to decide the case.

THE DATE, TIME, AND LOCATION OF THE CONFERENCE/HEARING WILL BE LISTED ON THE "ORDER TO APPEAR." Make 1 copies (2, if DES involved) of the *Order to Appear*.

- Serve **Set 3** and the original ***Order to Appear*** on the other party.
- Keep **Set 4** and a copy of the ***Order to Appear*** for your records.
- Serve **Set 5** and a copy of the ***Order to Appear*** on the State, **if required** (see # 5).

STEP 4. SERVE THE PAPERS ON THE OTHER PARTY. The enforcement petition must be personally served on the other party. The Sheriff's Department, a licensed process server, or a person specially appointed by the Court may personally serve the documents. You may also achieve personal service of the documents if you deliver the documents to the other party and the party signs the acceptance of service document in the presence of a notary public or Clerk of Superior Court.

The State of Arizona may be involved if any party received public assistance for the children or used the services of the State in establishing or collecting child support. If either party already has a case with the Division of Child Support Services (**DCSS**), Department of Economic Security (**DES**), involving the same children as in this case, **notice of this action must also be given to the Office of the Attorney General.**

SERVING PAPERS ON THE STATE (*if required*). The Office of the Attorney General (the “AG”) will accept service by signing an “**Acceptance of Service**” form (part of the Law Library Resource Center’s “SERVICE” packet) and returning the form for you to file with the Court. **There are no court fees for serving the State as described below:**

- (a) You may mail or personally deliver a copy of the “**Petition to Enforce**”, “**Order to Appear**”, **Attachment A** (if required), along with an “**Acceptance of Service**” and a **self-addressed, stamped envelope** (addressed back to you), to the Office of the Attorney General, CSES, assigned to your case. A list of addresses for the individual CSES offices is available from the Law Library Resource Center or from the Internet.
- (b) There may also be a “drop-box” in the Clerk of Superior Court’s filing counter area at which you may leave the above listed documents and the envelope for the AG. Ask the Clerk of Superior Court at the filing counter, **or**
- (c) You may mail all listed documents *and the envelope* to:

**Office of the Attorney General
Child Support Services Section
1185 S. Redondo Center Driver
Yuma, Arizona 85365**

STEP 6. GO TO THE COURT CONFERENCE/HEARING. If a conference and hearing have been scheduled, be sure to write down the date, time and place of the court hearing, and come to the hearing.

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