

TO ENFORCE

A COURT ORDER FOR

1

PARENTING TIME

or

(Visitation for Non-Parents)

FORMS & INSTRUCTIONS

SELF-SERVICE CENTER

TO ENFORCE A COURT ORDER FOR PARENTING TIME OR (FOR NON PARENTS) "VISITATION"

CHECKLIST

You may use this packet if . . .

- ✓ You are a parent and have a Court Order for parenting time from Yuma County, **OR**
- ✓ You are a grandparent or other person who has a Court Order for "visitation" from Yuma County, **AND**
- ✓ The other party won't allow access to the child(ren) according to the court order or the schedule contained in the Parenting Plan incorporated into the order, **OR**
- ✓ The other party has otherwise failed to comply with other terms of the court order concerning parenting time or visitation.

YOU MAY NOT USE THIS PACKET TO:

- ✗ **Modify** (change) your existing Order.
- ✗ **Force** someone entitled to parenting time or visitation to exercise his or her rights to time with the children.

NOTE: If the other parent or person entitled to parenting time or visitation consistently fails to exercise his or her parenting time/visitation rights, you may ask the court to **modify** the court order. This packet will **not** modify the order.

IF YOUR ORDER IS NOT FROM THIS COUNTY: Ask a lawyer or consult a law library about the requirements to file your 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 can be found on the Self-Service Center website.

SELF-SERVICE CENTER

TO ENFORCE A COURT ORDER FOR PARENTING TIME (OR VISITATION for NON PARENTS)

Forms and Instructions

This packet contains court forms and instructions to file to enforce a court order for parenting time. 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	Title	# pages.
1	Checklist: <i>You may use these forms if . . .</i>	1
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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 PARENTING TIME (OR VISITATION for NON PARENTS)

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 order you are trying to enforce was issued. If there is a grandparent or someone other than the parents who has "intervened" (filed papers and become a party to the case), then also fill in that person's name as "Intervenor".
- (3) Fill in the case number that was assigned for the case where the order you are trying to enforce was issued.
- (4) Fill in the ATLAS number (if known) that applies to this case.

INSTRUCTIONS

- (5) Date(s) of the order(s) you want to have enforced.
- (6) Name of the judicial officer(s) who signed your order(s).
- (7) 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 85365**

- (8) Name of the party whom you claim has not complied with the order(s).
- (9) Write a **brief** summary describing how the other party failed to comply with the court order.

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**, 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: (1) _____
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

Case Number _____

ATLAS No. _____

Respondent

PETITION TO ENFORCE PARENTING TIME (OR "VISITATION" if for Non-Parents)

Intervenor

On this date _____, the Honorable _____, a Judicial Officer of the Superior Court of Arizona, signed an Order establishing the following schedule for parenting time or visitation:

The other party, _____, failed to comply with the parenting time order in the following manner:

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

- Compel compliance with the parenting time order.
- Find the other party in civil contempt of court and order sanctions, which may include, but are not limited to, incarceration.
- Order either or both parties to mediation, counseling, or supervised parenting time pursuant to A.R.S. §25-410.
- Issue a civil arrest warrant or enter an order for the requested relief should the other party fail to appear at the conference.
- Enter an order for other relief as deemed just and proper by the court.

Case No. _____

OATH OR AFFIRMATION for PETITION TO ENFORCE PARENTING TIME OR VISITATION 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.

Signature

Date

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.

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.

SELF-SERVICE CENTER

PROCEDURES: WHAT TO DO AFTER COMPLETING THE PETITION TO ENFORCE A COURT ORDER FOR PARENTING TIME (or VISITATION FOR NON-PARENT)

STEP 1. MAKE 3 COPIES (or 4, if needed*) of the "Petition to Enforce"

- *The original will be filed with the Clerk of the Court.*
- *Copy 1 is for the Family Court Conference Center.*
- *Copy 2 is for the Other Parent.*
- *Copy 3 is for you to keep for your records.*

Copy 4 is needed only if there is a 3rd Party such as a grandparent or other person who has **intervened (filed papers and become a party to the case), and you, the Intervener, are filing this **Petition**. If this is the case, you will need Copy 4 in order to serve a copy on BOTH Parents.*

STEP 2. FILE THE PAPERS AT THE COURT:

GO TO THE CLERK OF THE COURT'S FILING COUNTER: Hand over the originals and all three sets of copies to the Clerk at the filing counter **and pay the filing fee**. The Clerk 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 copies to you*. These stamped sets of copies are now called "conformed" copies.

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

**Yuma County Justice Center
Clerk of Superior Court
250 W. 2nd Street
Yuma, Arizona 85365**

FEES: A list of current fees is available from the Self Service Center and from the Clerk of 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 the Court. Deferral Applications are available at no charge from the Self-Service Center.

Family Court Conference 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."

PARENT FILING - Make enough copies of the *Order to Appear* to:

- Serve **Copy 2** of the ***Petition*** and a copy of the ***Order to Appear*** on the other parent.
- Keep **Copy 3** of the ***Petition*** and a copy of the ***Order to Appear*** for your records.
- Serve **Copy 4** of the ***Petition*** and a copy of the ***Order to Appear*** on the BOTH parents – *if you are a grandparent or other 3rd Party Intervener.*

STEP 3. SERVE THE PAPERS ON THE OTHER PARTY. 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 Self-Service Center's "SERVICE" packet contains the ***Acceptance*** form and other information on how to deliver ('serve') court papers as required by law. The packet may be purchased from the Self-Service Center or downloaded from the Internet for free.

STEP 4. 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.**