

PETITION FOR HEARING ON EX PARTE INCOME WITHHOLDING ORDER

**(WITHHOLD INCOME WITHOUT ADVANCE
NOTICE or HEARING)**



PINAL COUNTY

To Make the Party Obey a Court Order for Support

INSTRUCTIONS AND FORMS
Provided as a Public Service by
AMANDA STANFORD
Clerk of the Superior Court

“PETITION FOR HEARING ON EX PARTE INCOME WITHHOLDING ORDER”

CHECKLIST

You may use the forms and instructions in this packet if...

- ✓ Your employer or other payor was served with an “**Ex Parte Income Withholding Order**” to take money from your pay for child support and/or spousal maintenance, AND
- ✓ One or more of the following statements is true:
 - I am not the person named in the “**Ex Parte Income Withholding Order**” (Mistaken Identity), **OR**
 - The amount is incorrect or has been modified, **OR**
 - The child support or spousal maintenance order has been dismissed or is no longer valid, **OR**
 - Current child support or spousal maintenance is no longer owed, **OR**
 - All arrearages and interest have been paid/satisfied and are no longer owed.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing.

**PETITION FOR HEARING ON EX PARTE
INCOME WITHHOLDING ORDER
(ORDER WITHOUT ADVANCE NOTICE OR HEARING)**

FOR THE PARTY OBJECTING TO AN INCOME WITHHOLDING ORDER

This packet contains court forms and instructions to file a Petition for an “**EX PARTE INCOME WITHHOLDING ORDER.**” The documents should appear in order as listed.

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You have permission to use these documents 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.

INSTRUCTIONS

HOW TO PETITION FOR A HEARING REGARDING AN EX PARTE INCOME WITHHOLDING ORDER

TO COMPLETE THESE FORMS YOU WILL NEED A COPY OF THE EX PARTE ORDER.

FOR ALL FORMS: TYPE OR PRINT NEATLY USING BLACK INK

Match the number of the instruction to the corresponding number on the form.

1st Form: Petition for Hearing Re: Ex Parte Income Withholding Order

- 1) Type or print the information requested at the upper left corner for the person filing this form.
- 2) Type or print the information requested as it is listed on the "*Ex Parte Income Withholding Order.*"
- 3) Type or print your name in the blank space provided.
- 4) Check all of the boxes that describe why you want a hearing regarding the "*Ex Parte Income Withholding Order.*"
- 5) Check this box if you want the Court to order the Support Payment Clearinghouse to not pay out any monies already received until after the hearing. (**Note: This hold, if granted, does not happen instantly.**)
- 6) **Sign and Date the form.** By signing the form you are stating to the Court that the information you have entered is true and correct to the best of your knowledge, under penalty of perjury.

2nd Form: Notice of Hearing – Fill in only the information described below.

- 1) Type or print the name of Petitioner and Respondent, Case Number, and ATLAS Number (if any) as listed on the "*Ex Parte Income Withholding Order.*"
- 2) LEAVE THE REST OF THE FORM BLANK. The Judicial Officer or Clerk will complete the rest.

PROCEDURES: WHAT TO DO AFTER YOU HAVE COMPLETED THE FORMS

- 1) Make two copies of both forms (three, if there is an ATLAS Number).
- 2) File your papers with the Pinal County Clerk of the Superior Court.

Visit our website for office locations or feel free to give us a call.

Contact Information for all Offices

Toll Free: 888.431.1311 • Local: 520.509.3555 or 311 • Fax: 520.866.5320

www.coscpinalcountyaz.gov/office.html

- 3) Hand your originals and all copies to the Clerk at the filing counter who will enter the date, time and place of hearing, sign the Notice, and return the copies to you. Keep one set for your records.
- 4) There is a fee for filing this request, but if you have never "appeared" in this case, meaning you or your attorney have not previously filed any response or other papers in this case, there may also be an Appearance Fee. If you cannot afford this fee, you may request a fee deferral application from the Clerk of Court's Office.

- 5) You must then immediately serve a copy of the "**Petition**" and the "**Notice**" on the other party or his/her attorney.
- 6) If either party is using the child support collection services of the state IV-D agency (DES), you must also send a copy to that agency. You may do this by mailing to this address:

**Attorney General's Office/IV-D Attorneys
555 W Main Ave
Casa Grande, AZ 85122**

- 7) Attend the hearing.

(1) Name of Person Filing: _____
 Street Address: _____
 City, State, Zip Code: _____
 Telephone Number: _____
 Email Address: _____
 ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or Represented by Attorney
 If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
 PINAL COUNTY**

(3) _____
 Petitioner (in original case)

(2) CASE NUMBER: DO2
**PETITION FOR HEARING
 RE: EX PARTE INCOME
 WITHHOLDING ORDER**
 A.R.S. §25-504

 Respondent (in original case)

THIS FORM IS NOT TO BE USED TO REQUEST A CHANGE IN YOUR EXISTING SUPPORT ORDER. THIS FORM ONLY APPLIES TO THE EX PARTE INCOME WITHHOLDING ORDER.

(3) I, _____ ask the court to set a hearing within ten (10) days before the Ex Parte Income Withholding Order becomes binding on my first employer/payor served with the Ex Parte Income Withholding Order. This petition is filed within **SEVEN DAYS** from the date the Petition for Assignment, Ex Parte Income Withholding Order and Notice were delivered to me.

(4) This Petition for Hearing is based on the following statement(s) regarding the Ex Parte Income Withholding Order. (Check all boxes that apply)

- The person named in the Ex Parte Order is not me (Mistaken Identity).
- The amount shown in the Ex Parte Order is incorrect or has been modified.
- The child support or spousal maintenance order has been dismissed or is no longer valid.
- The current child support or spousal maintenance is no longer owing.
- All arrearages/interest have been paid/satisfied and are no longer owing.

(5) I request the Court to order the Support Payment Clearinghouse to hold any payments received pursuant to the Ex Parte Income Withholding Order until after the hearing. I realize that this hold will not be instant and that monies will continue to be sent out until a judicial determination is made.

By signing this form I state to the Court, under penalty of perjury, the information I have given is true and correct.

 (6) Date

 Signature of Requesting Party

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Petitioner (in original case)

CASE NUMBER: DO2

ATLAS NUMBER: _____

**NOTICE OF HEARING REGARDING
EX PARTE INCOME WITHHOLDING
ORDER - A.R.S. §25-504**

Respondent (in original case)

A Petition for Hearing regarding the "*Ex Parte Income Withholding Order*" has been filed. This matter has been set for hearing:

NAME OF JUDICIAL OFFICER: _____

DATE AND TIME OF HEARING: _____

PLACE OF HEARING:

PINAL COUNTY SUPERIOR COURT

ADDRESS:

971 JASON LOPEZ CIRCLE BLDG. A FLORENCE, AZ 85132

Bring any documents or exhibits that you want to use as proof in your case.

If either party fails to appear at the hearing after proper notice, the Court may take evidence from the party who does appear and may make a decision based on the information provided in the pleadings, and any oral testimony presented at the hearing, or the court may issue other orders.

Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case at least 3 judicial days in advance of a scheduled court proceeding. If you require the services of an interpreter of a spoken language or for the hearing impaired, your request must be made immediately to the division assigned to the case.

Date

Judicial Officer/Deputy Clerk of Court