

REQUEST TO ENFORCE TERMS OF COURT ORDERED LEGAL DECISION-MAKING OR PARENTING TIME



PINAL COUNTY

**To Enforce the Terms of Legal Decision-Making
or Parenting Time ordered by the Court**

INSTRUCTIONS AND FORMS

**Provided as a Public Service by
Chad A. Roche
Clerk of the Superior Court**

INSTRUCTIONS

REQUEST ENFORCE TERMS OF COURT-ORDERED LEGAL DECISION-MAKING OR PARENTING TIME

COMPLETE THIS FORM TO REQUEST ENFORCEMENT OF TERMS OF COURT-ORDERED LEGAL DECISION-MAKING OR PARENTING TIME IF:

- ✓ You have an Pinal County order establishing the terms of Legal Decision-Making and/or parenting time and
- ✓ A party violates a provision of the Decree, temporary order or order for Legal Decision-Making or parenting time.
 - **NOTE:** These forms cannot be used if an Arizona court did not enter your Legal Decision-Making or Parenting Time order. Out-of-state orders may be enforced in Arizona if you follow certain specified procedures. You may wish to contact an attorney regarding such enforcement.

TO COMPLETE THIS FORM AND FILE THE REQUEST, YOU WILL NEED:

- ✓ Information from the Order(s) you wish to have enforced.

FOLLOW THESE INSTRUCTIONS NUMBERED TO MATCH THE IDENTIFYING NUMBERS ON THE FORM. TYPE OR PRINT NEATLY USING BLACK INK.

- (1) Fill in your name, address and telephone number as the person who is requesting enforcement of the order that was established terms of court-ordered Legal Decision-Making or Parenting Time. (An attorney must also list the name of the person represented and the attorney's State Bar Number).
- (2) Fill in the name of the county in which the request is being filed. This may already be printed on the form.
- (3) Fill in the name of the person who is shown as the petitioner on the court order that established the terms of Legal Decision-Making and/or Parenting Time.
- (4) Fill in the name of the person who is shown as the respondent on the document you are using for item 3.
- (5) Fill in the case number shown on the document you are using for item 3.
- (6) Mark the "Legal Decision-Making" box if you are seeking to enforce the terms of a Legal Decision-Making order or mark the "Parenting Time" box if you are seeking to enforce the terms of a Parenting Time order.
- (7) Fill in the date of the order you are requesting to have enforced.
- (8) Fill in the name of the judicial officer who signed the order.
- (9) State the terms of Legal Decision-Making and/or Parenting Time as set forth in the order.
- (10) Fill in the name of the person whom you believe violated the order.

- (11) Write a brief summary describing how the terms of the court order establishing Legal Decision-Making and/or parenting time were violated.
- (12) Date and sign here before a Notary Public or a Deputy Clerk of the Clerk of Superior Court. By signing, you affirm and acknowledge that the information on the form is true and correct to the best of your knowledge and belief.

COMPLETE THE ORDER TO APPEAR (ENFORCEMENT OF LEGAL DECISION-MAKING / PARENTING TIME)

- (1) Fill in your name, address and telephone number as the person who is requesting enforcement of the order that was established terms of court-ordered Legal Decision-Making or parenting time. (An attorney must also list the name of the person represented and the attorney's State Bar Number).
- (2) Fill in the name of the county in which the request is being filed. This may already be printed on the form.
- (3) Fill in the name of the person who is shown as the petitioner on the court order that established the terms of Legal Decision-Making and/or Parenting Time.
- (4) Fill in the name of the person who is shown as the respondent on the document you are using for item 3.
- (5) Fill in the case number shown on the document you are using for item 3.
- (6) Fill in the name and address of the person whom you believe violated the order.

WHEN YOU HAVE COMPLETED THE "REQUEST TO ENFORCE TERMS OF COURT-ORDERED" AND "ORDER TO APPEAR (ENFORCEMENT OF LEGAL DECISION-MAKING / PARENTING TIME)," FILE BOTH FORMS WITH THE CLERK OF THE SUPERIOR COURT.

NOTE: There may be a fee for filing the Request to Enforce and Order to Appear. There may be additional fee including an appearance fee if this is your first appearance in this case. If you cannot pay these fees, you may qualify for a deferral or waiver of fees. The Clerk of the Superior Court has the necessary forms to ask for a deferral or waiver.

COPIES: Once you have completed all the initial forms, have your signature notarized on each document that required a notarized signature. Make **2 copies** of all the completed forms.

NOTE: The Clerk's office charges \$0.50 per page for copies. Assemble the copies so that you have **3 packets** -- the originals and 2 sets of copies.

Include with the set of copies a SELF ADDRESSED STAMPED ENVELOPE so when the Order to Appear is completed by the Court; copies of the Order to Appear will be mailed you to complete legal services on the other party.

SERVE the following items on the other party.

- A copy of your completed "Request to Enforce and Order to Appear".

To "Serve" means to use the legally required method of delivering notice or documents, pursuant to Arizona Rules of Family Law Procedures (ARFLP) effective January 1, 2006 and Rules 4.1 and 4.2, Rules of Civil Procedures. The most common method of service on a party is personal service by a private process server or sheriff office. Process servers are listed in the yellow pages. When service is complete, the proof of service must be **filed** with the Clerk of the Superior Court.

(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) Name of Petitioner

(5) CASE NUMBER: _____

(6) REQUEST TO ENFORCE TERMS
OF COURT-ORDERED

Legal Decision-Making

Parenting Time

(4) Name of Respondent

HONORABLE: _____

**THIS FORM IS NOT TO BE USED TO REQUEST A CHANGE IN THE TERMS OF EXISTING ORDER, BUT
RATHER TO ENFORCE THOSE EXISTING TERMS.**

On (7) _____ an order signed by (8) _____

established the following terms for Legal Decision-Making and/or Parenting Time: _____

(9) _____

(10) _____ violated the court-ordered Legal Decision-Making and/or

Parenting Time in the following manner (11) _____

I ASK THE COURT TO:

- A.** Compel compliance with the terms of the Legal Decision-Making and/or parenting order, including making a finding of contempt, which may include, but not limited to incarceration.
- B.** Enter orders for mediation, counseling, specific terms of visitation or supervised visitation.
- C.** Issue a civil arrest warrant or enter an order for the requested relief should the other party fail to appear at the hearing.
- D.** Enter an order for other relief as deemed just and proper by the court.

The information contained in this request is true and correct to the best of my knowledge and belief.

(12)

Date

Signature

State of Arizona)
)

County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____
Name of Signer

Commission Expires

Notary Public

(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**

Regarding the Matter of:

(3) Name of Petitioner

(5) CASE NUMBER: _____

**ORDER TO APPEAR ON
ENFORCEMENT OF
LEGAL DECISION-MAKING / VISITATION**

(4) Name of Respondent

HONORABLE: _____

TO:

(6) _____

ADDRESS:

A VERIFIED REQUEST TO ENFORCE LEGAL DECISION-MAKING / PARENTING TIME HAVING BEEN FILED:

IT IS ORDERED that you appear for hearing at the time and place shown below:

DATE AND TIME OF HEARING:

_____ at _____ AM/PM

PLACE OF HEARING:

So the court can decide whether to enter an order for the relief asked for in the Request to Enforce Legal Decision-Making and / or Parenting Time.

You need not file a written response or answer. However, if you fail to appear at the hearing, the court may hear evidence and enter an order against you.

THE HEARING FOR LEGAL DECISION-MAKING / PARENTING TIME ENFORCEMENT:

- a. Shall not exceed 15 minutes;
- b. Shall not include the hearing of evidence unless the commissioner or the judge deems it necessary;

THE COURT MAY:

- a. Set the case for evidentiary hearing;
- b. Enter an order approving an agreement of the parties;
- c. Enter an order granting specific relief;
- d. Schedule the case for additional review hearing;
- e. Refer the case to a mediation program;
- f. Enter an order for a person or a local social service agency to supervise this case;
- g. Enter an order for other appropriate action.

WARNING: FAILURE TO APPEAR AT THIS HEARING MAY CAUSE A CIVIL WARRANT TO BE ISSUED FOR YOUR ARREST.

(Dated)

(Judge / Special Commissioner)