

**PETITION TO
STOP OR MODIFY
INCOME WITHHOLDING
ORDER**

**(WHEN ALL PARTIES WILL NOT SIGN
AGREEMENT TO TERMINATE)**

Packet #22-B

*Separate forms from
packet before filing*

**PIMA COUNTY SUPERIOR COURT
SELF-SERVICE PACKET**

PETITION TO STOP INCOME WITHHOLDING ORDER

Use and Disclaimer

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 the users of these forms or in reliance upon the instructions or information provided.

Court cases can be very complicated, and even if you are representing yourself you should see a lawyer for legal advice as to how the law applies to you, and what is best in your particular situation. This might save you time, money, trips to the courthouse and avoid serious mistakes. There are lawyers who will help you help yourself. This means that they will only charge you for giving you the help you need, and you can complete the court papers on your own or ask the lawyer for additional help with your papers.

There are professional mediators in the community who can help you with your problems. They help you solve your present problem, and anticipate future problems and how to solve them. Mediators work with both parties in a dispute to help resolve areas of disagreement or trouble.

A list of individuals, agencies and other resources to help people resolve legal problems is available at the Self-Service Center.

Title	Form Name
Use and Disclaimer (1 page)	petitiontostop.use and disclaimer
Instructions: Petition to Stop or Modify Income Withholding Order (2 pages)	petitiontostop.petition instructions
Petition to Stop or Modify Income Withholding Order (2 pages)	petitiontostop.petition
Instructions: Request for Hearing	petitiontostop.hearing instructions
Request for Hearing (1 page)	petitiontostop.hearing
Instructions: Order to Stop or Modify Income Withholding Order(1 page)	petitiontostop.order instructions
Order Re: Request to Stop or Modify Income Withholding Order (1 page)	petitiontostop.order

PETITION TO STOP OR MODIFY INCOME WITHHOLDING ORDER FORM INFORMATION AND INSTRUCTIONS

WHEN TO USE THIS FORM:

You should use this form if any of the following applies to all of your children:

- ✓ age 18 and have graduated from high school or are no longer attending high school
- ✓ age 19
- ✓ have married, been adopted or joined the military
- ✓ are deceased
- ✓ custody has been changed by Court order and you are no longer obligated to pay support
- ✓ it is time to stop making arrears payments because child support arrears are paid in full
- ✓ you and the other party have remarried
- ✓ your case has been dismissed
- ✓ your obligation to pay spousal maintenance has ended or has changed **and** the other parent will not sign an agreement to stop the Child Support Order.

WHEN NOT TO USE THIS FORM:

- ✓ you need to modify child support because one child is age 18 and graduated high school but there other minor children still entitled to support
- ✓ a child has started physically residing with you but there is no Court Order which changes the custody and/or parenting time orders
- ✓ you wish to terminate or modify your obligation to pay spousal maintenance before it is due to stop
- ✓ the other parent/former spouse will agree to stop the Income Withholding Order.

NOTE: There are other forms to use for these matters.

HOW TO FILL OUT THIS FORM:

1. Fill in your name, address and telephone number in the top area where indicated on the Petition to Stop or Modify. Do not fill in this area on the Request for Hearing.
2. Fill in the name of the Petitioner and Respondent as it appears on the very first document.
3. Fill in the case number.
4. Check the box, which indicates if the case is Non-IV-D or IV-D.
Don't know? If you or the other parent have ever used the services of the Department of Child Support Enforcement or the State of Arizona Attorney General's Office, your case may be a "IV-D" case. If your case is a IV-D case, you may be required to give the Attorney General's Office notice of your request to stop or modify the Order of Assignment. The Child Support Division of the Clerk of the Court can tell you if your case is a IV-D case.
5. Fill in the Assigned To section with the name of the Judicial Officer assigned to your case.
6. In paragraph 1, check the boxes, which apply.
7. In paragraph 2, fill in the date of the most recent Income Withholding Order and the amount of the child support and/or spousal maintenance, which was ordered.
8. In paragraph 3, fill in the name and address of your current employer.
9. In paragraph 4, check all boxes, which apply.
10. In paragraph 5, check the box, which applies.
11. In paragraph 6, check the request to appear by telephone conference call only if you no longer live in Pima County. If you live in Pima County, you must personally appear at any hearing, which is scheduled.
12. In paragraph 7, check the box if you believe that all Court ordered payments have been paid and further payments would result in an overpayment. Note: Checking this box will not automatically result in stopping the Income Withholding Order. A Judicial Officer will decide if it is appropriate to hold payments until a hearing is held, or a further Order is entered.
13. Sign and date the form where indicated.

WHAT TO DO NEXT:

1. Make two copies, or three if the Office of the Attorney General must receive a copy.
2. **Take the original forms and all copies to the Clerk of the Court, along with the necessary filing fee. (See #A below)**
3. The Clerk will file the original Petition and will “conform” your copies, to show that the original has been filed. The Clerk will return two copies to you: one for your records and one to serve on the other party. If the Office of the Attorney General must receive a copy, you will receive three copies.
4. A copy of the Petition to Stop or Modify and a copy of the Request for Hearing must be served on the other party. (See #B below)
5. When you have served the other party, you must file a proof of service with the Clerk of the Court. (See #C below)
6. After the other party’s time to file a Response has passed, and if no Request for Hearing has been filed, take the Order to the Clerk of the Court. The Clerk will process the Petition to Stop or Modify to the appropriate Judicial Officer and your Petition will be reviewed and granted if appropriate, or the matter may be set for hearing before a Judicial Officer.
 - A. If you have never filed an appearance in this case prior to this time, for example if you have never contested any issue, you will have to pay an appearance fee. If you have previously paid an appearance fee, the cost to file the Petition to Stop or Modify is \$84.00. You may request that the filing fees be deferred or waived. The Clerk of the Court will provide you with the forms to request that your fees be deferred or waived.
 - B. **YOU** are responsible for proper service of the Petition on the other party, even if the fees for service were waived/deferred. The Court does not arrange for service of process. **It is not good service if you personally hand the papers to the other party.** If the other party was represented by the Arizona Attorney General’s office, the Attorney General cannot receive papers for that person. Your papers may be served as follows:
 - [1]. If your fees were waived/deferred: Take the papers to the Pima County Sheriff’s Office Civil Division Office at 32 N. Stone Ave., Tucson, AZ 16th Floor. Call 351-4900 for more information.
 - [2]. Private process server. The names of local process server companies are listed in the Yellow Pages under Process Servers.
 - [3]. United States Mail, Return Receipt Requested. The other party must personally sign the green card, and you must file the green card with the Clerk of the Court, along with an Affidavit of Service. (See #C below)
 - [4]. National Courier Service which requires a signature showing that the documents have been received, and you must file the proof of receipt with the Clerk of the Court, along with an Affidavit of Service. (See #C below)
 - [5]. Acceptance of Service. The other party may sign and date an Acceptance of Service or Waiver of Service form. This form must be signed before a Notary Public or the Clerk of the Court and filed with the Clerk of the Court. The Acceptance of Service Form is available in the Self-Help Center located in the Pima County Law Library located on the second floor of the Courthouse.
 - [6]. The Office of the Attorney General may be served by registered mail.

Other methods of service may also be allowed, pursuant to Rule 40 (C), Arizona Rules of Family Law Procedure.

If you do not understand these requirements, you should contact an attorney for advice.

The Clerk of the Court and Superior Court personnel are not allowed to give legal advice.

- C. After the other party has been served, you must file proof of service with the Clerk of the Court. If you use a Process Server or the Sheriff’s Department, they will provide an Affidavit of Service for you to file with the Court. The Affidavit of Service Form is available in the Self-Help Center located in the Pima County Law Library located on the second floor of the Courthouse.

Name of Person Filing _____
Mailing Address _____
City, State, Zip Code _____
Daytime Telephone _____
Representing Self _____

ARIZONA SUPERIOR COURT, PIMA COUNTY

Regarding the Matter of:

CASE NO.

Petitioner

**PETITION TO STOP OR MODIFY
INCOME WITHHOLDING ORDER**

and

Non-IV-D IV-D (*See page 2)

Respondent

ASSIGNED TO: _____

NOTICE TO OTHER PARTY:

If you do not agree with this Petition, you must file a Response by completing the attached Request for Hearing and filing it with the Clerk of the Court within 20 days if served in Arizona or 30 days if served outside Arizona. A hearing will be set if requested. If you do not request a hearing, the Petition to Stop/Modify Income Withholding Order will be granted if appropriate.

1. I am the Petitioner Respondent in the above matter.
I ask the Court to stop or modify the Income Withholding Order now in effect.
The Petitioner Respondent was ordered to make child support/spousal maintenance payments.
The Petitioner Respondent is the person entitled to receive payments.
2. An Income Withholding Order was entered on _____, in the amount of \$_____ Child Support and/or \$_____ Spousal Maintenance.
3. My employer's name and address are: _____

4. The Income Withholding Order should be stopped or modified because:
(Check all that apply)
 - All of our children are age 18 and not attending high school or a certified equivalency program, and/or
 - All of our children are age 19, and/or
 - All of our children have been adopted by another party, and/or
 - All of our children are married, and/or
 - All of our children are deceased.
 - Custody of our children has been changed by Court order. (Attach the Order Changing Custody if not from this Court)
 - We are remarried to each other. (Attach a copy of the new Marriage License)
 - The case has been dismissed. (Attach the Order of Dismissal if not from this Court)
 - I am no longer obligated to pay spousal maintenance, and all past due spousal maintenance and/or interest has been paid or satisfied.
 - Other reason(s): _____

CASE NO. _____

5. There are no past due child support payments or interest due.
 no past due spousal maintenance payments or interest due.
6. I no longer live in Pima County, Arizona and I request permission to appear by telephone conference call if a hearing on this matter is set at the request of the other party. **I understand that I must call the Court at the time of the hearing and pay for the call.**
7. I request that the Court order the Support Payment Clearinghouse to hold any payments received pursuant to the Income Withholding Order until further order of the Court. I understand that if this request is granted, additional payments may be sent to the other party before the Support Payment Clearinghouse receives the order from the Court.

OATH OR AFFIRMATION

I swear or affirm that the information on this document is true and correct under penalty of perjury.

Dated: _____

_____ Petitioner Respondent

NOTICE: A copy of this Petition must be served on the other party and/or his or her attorney, if that party is represented by an attorney.

*If one of the parties is using or has used the child support services of the Department of Economic Security (DES), a copy of this Petition must also be mailed to:

Office of the Attorney General
Office of Child Support Enforcement
1455 S. Alvernon Way
Tucson, AZ 85711

**REQUEST FOR HEARING ON PETITION TO STOP OR MODIFY
INCOME WITHHOLDING ORDER FORM**

INFORMATION AND INSTRUCTIONS

WHEN TO USE THIS FORM:

If you have been served with a Request to Stop or Modify the Income Withholding Order, and you do not agree that the Income Withholding Order should be terminated or changed, you should request a hearing to tell the Judicial Officer your position.

HOW TO FILL OUT THIS FORM:

1. **Fill in your name, address and telephone number in the top area where indicated on the Request for Hearing.**
2. Fill in the name of the Petitioner and Respondent as it appears on the very first document.
3. Fill in the case number.
4. Check the box, which indicates if the case is Non-IV-D or IV-D.
Don't know? If you or the other parent have ever used the services of the Department of Child Support Enforcement or the State of Arizona Attorney General's Office, your case may be a "IV-D" case. If your case is a IV-D case, you may be required to give the Attorney General's Office notice of your request to stop or modify the Income Withholding Order. The Child Support Division of the Clerk of the Court can tell you if your case is a IV-D case.
5. Fill in the name of the Judicial Officer assigned to your case.
6. If you no longer live in Pima County, check the box to request permission to appear by telephone conference call. If you live in Pima County, you must appear at the hearing in person.
7. If you do not agree that the child support/spousal maintenance payments should be held until the hearing, check the box to indicate that you do not agree. Note: If child support or spousal maintenance is overpaid you may be required to repay the obligor.
8. Date and Sign the form.

WHAT TO DO NEXT:

1. **Make three copies of the Request. File the Original with the Clerk of the Court. Your copies will be conformed. Mail a conformed copy to the other party (or his or her attorney) and the Office of the Attorney General if this case is a IV-D case.**
2. You will receive a notice of hearing date and time from the Court at the address you provide to the Court.
3. If you change your address or telephone number before the hearing, you should provide the new address and telephone number in writing to the Court.

Name of Person Filing _____
Mailing Address _____
City, State, Zip Code _____
Daytime Telephone _____
Representing Self _____

ARIZONA SUPERIOR COURT, PIMA COUNTY

Regarding the Matter of:

CASE NO.

Petitioner

REQUEST FOR HEARING

and

Non-IV-D IV-D (See Instructions)

Respondent

ASSIGNED TO: _____

I am the Petitioner Respondent in the above matter.

The information provided in the Petition to Stop/Modify Income Withholding Order is not correct. I request that a hearing be set so that I can explain my position to a Judicial Officer.

I request that the other party be ordered to pay any costs or fees I may incur in responding to the Request to Stop or Modify.

I no longer live in Pima County, Arizona and I request permission to appear by telephone conference call at the hearing on this matter. **I understand that I must call the Court at the time of the hearing and pay for the call.**

I object to the request to hold the child support/spousal maintenance payments until the hearing.

Dated: _____

 Petitioner Respondent

I certify that I have mailed a copy of this Request for Hearing to the other party or his or her attorney as follows:

Name:

Address:

If one of the parties is using the child support services of the Department of Economic Security (DES), I will also mail a copy of the Request for Hearing to:

Office of the Attorney General
Office of Child Support Enforcement
1455 S. Alvernon Way
Tucson, AZ 85711

ORDER TO STOP OR MODIFY INCOME WITHHOLDING ORDER FORM

INFORMATION AND INSTRUCTIONS

WHEN TO USE THIS FORM:

You should use this form if the following applies:

- ✓ You have requested that your Income Withholding Order for child support and/or spousal maintenance be terminated or modified and
 - ✓ The other party has been served with your Petition to Stop or Modify Income Withholding Order and
 - ✓ You have filed the proof of service with the Clerk of the Court and
 - ✓ The other party's time to file a request for hearing has passed and
 - ✓ You wish to have the Petition reviewed by a Judicial Officer
- OR**
- ✓ A hearing has been set, and a Judicial Officer has determined that it is appropriate to Stop or Modify your Income Withholding Order at the hearing. The Judicial Officer may require an Order to sign. Take this form with you to the hearing.

HOW TO FILL OUT THIS FORM:

1. Fill in your name, address and telephone number in the top area where indicated on the Order.
2. Fill in the name of the Petitioner and Respondent as it appears on the very first document.
3. Fill in the case number.
4. Check the box which indicates if the case is Non-IV-D or IV-D.
5. Fill in the Assigned To section with the name of the Judicial Officer assigned to your case.

STOP: The Judicial Officer will complete the rest of the form.

Name of Person Filing _____
Mailing Address _____
City, State, Zip Code _____
Daytime Telephone No. _____
Representing Self _____

ARIZONA SUPERIOR COURT, PIMA COUNTY

Regarding the matter of:

CASE NO. _____

Petitioner

ORDER REGARDING PETITION TO STOP OR MODIFY INCOME WITHHOLDING ORDER

and

Non-IV-D IV-D

Respondent

ASSIGNED TO: _____

The Court has reviewed the Petition to Stop or Modify the Income Withholding Order.

The Court finds:

- The opposing party was properly served with the Petition to Stop/Modify the Income Withholding Order
 A Hearing was not requested and the time to request a hearing has passed **OR** After Hearing

Based on a review of the records of the Clerk of the Court/Clearinghouse ,

IT IS ORDERED:

- The Income Withholding Order entered _____ is quashed effective _____.
- The Child Support Spousal Maintenance Order entered _____ is terminated effective immediately.
- The Income Withholding Order is modified as set forth in the Amended Income Withholding Order.
- Amounts held in suspense shall be distributed as follows:
 Refunded to the Petitioner Respondent after any arrears are paid to the Petitioner Respondent
and after payment of any outstanding Clearinghouse fees.
 or as follows: _____
- The Clerk of Court/Clearinghouse records shall reflect the agreement of the parties that there are no arrears.

OR

- The Court requires further information before the Request to Stop or Modify may be granted.
This matter is set for hearing on _____ at _____ a.m./p.m. at the
Arizona Superior Court, Pima County Courthouse 110 W. Congress Avenue Tucson, Arizona
- The Petitioner and Respondent shall both appear at the hearing.
- Pending further Order of the Court, payments received by the Clearinghouse/Clerk of Court
 shall be held shall not be held
- The Petitioner Respondent is/are granted leave to appear by telephone conference call by calling
_____ at the day and time (Arizona time) of the hearing.

Dated _____

Judicial Officer

Copy to:
Petitioner Respondent
Office of the Attorney General Clerk of Court--Child Support Division