

REQUEST TO ENFORCE NON-SUPPORT ORDERS



Packet #26



These forms must not be used to engage in the unauthorized practice of law. The court is not responsible for (1) actions taken by the users of these forms or (2) their reliance upon the instructions or information provided.

GENERAL INFORMATION & Frequently Asked Questions

This packet will give you an overview of how to properly complete and file the necessary forms to enforce an order of the court that is **not** related to support. If the order you wish to enforce has to do with child support or spousal maintenance, **STOP** and use Packet #25, *Request to Enforce Support Orders*.

While the process may seem overwhelming, please know that this packet is written with your needs in mind, and is intended to make this process as easy for you as possible. Work on the forms with the instructions one at a time.

Other important forms and instructions for Family Court cases can be found online at <http://www.sc.pima.gov/Default.aspx?tabid=119>



This symbol is a warning. It can mean a few different things:



- The topic can be confusing and you may need to ask a lawyer for help.
- You may need to make sure that something is done.

Whenever you see this symbol, **make sure** you read the information carefully and understand it fully.

When should I use this packet?

Complete this packet to request court enforcement of an existing court order if:

- You have an order issued by a court within the state of Arizona requiring something other than child support or spousal maintenance, **and**
- The party has failed to follow the orders of the court.

IMPORTANT!



1. This form should be used **only if** you have an order issued by a court **in the state of Arizona**. If your order was issued by another state, **STOP**. These forms cannot be used. A different procedure is required to enforce out-of-state orders and you may need to contact an attorney to assist you.
2. **Do not use this form to change an existing order**. This form is only used to ask for enforcement of an **existing order**.

What do I need in order to complete this packet?

- A copy of the order you are trying to enforce. If the order you are enforcing was not issued by the Pima County Superior Court, you will need a copy to attach to the *Request to Enforce* form found in this packet.

NOTE: The order you attach to the form must be the **most recent order**.

Do I need to serve the papers on the other party?

Any time you file a legal document with the court, you must “serve” the other person. This is done to notify the other party about the proceedings and gives the opportunity to respond. Information on the proper service procedure is found in Packet #10, *Service of Papers*. The documents will not need to be served until the judge signs an *Order to Appear* (included in this packet) assigning a specific hearing date and time. Once you receive the signed order, you will then serve the completed order and your *Request to Enforce* form on the other party.

How much will all this cost?

FEES IN GENERAL

As of July 2014, the cost to file:

- Packet # 25, *Request to Enforce*: \$84



OTHER EXPENSES INCLUDE:

- Copies of legal records through the Clerk of the Court, per page: \$0.50
- General use copies made in the law library, per page: \$0.15

NOTE: You have to pay fees to file documents for your enforcement of the *Order of Support*. If you can't afford the court fees or other costs for the modification, you may be able to get a deferral or waiver.

WHAT IS A DEFERRAL OR WAIVER?

- A **deferral** means that you do not have to pay any fees at the beginning of your case, but you will be expected to pay on a predetermined schedule once the case is finished.
- A **waiver** means that you do not have to pay the fees at all.
- Not everybody who requests a deferral or waiver receives one.
- You file for a deferral or waiver at the same time you file your petition.

For more information, see Packet # 12, *Deferral-Waiver of Fees & Costs*.

Volunteer Lawyers Program Domestic Relations Clinic



Pima County Superior Court has a program through which free assistance is given to people representing themselves in a family law matter.

At the clinic, someone will review the court orders and your completed forms to help ensure these documents are complete and legally correct.

Making use of the Clinic is in your best interest. The judicial officer will not sign any documents that are incorrect or incomplete. In such cases, you will have to leave, correct your documents, and then schedule another hearing.

To schedule an appointment, call the Pima County Law Library at **520-724-8456**, or go in person to the law library located on the second floor of the Pima County Superior Court.

There are lawyers who will help you help yourself

This means that they will only charge for the help you need, and you can complete the court papers on your own.

Court cases can be quite complicated, and talking to a lawyer can help you avoid serious mistakes and save you time, money, and trips to the court.

For more information, call the Self-Service Center at **520-724-8456** and ask how to find an attorney. You can also contact the Pima County Bar Lawyer Referral Service by calling **520-623-4625**. You can have one-half hour with a family lawyer for a small fee or you may be directed to an attorney who will represent you for a reduced fee.

Are you the victim of domestic violence?

Important! Read this first...



Unfortunately, domestic violence may occur in any relationship, and may be directed against you personally or against your children.

You are a domestic violence victim if you or your children have experienced:

- Physical acts such as hitting, slapping, pushing, or kicking
- Threats of physical violence by phone or in person
- Abusive words and/or behavior used to control you or put you in any kind of danger
- Being followed around throughout the day or having your interactions with others monitored
- Being forbidden to leave your house, or being taken against your will and kept at any other location
- Having someone enter the house against your will, behave in a disorderly manner, and/or damage property
- Conduct that involves disobeying court orders, including interfering with your parenting time



You **DO NOT** need to have been seen at a hospital or at a doctor's office. The other person **DOES NOT** need to have been convicted of domestic violence or assault.

You can get an IMMEDIATE Order of Protection to keep him or her away from you and your children by obtaining a Petition for Order of Protection from the Clerk of the Court on the first floor of the Pima County Superior Court, Room 131A. You may submit the Petition to any of the following court locations between the hours of 8:00 a.m. and 4:30 p.m.

Tucson City Court
103 E. Alameda St.
(520) 791-4971

Pima County Juvenile Court Center
2225 E. Ajo Way
(520) 724-2045

Pima County Consolidated Justice Court
115 N. Church Avenue, 2nd floor
(520) 724-3171

Pima Superior Court Clerk's Office
110 W. Congress, 1st floor
(520) 724-3210

To get an Order of Protection after hours or on weekends or holidays, call:

Tucson Police Department
(520) 741-4444

Pima County Sheriff's Department
(520) 351-4900

In case of emergency, call 911.



If you are in a protected location or shelter,

DO NOT put your address or phone number on the court documents!

If possible, get a P.O. Box or use another valid mailing address on these papers, and tell the Clerk of the Court about your existing Order of Protection and case number.

You can ask for a Protected Address with the ***Request for a Protected Address*** form. Both the ***Request for a Protected Address*** and ***Order for a Protected Address*** are included at the end of this packet.

You can find more information about Orders of Protection at the Clerk of Court located on the first floor of Pima County Superior Court (110 West Congress Street, Tucson Arizona 85701). They are open from 8:00 am to 5:00 pm Monday through Friday (except holidays). For more information, call (520) 724-3210.



Instructions for Completing *Request to Enforce*

You may type on the forms or write on them in black ink.

The Caption

The Caption is the information in the upper left-hand side of the first page of each form.

- **Personal information** – Fill in your name, street address, city, state, ZIP code, and telephone number.

If you are a domestic violence victim, do not write your address on this form. Instead, write “Protected Address” and complete the *Request for Protected Address form included in this packet.*

- **Case No.** – If the order you are asking to have enforced was issued in Pima County, enter your Superior Court Case Number. Otherwise leave this space blank.
 - **Petitioner** – Enter the Petitioner’s name, as found on the original Petition.
 - **Respondent** – Enter the Respondent’s name, as found on the original Petition.
1. **Date of the Order**
 - Write the date of the order you want to have enforced.
 2. **Obligor Name**
 - Write the name of the person that is subject to the court order you are seeking to enforce.
 3. **Judicial Officer who signed the order**
 - Write the name of the judicial officer who signed the order you want to enforce. You must attach a copy of the order if it was issued by another court in Arizona other than the Pima County Superior Court.
 4. **Description of the support order.**
 - Write the specific order that was issued by the court and has not been followed. This information must come directly from the order you are asking the court to enforce. Attach an additional page if needed.

5. List the time given by the court to complete the order.

- Write the deadline the court gave to comply with the order.

6. Requested actions by the Court

- Write the action you wish the court to take other than those already listed in lines 4(A) through 4(D).

8. Declaration

- Date and sign the form.



Your signature certifies to the court that the information stated in the petition is true and correct.

Name: _____
Address: _____
City, State, ZIP: _____
Daytime Telephone No: _____
Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

_____ Case No. _____
Petitioner

and

REQUEST TO ENFORCE POST DECREE/JUDGMENT

_____ Respondent

THIS FORM IS NOT TO BE USED TO ASK FOR A CHANGE IN THE EXISTING ORDER OR DECREE. IT CAN ONLY BE USED TO ASK FOR ENFORCEMENT OF THE EXISTING ORDER.

1. On, _____, _____ was ordered
(Date) (Obligor)
by _____ of _____
(Judicial Officer) (Name of Court)

_____ to complete the following:

(Attach an additional page if necessary or attach the pertinent portion of the prior order.)

2. The total time period given to complete the above order was _____.

3. I request a hearing be set to determine whether this order has been completed and, if not, to enter appropriate further orders to enforce the order.

4. I request that the Court take any or all of the following actions:
- A. Order the Obligor to bring to court at the time of the hearing all those items set forth in Pima County Local Rule 8.5.
 - B. Enter judgment for failure to comply with a court order.
 - C. Enter judgment for court fees and costs of service.
 - D. Find the other party in contempt of court for intentionally refusing to follow the court order.
 - E. Other:

 - F. Such other relief as deemed just and proper by the court.

Declaration:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____.
Date

Signature of Requesting Party



Instructions For Completing *Order To Appear Post Judgment/Decree*

You may type on the forms or write on them in black ink

The Caption

The Caption is the information in the upper left hand side of the first page of each form.

- **Personal information** – Fill in your name, street address, city, state, ZIP code, and telephone number.

If you are a domestic violence victim, do not write your address on this form. Instead, write “Protected Address” and complete the *Request for Protected Address form included in this packet.*

- **Case No.** – If the order you are asking to have enforced was issued in Pima County, enter your Superior Court Case Number. Otherwise leave this space blank.
- **Petitioner** – Enter the Petitioner’s name, as found on the original Petition.
- **Respondent** – Enter the Respondent’s name, as found on the original Petition.

1. Provide the name of the other party in the first blank.

2. Estimate the amount of time the full hearing will take. Court schedules are done in 30-minute time blocks, and a typical hearing for enforcement is usually 30 minutes to one hour. Remember this is the time needed for **both parties** to present evidence and witnesses if necessary.

The Judicial Administrative Assistant will fill out the rest of this form, so you will not need to fill out any other part of this form.



Without proper service of the *Request for Enforcement and Order to Appear* on the other party, your hearing **cannot** be held. The other party must receive notice of the hearing in order for your requests to be heard.

Name: _____
Address: _____
City, State, _____ ZIP: _____
Daytime Telephone _____
Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Petitioner

Case No. _____

and

ORDER TO APPEAR POST JUDGMENT/DECREE

Respondent

NOTICE: This is an important Court Order that may affect your rights. If you do not understand this Order, contact a lawyer for help. All parties, whether represented by an attorney or not, must be present. If you do not appear, a Judicial Officer may enter orders granting the relief requested by the other party.

IT IS ORDERED THAT _____ appear as follows:

Time requested for complete hearing: _____

DATE AND TIME OF HEARING: _____ at _____

PLACE OF HEARING: Arizona Superior Court, Pima County Courthouse
110 W. Congress Avenue, Tucson, AZ
Courtroom to be assigned

NAME OF JUDICIAL OFFICER: _____

IT IS FURTHER ORDERED that in accordance with the Arizona Rules of Family Law Procedure, Rules 40, 41, 42, 43 and 91(L), a true copy of this Order to Appear and a true copy of the documents filed with the Petition shall be served on the party required to appear not less than 10 days prior to the above hearing date.

IT IS FURTHER ORDERED that both parties file and exchange all documents and disclosure in accordance with Rule 91(P) within the time specified therein. Failure to comply may result in the imposition of sanctions as set forth in Rule 91(Q).

IT IS FURTHER ORDERED that the completed financial affidavit comply with Pima County Superior Court Local Rule 8.5.

Requests for reasonable accommodation for persons with disabilities or a request for an interpreter for other than spoken English language must be made to the office of the assigned judicial officer 5 days before the scheduled Court date by calling 520-724-3200.

Dated: _____

Judicial Officer



Instructions for a *Request for Protected Address*

You may type on the forms or write on them in black ink.

The Caption

The Caption is the information in the upper left hand side of the first page of each form.

- **Personal information** – Fill in your name and telephone number.
- **Case No.** – Enter your Superior Court Number, as found on the original Petition.
- **Petitioner** – Enter the Petitioner’s name, as found on the original Petition.
- **Respondent** – Enter the Respondent’s name, as found on the original Petition.
 - **Check either the Respondent or the Petitioner box to show who is requesting the protected address**

Check all that apply to you to show why you believe a protected address would be in the best interest for you and your children.

- I have a valid Order of Protection against a party in this case issued by the following court.
 - Write the name of the court (attach a copy if available).
- I have a valid Order of Protection against a party in this case issued by this court.
 - Write the name of the judge if issued by the Superior Court in Pima County.
- I have a valid Order of Protection against a person not involved in this case issued by the following court.
 - Write the name of the court.
- I have a valid Order of Protection against a person not involved in this case issued by the following court.
 - Write the name of the court (attach a copy if available).
- I do not have a valid Order of Protection, but want my address protected for the following reasons.
 - List the reasons (attach additional pages if necessary).

Write in the date, check if you are either the Petitioner or the Respondent, and sign the document.

Name: _____
Daytime Telephone _____ No: _____
Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Petitioner Case No. _____

And

REQUEST FOR PROTECTED ADDRESS

Respondent Petitioner **or** Respondent

I reasonably believe that physical or emotional harm may happen to me or my minor children if my address is not protected from disclosure, and I request that the court order that my address be protected from public disclosure, for the following reasons:

I have a valid Order of Protection against a party in this case issued by the following court (a copy is attached if available):

I have a valid Order of Protection against a party in this case issued by this Court:

I have a valid Order of Protection against a person not involved in this case issued by the following court (a copy is attached if available):

I do not have a valid Order of Protection, but want my address protected for the following reasons:

My address is currently unknown to the other party. I have listed my address on a separate sheet of paper for court use.

I understand that I have a continuing duty to provide the clerk of the court with a current and correct mailing address where I can be served with process until one of the following events stated in Rule 7(D), Arizona Rules of Family Law Procedure, occurs.

Date

 Petitioner's **or** Respondent's Signature

[Request for Protected Address]

PERSON WHOSE ADDRESS IS PROTECTED:

Petitioner **or** Respondent

ADDRESS TO BE PROTECTED:

Street: _____

City: _____

State, Zip Code: _____

Telephone Number: _____



Instructions for *Order For Protected Address*

You may type on the forms or write on them in black ink.

The Caption

The Caption is the information in the upper left hand side of the first page of each form.

- **Personal information** – Fill in your name and telephone number.
- **Case No.** – Enter your Superior Court Number, as found on the original Petition.
- **Petitioner** – Enter the Petitioner’s name, as found on the original Petition.
- **Respondent** – Enter the Respondent’s name, as found on the original Petition.
 - " **Check either the Respondent or the Petitioner box to show who is requesting the protected address**

This is all you need to fill out on this form. The clerk will complete the rest for you.

Name: _____

Address: _____

City, State, _____ ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Petitioner

and

Respondent

Case No. _____

ORDER FOR PROTECTED ADDRESS

Petitioner or Respondent

Upon request of Petitioner or Respondent, and good cause appearing,

IT IS ORDERED that:

The address of Petitioner or Respondent shall be protected from public disclosure until further order of this court.

The Clerk of the Court shall protect the address of Petitioner or Respondent from public disclosure until further order of this court.

The Clerk and the parties hereto shall comply with the requirements of Rule 7, Arizona Rules of Family Law Procedure, as follows:

Any person required under these rules to serve a response or other document upon a person whose address is ordered protected from disclosure under this rule may serve the same response or other document by delivering true and correct copies of the documents to be served, together with the proper fee established by administrative order to cover the cost of service, to the clerk of the court. The clerk shall promptly mail the documents by regular first-class mail to the most recent protected address provided to the clerk, and service shall be deemed complete upon mailing. The clerk shall promptly file a written statement verifying the documents that were mailed and the date of mailing to the protected address signed by the clerk or deputy clerk who mailed the documents. All documents mailed to a protected address shall bear the clerk's return address, and a notation of any process returned as undeliverable shall be made in the court file.

Date

Judicial Officer



Checklist and Instructions for Filing the *Request to Enforce Non-Support Orders* and Serving the Other Parent

1. Make copies of the following completed documents:

- You will need the original document plus **two** copies of the following documents:
 - *Request to Enforce*
 - *Order to Appear-Post Decree*
- You will need the original document plus **one** copy of the following documents:
 - Deferral/Waiver of Fees/Costs Form (if applicable)
 - Request and Order for Protected Address (if applicable)

2. Separate the documents into 3 sets.

- **Set 1** (Original Documents) goes to the clerk of the court
 - *Request to Enforce* (one copy)
 - *Order to Appear-Post Decree* (original and two copies)
 - *Deferral/Waiver of Fees/Costs* (if applicable)
 - *Request for Protected Address* (if applicable)
- **Set 2** will go to **the other party** once the *Order to Appear* is signed by the judicial officer and a hearing date is assigned
 - *Request to Enforce Support*
 - *Order to Appear-Post Decree* (signed by the Judge)
- **Set 3** is **your set** of copies
 - Same as **Set 2**, plus the *Deferral/Waiver of Fees/Costs* Form (if applicable) and the *Request for Protected Address* Form (if applicable)

3. File the papers at the court.

- Take your packet to the **Clerk of the Superior Court**. Arrive at least one hour before the court closes.

First Floor

Superior Court Building

110 West Congress

Tucson, AZ 85701

Open 8 am to 5 pm, Monday through Friday (except legal holidays)

4. Serve the court papers on the other parent

- Once you receive the signed order from the court, use Packet #10, *Service of Papers on the Other Party* and serve the obligor with **Set 2** of the documents.

5. Wait to see if the other person responds to the petition

- The person you serve is not required to file a formal response, but if they do choose to respond, they must file their response and serve you no less than three (3) business days prior to the scheduled hearing date.