

# **MODIFICATION OF CHILD CUSTODY**

## **Packet #23**

*Separate forms from  
packet before filing*

# PIMA COUNTY SUPERIOR COURT SELF-SERVICE PACKET

## MODIFICATION OF CHILD CUSTODY

### Use and Disclaimer

These forms shall not be used to engage in the unauthorized practice of law. The Pima County Superior 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, and trips to the courthouse. 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 help on the papers you are having trouble with.

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

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

### How to assemble these documents

This packet contains court forms and instructions about service of papers on the other party. Be sure the documents are in the following order. Look at the lower right-hand corner of the document for the document number. Documents that end with "info" are general information or instructions. Documents that end with "form" are court forms that must be completed and filed with the court.

Title	Form Name
Use and Disclaimer (1 page)	modifychildcustody-use and disclaimer.info
General Information and Flowchart (3 pages)	modifychildcustody-general and flowchart.info
Instructions for processing Petition for Modification of Child Custody (1 page)	modifychildcustody-inst for processing.info
Instructions for Petition for Modification of Child Custody (2 page)	modifychildcustody-inst for petition.info
Petition for Modification of Child Custody (3 pages)	modifychildcustody-petition.form
Instructions for Affidavit in Support of Petition (1 page)	modifychildcustody-affidavit.info
Affidavit in Support of Petition for Modification of Custody (2 pages)	modifychildcustody-petition.form
Instructions for Affidavit re: Minor Children (1 page)	modifychildcustody-minorchildren.info
Affidavit Regarding Minor Children (3 pages)	modifychildcustody-minorchildren.form
Instructions for Notice of Filing Petition (1 page)	modifychildcustody-notice of filing.info
Notice of Filing Petition (1 page)	modifychildcustody-notice of filing.form
Instructions for Request for Order (1 page)	modifychildcustody-request for order.info
Request for Order Granting or Denying Hearing (1 page)	modifychildcustody-request for order.form
Instructions for Order Granting or Denying Hearing (1 page)	modifychildcustody-order.info
Order Granting or Denying Hearing (2 pages)	modifychildcustody-order.form

## GENERAL INFORMATION ABOUT MODIFICATION OF CHILD CUSTODY AND FLOW CHART

### NOTICE:

Specific procedures must be followed to modify custody. If you have questions about these procedures, you should contact an attorney. Court personnel are not permitted to give legal advice.

### **Arizona Law:**

Arizona laws regarding custody and parenting time of minor children may be found at A.R.S.  25-401 through A.R.S.  25-415, in Rule 91(D), Arizona Rules of Family Law Procedure, and in Pima County Local Rule 8.4(g). The books containing the laws about custody and parenting time are referred to as the Arizona Revised Statutes and may be found in the Pima County Law Library located on the second floor of the Pima County Courthouse located at 110 W. Congress Ave., Tucson, Arizona. The laws may also be found by going to [www.azleg.state.az.us/Arizona Revised Statutes.asp](http://www.azleg.state.az.us/Arizona%20Revised%20Statutes.asp). To find the custody and parenting time laws, go to Title 25, Marital and Domestic Relations and to the Arizona Rule of Family Law Procedure and the Pima County Local Rules.

Arizona custody laws apply to children born during a marriage, and/or children whose parents were never married to each other.

Additionally, Arizona follows the Uniform Child Custody Jurisdiction and Enforcement Act, referred to as the UCCJEA. This law concerns custody orders from states other than Arizona, and sets out the laws that a Judge must follow concerning custody of children located in or out of Arizona. The UCCJEA may be found at A.R.S.  25-1001 through A.R.S.  25-1067. These laws and rules may also be found in the Pima County Law Library located on the second floor of the Pima County Courthouse located at 110 W. Congress Ave., Tucson, Arizona. The laws may also be found by going to [www.azleg.state.az.us/Arizona Revised Statutes.asp](http://www.azleg.state.az.us/Arizona%20Revised%20Statutes.asp). The rules may be found by going to [http://www.supreme.state.az.us/rules/ramd\\_pdf/R-05-0008.pdf](http://www.supreme.state.az.us/rules/ramd_pdf/R-05-0008.pdf). To find the custody and parenting time laws, go to Title 25 Marital and Domestic Relations., Chapter 8.

### **In order to change custody, the following must apply:**

If you have a Court Order regarding custody of children and you believe it should be changed, the following information must apply:

1. At least one year from the most recent custody order has passed; **OR**
2. The Court finds that there is reason to believe that the child=s present environment may seriously endanger the child=s physical, mental, moral or emotional health; **OR**
3. A joint custody order was entered, and the Court finds that domestic violence pursuant to A.R.S.   13-1201 or 13-1204, spousal abuse or child abuse occurred since the entry of the joint custody order; **OR**
4. Six months after a joint custody order was entered, a parent may petition the Court for a modification based on the failure of the other parent to comply with the provisions of the order.  
NOTE: Military deployment of a custodial parent is not always considered a change in circumstances.

### **Note: Custody litigation is not favored:**

Arizona law does not favor frequent custody fights over children. It is not in a child=s best interests for parents to have continuing litigation over the children. That is why there is a two-part procedure for  
[modifychildcustody-general and flowchart.info](#)

modification of custody. This procedure allows two judges to look at the papers you file, and it is described below.

**Information regarding Basic Procedure if the Custody Order was issued in Arizona Superior Court in Pima County:**

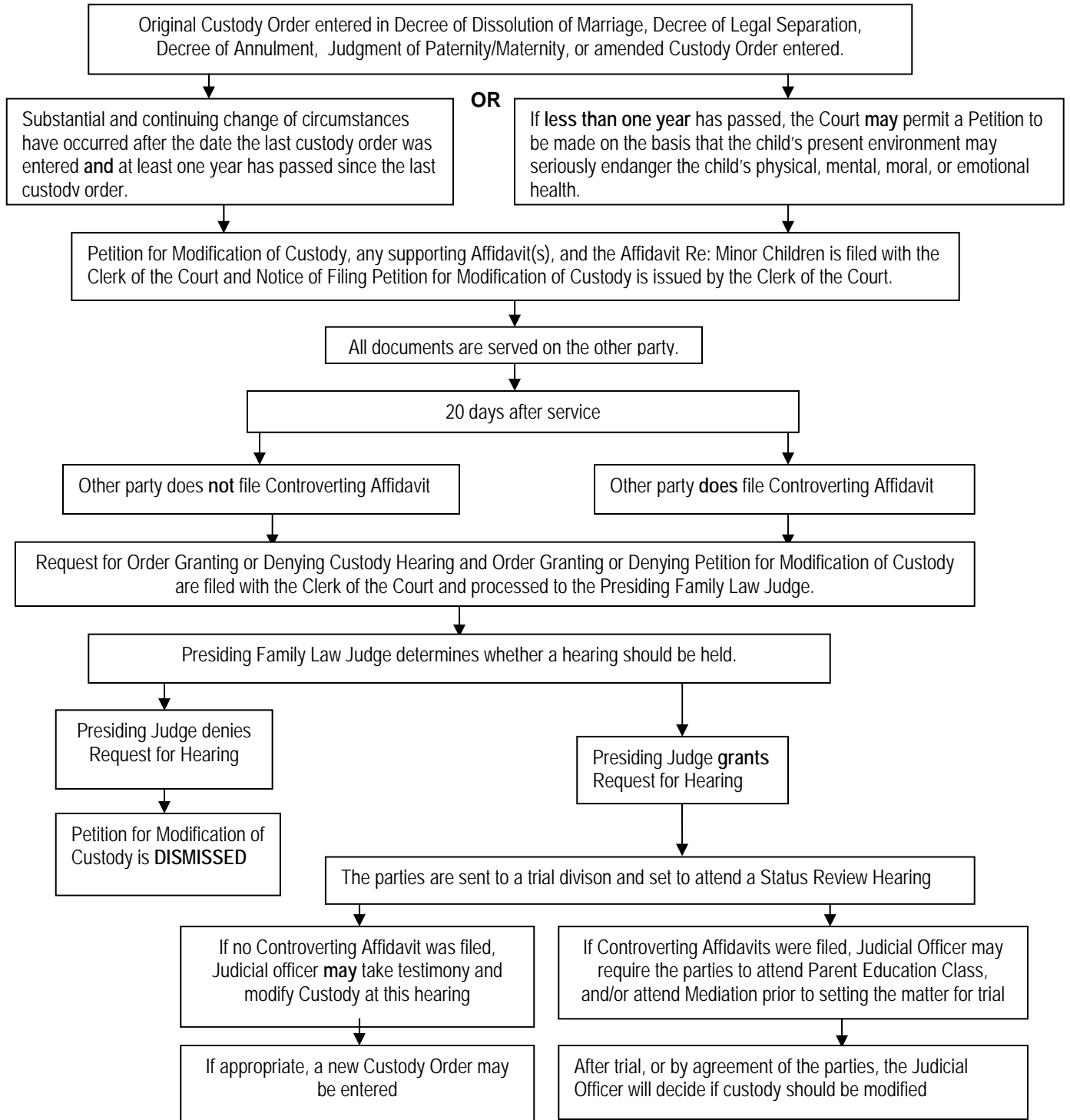
1. Prepare a Petition for Modification of Child, any Affidavit(s) in Support of Petition for Modification of Child Custody, an Affidavit Re: Minor Children, **and** a Notice of Filing Petition for Modification of Custody, following the instructions for each form.
2. The Petition for Modification of Child Custody, any Affidavit(s) in Support of the Petition for Modification of Child Custody, the Affidavit Re: Minor Children, **and** the Notice of Filing Petition for Modification of Child Custody **must** be filed with the Clerk of the Court and **must be served** on the other parent, following the instructions for service of process.
3. The other parent has 20 days to file an opposing Affidavit (called a Controverting Affidavit), contesting the Petition for Modification of Child Custody.
4. If the other parent does not file a Controverting Affidavit, and his or her time to file the Controverting Affidavit has passed, you must prepare and file a Request for Order Granting or Denying a Hearing on the Petition for Modification of Child Custody, following the instructions.
5. If the other parent files a Controverting Affidavit, you must prepare and file a Request for Order Granting or Denying a Hearing on the Petition for Modification of Child Custody, following the instructions.
6. When the Request for Order Granting or Denying a Hearing on the Petition for Modification is filed, the Court file will be taken to the Presiding Family Law Judge, who will review the paperwork filed by both parties **and** any other documents already found in the Court's file.
7. Based only on the paperwork, the Presiding Family Law Judge will decide whether there should be a hearing to modify custody.
8. If the Presiding Family Law Judge decides that there should not be a hearing, you will receive a notice to that effect, and the existing custody order will not be changed.
9. If the Presiding Family Law Judge decides that there should be a hearing, you and the other parent will be referred to a trial division judicial officer who will set a status review hearing.
10. If no Controverting Affidavit has been filed, and the other parent does not appear at the status review hearing, the Judicial Officer may change custody or enter other appropriate orders at that time.
11. If the other parent has contested the Petition for Modification, the Judicial Officer will set the matter for trial, and make other orders as may be appropriate, such as attending a parent education class, participating in custody mediation, or possibly ordering a professional custody evaluation.
12. The Judicial Officer will send a Trial Notice with other requirements regarding the trial process.
13. Refer to the attached Flow Chart for further information regarding this procedure.

**NOTE:**

If your Custody Order was issued in an Arizona County, other than Pima County, you must request a change of venue in order to transfer the case from the original county to Pima County, before a judge in Pima County can make a decision about the case.

If your Custody Order was issued in a state other than Arizona, you must first Adomesticate the other State's order in this Court, before a judge in Pima County can make a decision about the case. You should consult with an attorney to help you with this procedure.

## Flow Chart



## INSTRUCTIONS FOR PROCESSING PETITION FOR MODIFICATION OF CUSTODY FORM

1. Complete all required forms according to the instructions on each form.
2. Make four copies of each form.
3. Take all forms to the Clerk of the Court for filing.
4. The Clerk of the Court will file the original, and return 3 copies to you to serve on the other parent.
5. The following papers **must** be served on the other parent:
  - a) Petition for Modification of Custody, with any Affidavit(s) in Support of Petition for Modification of Custody; AND
  - b) Affidavit Regarding Minor Children; AND
  - c) Notice of Filing Petition for Modification of Custody.
6. You are responsible for having the papers served on the other parent. Your papers may be served as follows:
  - a) 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 740-5510 for more information.
  - b) Private process server. The names of local process server companies are listed in the Yellow Pages under Process Servers.
  - c) United States Mail, Return Receipt Requested. The other party must personally sign the green card, and you must file the green card with the Court, along with an Affidavit of Service.\* Service is not complete unless the other party is the person who signs for the mail. Note: It is not good service if another household resident signs the green card.
  - d) National Courier Service. This requires a signature showing that the documents have been received, and you must file the proof of receipt with the Court, along with an Affidavit of Service.\* Note: It is not good service if another household resident signs for the documents.
  - e) 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.\* Other methods of service may also be allowed, pursuant to Rule 40 (C), Arizona Rules of Family Law Procedure.  
\*The Affidavit of Service form and the Acceptance of Service Form are available in the Self-Help Center located in the Pima County Law Library located on the second floor of the Courthouse.
7. After the other party is served, he or she has 20 days to file a Controverting Affidavit, to contest the Petition for Modification of Custody. The 20 day period starts the day after the papers are served. If the 20th day ends on a Saturday, Sunday, or legal holiday, the time is extended to the next Court business day.
8. If the other party files or does not file a Controverting Affidavit, **wait five additional days**, and file the Request for Order Granting or Denying Hearing along with the Order Granting or Denying Hearing form with the Clerk of the Court. The Clerk of the Court will process the Request to the appropriate Judicial Officer. You must also mail a copy of the Request to the other party.
9. If the Judicial Officer **denies** the request for hearing, then the Petition to Modify Custody is dismissed and no further Court action will be taken at that time on the Petition to Modify Custody.
10. If the Judicial Officer **grants** the request for hearing, then both parties will receive a copy of the Court=s Order. The Order will set a hearing to review the matter. If no Controverting Affidavit was filed, the Court may change custody at this hearing, or the Court may set other hearings and/or requirements.

**If you do not understand these requirements, you should contact an attorney for advice.  
Clerk of the Court personnel are not allowed to give legal advice.**

## **INSTRUCTIONS FOR PETITION FOR MODIFICATION OF CHILD CUSTODY FORM**

Note: Use Black ink.

**Print neatly or type the form. A Judicial Officer must be able to read the forms, or they may be returned to you for correction.**

1. Fill in your name, address and telephone number at the top of the Petition for Modification of Custody.
2. Fill in the Pima County case number.
3. Fill in the name of the Petitioner and the Respondent. These names are always filled out in the same order as the original documents, regardless of which party is filing the papers at this time.
4. Check the box which applies to the party who is filing the Petition for Modification of Custody.
5. Paragraph 1: Fill in the information regarding the Petitioner and Respondent=s name and address.
6. Paragraph 2: Fill in the names and ages of each minor child who is the subject of the custody order and check the box as to where the child lives.
7. Paragraph 3: Fill in the name of the Court, the County and or other State where the custody order you want to modify was issued, or check the Asame as above= box.
8. Paragraph 4: Fill in the date that the last custody order was issued.
9. Paragraph 5: Check each box which applies.
10. Paragraph 6: State the provisions of the custody currently in effect. Do not attach a copy of the previous document.
11. Paragraph 7: State each and every reason you believe that custody should be modified. Remember that a Judicial Officer will first review the paperwork to decide if there should even be a hearing. You should include all relevant information, including examples, dates and so forth.
12. Paragraph 8: State what you think the new custody order should be.
13. Paragraph 9: If you believe that other people have important information about the child(ren) which the Judicial Officer should consider, you may have each person complete an Affidavit in Support of Petition for Modification of Custody which must be signed before a Notary Public. These Affidavits should be attached to your Petition for Modification of Custody.
14. In the ATherefore= Paragraph 1: Fill in the date of the custody order.
15. In the ATherefore= Paragraph 2: Check the boxes which apply.
16. In the ATherefore= Paragraph 3: Check the box which applies.
17. In the ATherefore= Paragraph 5: Check the box which applies.

18. Date and sign the Petition for Modification of Custody before a Notary Public or a Deputy Clerk of Court at the Courthouse.
19. Make four copies of each document.
20. Complete the Notice of Filing Petition for Modification of Custody according to the instructions for that form.
21. Refer to the instructions for completing the action.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Daytime Telephone No: \_\_\_\_\_

Representing Self, Without a Lawyer

## ARIZONA SUPERIOR COURT, PIMA COUNTY

\_\_\_\_\_  
Petitioner/Plaintiff

Case No. \_\_\_\_\_

and

\_\_\_\_\_  
Respondent/Defendant

### VERIFIED PETITION FOR MODIFICATION OF CHILD CUSTODY

I am the  Petitioner  Respondent in this matter. I allege as follows:

1. Petitioner=s Information

Respondent=s Information

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

2. Children of this relationship

Name: \_\_\_\_\_ Age: \_\_ Currently residing with  Petitioner  Respondent

Name: \_\_\_\_\_ Age: \_\_ Currently residing with  Petitioner  Respondent

Name: \_\_\_\_\_ Age: \_\_ Currently residing with  Petitioner  Respondent

Name: \_\_\_\_\_ Age: \_\_ Currently residing with  Petitioner  Respondent

3. The name of the Court where the custody order was entered is

Court \_\_\_\_\_ County/State \_\_\_\_\_

**OR**

Same as above Court - Name of Judicial Officer \_\_\_\_\_

4. Date the last custody order was entered: \_\_\_\_\_

5. Check all that apply:

It has been at least one year since the prior custody order was issued.

The child(ren)=s present environment may seriously endanger the child(ren)=s physical, mental, moral or emotional health.

- A joint custody order was previously entered and domestic violence pursuant to A.R.S. §13-1201 or A.R.S. §13-1204, spousal abuse or child abuse occurred after the entry of the joint custody order.
- A joint custody order was entered and the other parent has failed to comply with the order.
- There  are  are not written agreements regarding custody of our children. (Attach a copy of any written agreement.)

6. The current custody order states:

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7. There has been a substantial and continuing change in the parent=s and/or the children=s circumstances after the last custody order. It would be in the child(ren)=s best interests to modify custody for the following reasons: (Give specific examples, and attach additional pages if necessary)

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8. Custody of the child(ren) should be changed and a new custody order should be as follows:

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9. In support of this Petition to Modify Custody, I wish the Court to consider the attached Affidavit(s), if any, in determining whether or not to set this matter for hearing.

Therefore, I request:

1. That the current custody order dated \_\_\_\_\_ be modified.
2. That the  Petitioner  Respondent be granted  sole custody  joint custody of the following child(ren):

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3. That the  Petitioner  Respondent have parenting time with the child(ren) as set forth in paragraph 8, above.
4. That any child support order currently in effect be modified to conform with any change of custody and/or parenting time.
5. That the  Petitioner  Respondent be ordered to pay my reasonable Court fees.
6. For such other relief as may be appropriate.

Dated: \_\_\_\_\_  
 Petitioner  Respondent

STATE OF ARIZONA    )  
                                   ) ss.  
 County of Pima        )

The  Petitioner  Respondent being first duly sworn, states:

I have read the above Petition for Modification of Custody and I am personally aware of the statements made in the Petition and I believe the statements to be true in substance and in fact, except those made on information, and belief.

Dated: \_\_\_\_\_  
 Petitioner  Respondent

SUBSCRIBED AND SWORN to before me on \_\_\_\_\_.

\_\_\_\_\_  
 Notary Public / Deputy Clerk

My Commission Expires:

**INSTRUCTIONS FOR  
AFFIDAVIT IN SUPPORT OF PETITION FOR MODIFICATION  
OF CHILD CUSTODY FORM**

Note: Use Black ink.

**Print neatly or type the form. A Judicial Officer must be able to read the forms, or they may be returned to you for correction.**

Note: This Affidavit may be copied and filled out by the party filing the Petition for Modification of Child Custody and/or other persons. Additional pages and/or Affidavits may be attached, if necessary.

1. Fill in the case number.
2. Fill in the name of the Petitioner and Respondent as listed in the original paperwork.
3. Fill in the name of the person making the Affidavit.
4. At paragraph 1, fill in the name of the person making the Affidavit. Check the box indicating the relationship of the person making the Affidavit to the Petitioner and/or the Respondent, or check the box which indicates that the person making the affidavit is acquainted with the Petitioner and/or the Respondent and/or the minor children.
5. At paragraph 2, check the box indicating that the person making the Affidavit is related to the Petitioner and/or Respondent and/or the minor children, and state the relationship. For example, sister, aunt, grandparent, etc. If no relationship, state Anone.
6. At paragraph 3, check the box indicating that the person making the Affidavit knows the Petitioner and/or Respondent and/or their minor children, and state the way the person making the Affidavit knows the Petitioner and/or Respondent and/or their minor children. For example: neighbor, co-worker, day care provider, etc.
7. At paragraph 4, check the box indicating which party, the Petitioner and/or Respondent and/or their minor children for whom the affiant is providing the information. State the reasons the person making the Affidavit believes the Court should consider this information in deciding if a hearing to modify custody should be held. The person making the Affidavit should be as specific as possible as to the information, and should state the way he or she knows the information. Whenever possible, exact dates as to specific incidents should be given.
8. At page 2, fill in the Case number at the top of the page.
9. Date and sign the Affidavit before a Notary Public or Deputy Clerk of Court.
10. Make four copies of each Affidavit. The original Affidavit(s) in Support of Petition for Modification of Child Custody must be filed with the Petition for Modification of Custody and a copy of all Affidavits must be served on the other party.
11. Refer to the Instructions for Processing the Petition for Modification of Custody Form.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Daytime Telephone No: \_\_\_\_\_

Representing Self, Without a Lawyer

## ARIZONA SUPERIOR COURT, PIMA COUNTY

\_\_\_\_\_

Case No. \_\_\_\_\_

Petitioner/Plaintiff

and

\_\_\_\_\_

Respondent/Defendant

### AFFIDAVIT IN SUPPORT OF PETITION FOR MODIFICATION OF CHILD CUSTODY

STATE OF ARIZONA )

County of Pima )

) ss \_\_\_\_\_ being duly sworn, states as follows:

1. My name is \_\_\_\_\_. I am related to the  Petitioner  Respondent or I am acquainted with the  Petitioner  Respondent and/or their minor children.
2. I am related to the  Petitioner  Respondent and/or  their minor children in the following way:  
\_\_\_\_\_  
\_\_\_\_\_
3. I know the  Petitioner  Respondent and/or  their minor children, in the following way:  
\_\_\_\_\_  
\_\_\_\_\_
4. I have the following information about the  Petitioner  Respondent and/or  their minor children which I believe the Court should consider when determining whether a hearing should be held to modify custody: (attach additional pages if necessary)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CASE NO.** \_\_\_\_\_

5. I believe that the above information is true to the best of my knowledge, information and belief.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

SUBSCRIBED AND SWORN to before me on \_\_\_\_\_,

by \_\_\_\_\_  
Notary Public / Deputy Clerk of Court

My Commission Expires: \_\_\_\_\_

## INSTRUCTIONS FOR AFFIDAVIT REGARDING MINOR CHILDREN FORM

Note: Use Black ink.

**Print neatly or type the form. A Judicial Officer must be able to read the forms, or they may be returned to you for correction.**

1. Fill in your name, address and telephone number at the top of the Affidavit Re: Minor Children.
2. Fill in the Pima County case number.
3. Fill in the name of the Petitioner and the Respondent. These names are always filled out in the same order as the original documents, regardless of which party is filing the papers at this time.
4. At paragraph 1, fill in the full mailing address of each party.
5. At paragraph 2, fill in the names and ages of each child of these two parents even if this Petition does not pertain to one or more children.

6. At paragraph 3, fill in the name of each child, the address of each child for the past five years, the name of the person living with that child at that address and the relationship of that person to the child.

**Example:**

Child=s Name Rebecca Green      Dates: From August 2003 to December 2008  
Address 1234 E. Main St.      Lived with Susan Green and Mary Green  
City, State Tucson, AZ      Relationship to child Mother and Maternal Grandmother

7. At paragraph 4, check the box if you have been a party/witness in Court in Arizona or any other state regarding custody/visitation regarding any of the children.

**Example:**

Name of each child involved: Rebecca Green  
Name of Court Iowa Superior Court      Court location Ames, Iowa  
Court Case Number FL12345      Current status Case Closed  
How the child is involved Custody in Divorce Case  
Summary of any Court Order \_\_\_\_\_

8. At paragraph 5 check the box to indicate if you have any information regarding pending Court cases involving any of the children. If yes, complete the information, following the example in paragraph 7 of these instructions, above.
9. At paragraph 6, check the box to indicate if you have any information regarding a claim for custody and/or visitation with the child/children by any other person. If yes, complete the information following the example in paragraph 7 of these instructions, above.
10. Sign the Affidavit in front of a Notary Public or a Deputy Clerk at the Superior Court.
11. Refer to the Instructions for Processing the Petition for Modification of Custody Form for further instructions.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Daytime Telephone No: \_\_\_\_\_

Representing Self, Without a Lawyer

## ARIZONA SUPERIOR COURT, PIMA COUNTY

\_\_\_\_\_

Case No. \_\_\_\_\_

Petitioner/Plaintiff

and

\_\_\_\_\_

Respondent/Defendant

### AFFIDAVIT REGARDING MINOR CHILDREN

**This Affidavit Regarding Minor Children must be filed in all cases. You must fill out this form completely and provide accurate information. Use additional paper if necessary. You must file this Affidavit with the Court and serve copies of this and all other required documents on the other party or the other party's attorney.**

**1. THE PARTIES' MAILING ADDRESSES ARE:**

Petitioner: \_\_\_\_\_

Respondent: \_\_\_\_\_

**2. CHILDREN OF THE PARTIES WHO ARE UNDER AGE 18.** The following child(ren) are under age 18 and were born to, or adopted by, the parties:

Name \_\_\_\_\_

Age \_\_\_\_\_

Name \_\_\_\_\_

Age \_\_\_\_\_

Name \_\_\_\_\_

Age \_\_\_\_\_

Name \_\_\_\_\_

Age \_\_\_\_\_

**3. INFORMATION REGARDING WHERE THE CHILDREN UNDER AGE 18 HAVE LIVED FOR THE LAST 5 YEARS. (State most recent address first)**

Child's Name \_\_\_\_\_

Address \_\_\_\_\_

City, State \_\_\_\_\_

Dates: From \_\_\_\_\_ to \_\_\_\_\_

Lived with \_\_\_\_\_

Relationship to child \_\_\_\_\_

Child's Name \_\_\_\_\_

Address \_\_\_\_\_

City, State \_\_\_\_\_

Dates: From \_\_\_\_\_ to \_\_\_\_\_

Lived with \_\_\_\_\_

Relationship to child \_\_\_\_\_

CASE NO. \_\_\_\_\_

Child=s Name \_\_\_\_\_ Dates: From \_\_\_\_\_ to \_\_\_\_\_  
Address \_\_\_\_\_ Lived with \_\_\_\_\_  
City, State \_\_\_\_\_ Relationship to child \_\_\_\_\_

Child=s Name \_\_\_\_\_ Dates: From \_\_\_\_\_ to \_\_\_\_\_  
Address \_\_\_\_\_ Lived with \_\_\_\_\_  
City, State \_\_\_\_\_ Relationship to child \_\_\_\_\_

**4. INFORMATION REGARDING COURT CASES INVOLVING CUSTODY OF OR VISITATION WITH THE CHILDREN NAMED ABOVE IN WHICH I HAVE BEEN A PARTY, WITNESS OR APPEARED IN ANY OTHER CAPACITY. (Check yes or no.)**

I have been a party/witness in Court in this state or in any other state that involved the custody of and/or visitation with the child(ren) named above.  Yes  No If yes, explain. If no, go on to next section.

Name of each child involved: \_\_\_\_\_  
Name of Court \_\_\_\_\_ Court location \_\_\_\_\_  
Court Case Number \_\_\_\_\_ Current status \_\_\_\_\_  
How the child is involved \_\_\_\_\_  
Summary of any Court Order \_\_\_\_\_

**5. INFORMATION REGARDING PENDING COURT CASES RELATED TO THE CUSTODY OF AND/OR VISITATION WITH THE CHILDREN. (Check yes or no.)**

I have information about a custody and/or visitation Court case relating to any of the children named above that is pending in this state or in any other state.  Yes  No If yes, explain. If no, go on to next section.

Name of each child involved: \_\_\_\_\_  
Name of Court \_\_\_\_\_ Court location \_\_\_\_\_  
Court Case Number \_\_\_\_\_ Current status \_\_\_\_\_  
How the child is involved \_\_\_\_\_  
Summary of any Court Order \_\_\_\_\_

**6. INFORMATION REGARDING CUSTODY AND/OR PARENTING TIME CLAIMS OF ANY PERSON. (Check yes or no.)**

I have information about a custody and/or visitation Court case relating to any of the children named above that is pending in this state or in any other state.  Yes  No If yes, explain. If no, go on to next section.

Name of each child: \_\_\_\_\_  
Name of person with the claim: \_\_\_\_\_  
Address of person with the claim: \_\_\_\_\_  
Nature of the claim: \_\_\_\_\_

Notarized Signatures on Page 3.

State of Arizona        )  
                                  ) ss:  
Pima County            )

I have read the above Affidavit Regarding Minor Children and know of my own knowledge that the information is true and correct and that any false information may constitute perjury.

\_\_\_\_\_  
Petitioner / Respondent

Subscribed and sworn to before me on \_\_\_\_\_

\_\_\_\_\_  
Notary Public/Deputy Clerk

My Commission Expires: \_\_\_\_\_

## **INSTRUCTIONS FOR NOTICE OF FILING PETITION FOR MODIFICATION OF CHILD CUSTODY FORM**

Note: Use Black Ink

**Print neatly or type the form. A Judicial Officer must be able to read the forms, or they may be returned to you for correction.**

1. Fill in your name, address and telephone number at the top of the Notice of Filing Petition for Modification of Child Custody.
2. Fill in the Pima County Case number.
3. Fill in the name of the Petitioner and Respondent. These names are always filled out in the same order as the original documents, regardless of which party is filing the papers at this time.
4. At the line starting with To: Fill in the name of the person who will be receiving the Notice.
5. At the line starting with Name: Fill in your name and address.
6. Make four copies of this form.
7. Take the original and copies to the Clerk of the Court.
8. The Clerk of the Court will sign and date the form and return copies to you.
9. A copy of this Notice must be served on the other party along with the Petition for Modification of Child Custody, the Affidavit Re: Minor Children, and any supporting Affidavit(s).

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Daytime Telephone No: \_\_\_\_\_

Representing Self, Without a Lawyer

## ARIZONA SUPERIOR COURT, PIMA COUNTY

\_\_\_\_\_  
Petitioner/Plaintiff

and

\_\_\_\_\_  
Respondent/Defendant

Case No. \_\_\_\_\_

### NOTICE OF FILING PETITION FOR MODIFICATION OF CHILD CUSTODY

**WARNING:** This is an official notice which may affect your rights.  
Read it carefully. If you do not understand this document, contact a lawyer for help.

**TO:** \_\_\_\_\_  
Name of Opposing Party

NOTICE IS HEREBY GIVEN that a Petition for Modification of Child Custody Order has been filed, a copy of which is attached.

**YOU HAVE THE RIGHT TO FILE OPPOSING AFFIDAVITS SHOWING WHY CUSTODY SHOULD NOT BE MODIFIED. OPPOSING AFFIDAVITS MUST BE FILED WITHIN 20 DAYS OF SERVICE OF THE PETITION TO MODIFY ON YOU** by sending an original copy to:

Clerk of Superior Court  
Arizona Superior Court in Pima County  
110 W. Congress  
Tucson, AZ 85701

Copies of your Opposing Affidavits and Affidavit required by A.R.S. 25-411 must also be sent to:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

20 days after service of this Notice on you, the Court will review the Court file, the Petition and all Affidavits filed and determine if a hearing should be held, or if the Petition for Modification should be denied. If the Court determines that a hearing should be held, a hearing date and time will be set and you will be notified of the hearing date through your attorney of record, if any, or if you do not have an attorney, directly to you.

SIGNED AND SEALED on \_\_\_\_\_.

**CLERK OF THE SUPERIOR COURT**

By: \_\_\_\_\_  
Deputy Clerk

## **INSTRUCTIONS FOR REQUEST FOR ORDER GRANTING OR DENYING HEARING FORM**

Note: Use Black ink.

Print neatly or type the form. A Judicial Officer must be able to read the forms, or they may be returned to you for correction.

1. Fill in your name, address and telephone number at the top of the Request For Order Granting or Denying Hearing.
2. Fill in the Pima County case number.
3. Fill in the name of the Petitioner and the Respondent. These names are always filled out in the same order as the original documents, regardless of which party is filing the papers at this time.
4. Check the box with the name of the person served and fill in the date that person was served with the Petition for Modification of Custody.
5. Check the box to indicate if opposing affidavits have or have not been filed with the Court.
6. If one of the parents does not reside in Pima County, check the appropriate box.
7. If the parents have attended mediation and did not reach an agreement, check the appropriate box.
8. Date and sign the Request form
9. Make four copies of this form.
10. Take the original and all copies and the original and copies of the Order Granting or Denying Petition for Modification of Custody to the Clerk of the Court. The Clerk will keep the original of each form and return your copies to you.
11. Mail a copy of the Request for Order Granting or Denying Hearing to the other party. It is not necessary to mail a copy of the Order Granting or Denying Petition for Modification--the Presiding Judge will mail those copies for you.
12. The Clerk of the Court will take the file to the Presiding Family Law Judge, who will decide if a hearing should be held, or if the Petition for Modification of Child Custody should be dismissed, or if another type of hearing is necessary.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Daytime Telephone No: \_\_\_\_\_

Representing Self, Without a Lawyer

## ARIZONA SUPERIOR COURT, PIMA COUNTY

\_\_\_\_\_

Case No. \_\_\_\_\_

Petitioner/Plaintiff

and

\_\_\_\_\_

Respondent/Defendant

### REQUEST FOR ORDER GRANTING OR DENYING CUSTODY MODIFICATION HEARING

A Petition for Modification of Child Custody was filed with the Court.

The Petition and Notice of Filing were served on the  Petitioner  Respondent on \_\_\_\_\_.  
Twenty days have passed following service.

- No opposing affidavits have been filed.
- Opposing affidavits have been filed.

This matter is not subject to mandatory mediation pursuant to Pima County Local Rule 8.9 for the following reasons:

- One of the parties does not reside in Pima County.
- The parties have attended mediation regarding this Petition and did not enter into an agreement.

THEREFORE,

Petitioner  Respondent requests that the Court enter an Order granting or denying a hearing on the Petition for Modification of Custody.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Attorney for  Petitioner  Respondent

Date Copy mailed/delivered to:

- Attorney for Petitioner \_\_\_\_\_
- Attorney for Respondent \_\_\_\_\_
- Petitioner \_\_\_\_\_
- Respondent \_\_\_\_\_

## **INSTRUCTIONS FOR ORDER GRANTING OR DENYING HEARING FORM**

Note: Use Black ink.

Print neatly or type the form. A Judicial Officer must be able to read the forms, or they may be returned to you for correction.

1. Fill in your name, address and telephone number at the top of the Order Granting or Denying Hearing.
2. Fill in the Pima County case number.
2. Fill in the name of the Petitioner and the Respondent. These names are always filled out in the same order as the original documents, regardless of which party is filing the papers at this time.
3. Do not fill out any other information on this form.
4. Make four copies of this form.
5. Take the original and copies to the Clerk of the Court. The Clerk will file the original and return conformed copies to you.
6. The Clerk of the Court will take the original to the Presiding Family Law Judge to use after deciding whether or not a hearing should be held.
8. You will receive a copy of the Order at the address you state on your papers.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Daytime Telephone No: \_\_\_\_\_

Representing Self, Without a Lawyer

## ARIZONA SUPERIOR COURT, PIMA COUNTY

\_\_\_\_\_  
Petitioner/Plaintiff

Case No. \_\_\_\_\_

and

\_\_\_\_\_  
Respondent/Defendant

### ORDER

**Granting Hearing**

**Denying Hearing**

- The Court has reviewed the Petition for Modification of Child Custody and considered the affidavits filed and finds that adequate cause to set the matter for hearing has been shown,

#### **THEREFORE, IT IS ORDERED:**

This matter is set for a Resolution Management Conference as follows:

**NAME OF JUDICIAL OFFICER:** \_\_\_\_\_

**LOCATION:** Arizona Superior Court, 110 W. Congress, Tucson, Arizona

**DATE AND TIME OF HEARING:** \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

*Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case at least three judicial days in advance of a scheduled Court proceeding. Call: \_\_\_\_\_ to make a request. If you require an interpreter for a spoken language or for the deaf, call 740-3888 immediately, and arrangements will be made to provide an interpreter.*

1. If no opposing affidavits were filed and no one appears in opposition, the Court may take sufficient evidence in support of the Petition to Modify Custody and may enter an Order modifying custody, and/or
2. The Court will determine if mediation is required and make the appropriate orders, and/or

CASE NO. \_\_\_\_\_

3. The Court may order that a trial date be set.

**OR**

The Court has reviewed the Petition for Modification of Child Custody and considered the affidavits filed and finds that adequate cause to set the matter for hearing has NOT been shown,

**THEREFORE, IT IS ORDERED:**

The Petition for Modification of Child Custody is DENIED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge

Copy mailed to:

- Attorney for Petitioner \_\_\_\_\_
- Attorney for Respondent \_\_\_\_\_
- Petitioner \_\_\_\_\_
- Respondent \_\_\_\_\_