

# REQUEST TO ENFORCE SUPPORT

*Separate forms from  
**packet before filing***

## **INSTRUCTIONS FOR COMPLETING REQUEST TO ENFORCE SUPPORT**

“**Obligor**” is the person ordered to make support payments.

“**Obligee**” is the person or agency entitled to receive support.

“**Support**” means child support and/or spousal support (maintenance) unless specifically stated otherwise.

### **COMPLETE THIS FORM TO REQUEST ENFORCEMENT OF CHILD SUPPORT OR SPOUSAL SUPPORT (MAINTENANCE) IF:**

- You have an Arizona order that requires the payment of child support or spousal support, and
- The party obligated to pay support has failed to make the payments due you.

**NOTE:** These forms cannot be used if your support order was not entered by an Arizona court. Out-of-state orders may be enforced in Arizona courts provided you follow the procedures required to enforce foreign orders. In such cases, you may wish to contact an attorney regarding enforcement.

### **TO COMPLETE AND FILE THIS REQUEST TO ENFORCE YOU WILL NEED:**

- Information from the order(s) you wish to have enforced.
- A copy of the order you wish to have enforced if that order was issued by the Superior Court of Arizona in a county other than the one where you will file this request. Attach the copy to the Request when you file it.

**NOTE:** The order you attach must be the most recent order for support.

- Copies of your current payment history from the Clerk of the Court in all counties where payments were made during the time frame specified in Item 11. If payments were made in other states during that time, those payment histories will also be necessary. Take the payment histories with you when you go to court for your hearing.

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

- (1) Fill in the name, address, and telephone number as the person who is requesting enforcement of the order that established the support obligation. (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 person who is shown as the petitioner on the court order that established the support obligation.
- (3) Fill in the name of the person who is shown as the respondent on the document you used for Item 2.
- (4) If the order you are asking to have enforced was issued in the same county in which you are filing this request, fill in the case number of that order. Otherwise, leave this space blank.
- (5) Mark the “Child Support” box if you are seeking to enforce a child support order; mark the “Spousal Support” box if you are seeking to enforce the terms of a spousal maintenance or spousal support order. If you want both types of orders enforced, mark both boxes.
- (6) Fill in the date of the order you want to have enforced.

- (7) Fill in the name of the Obligor, person who owes you support.
- (8) Fill in the name of the judicial officer who signed the order of support.
- (9) Fill in the amount of support to be paid and when it was to be paid. (Example: Child support of \$250 per month due on the 1<sup>st</sup> day of each month and spousal support of \$100 per month due on the 1<sup>st</sup> day of each month.)
- (10) Fill in the total amount of support that is past due and owed to you. This amount can be determined by first calculating the total amount that should have been paid during the time period stated in Item 11. (Example: 9 months X \$350 per month = \$3,150.00.) Next, calculate the total amount of support you received during this time period. Now, subtract the total amount paid from the total amount due. This is the principal amount of the arrearage; it does not include the amount of interest to which you are entitled.
- (11) Fill in the time period over which you claim the past-due support was not paid.
- (12) Check the box for "Fifteen (15) days" only if you want the hearing set quickly AND you believe you can have the Order to Appear served on the other party at least three (3) days (not including weekends or holidays) before the hearing date. Otherwise, check the box for "Forty-five (45) days."
- (13) If you wish the court to take any action other than that which is requested in lines 4(A) through 4(F), state on this line what action you want the court to take.
- (14) Sign your name on the signature line before a Notary Public or Clerk of Court to affirm that the information on the form is true and correct to the best of your knowledge and belief.

The Notary Public or Clerk of the Court will complete the remaining information on this page.

**WHEN YOU HAVE COMPLETED THIS FORM:**

- Complete an Order to Appear (Enforcement of Support (Form enclosed in this packet)
- File the original of each document with the Clerk of the Superior Court, and pay the fees required by the court. If you cannot pay these fees, they can be waived or deferred. The Clerk of the Superior Court has the necessary forms to ask for waiver or deferral.
- Serve a copy of the Request to Enforce Support and Order to Appear on the Obligor.

(1) Name: \_\_\_\_\_

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

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

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

Representing Self, Without a Lawyer

## ARIZONA SUPERIOR COURT, PIMA COUNTY

(2) \_\_\_\_\_  
Petitioner/Plaintiff

Case No. (4) \_\_\_\_\_

and

(3) \_\_\_\_\_  
Respondent/Defendant

### REQUEST TO ENFORCE SUPPORT

(5)  Child Support

Spousal Support

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**THIS FORM IS NOT TO BE USED TO ASK FOR A CHANGE IN THE AMOUNT OF YOUR EXISTING SUPPORT ORDER. IT CAN ONLY BE USED TO ASK FOR ENFORCEMENT OF THE EXISTING ORDER.**

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1. On, (6) \_\_\_\_\_, (7) \_\_\_\_\_ was order by  
(Date) (Obligor)

(8) \_\_\_\_\_ of this court to pay support as follows:  
(Judicial Officer)

(9) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. The total amount of support past due is (10) \$ \_\_\_\_\_ for the time period (11) \_\_\_\_\_  
to \_\_\_\_\_.

3. I request that a hearing be set within (check one box):

(12)  Fifteen (15) days

Forty-Five (45) days

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 on the Order to Appear.
  - B. Enter judgment for past-due support, court costs, and interest.
  - C. Enter an assignment for payments on current support, past-due support, clerk's fees, and interest.
  - D. Order the Obligor to pay support through the Clerk of Court or the clearinghouse.
  - E. Find the other party in contempt of court, which includes, but is limited to, incarceration.
  - F. Issue an arrest warrant if the other party fails to appear and/or enter a default judgment.
  - G. Other: (13)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

I have read the foregoing document and the facts therein are true and correct to the best of my knowledge.

(14) \_\_\_\_\_  
 Signature of Requesting Party

STATE OF ARIZONA            )  
   ) ss.  
 COUNTY OF \_\_\_\_\_ )

Subscribed and sworn or affirmed and acknowledged before me this date: \_\_\_\_\_

\_\_\_\_\_  
 Notary Expiration Date

\_\_\_\_\_  
 Notary Public or Clerk

**Type or use black ink.**

## **INSTRUCTIONS FOR COMPLETING ORDER TO APPEAR**

**“Obligor”** is the person ordered to make support payments.

**“Obligee”** is the person or agency entitled to receive support.

### **COMPLETE THIS FORM IF:**

- You completed a Request to Enforce Support.

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

- Your completed copy of the Request to Enforce Support.

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

- (1) Fill in the name, address, and phone number of the person filing the form. (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 person shown as the petitioner on the Request to Enforce.
- (3) Fill in the name of the person shown as the respondent on the Request to Enforce.
- (4) Fill in the case number that appears on the Request to Enforce, if there is one.
- (5) Fill in the name and address of the Obligor.
- (6) Leave blank; the court will provide this information.
- (7) Leave blank; the judicial officer (judge, commissioner or referee) will sign and date the Order.

### **WHEN YOU HAVE COMPLETED THIS FORM:**

- File the Request to Enforce Support and this Order to Appear with the Clerk of the Superior Court.

The procedures for setting a hearing date and having the Order to Appear vary from court to court; therefore, you should ask about the procedure when you file these documents.

- When you have a hearing date and the Order to Appear is signed, serve a copy of the Request to Enforce Child Support/Spousal Maintenance and the Order to Appear on the Obligor.

(1) Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, ZIP: \_\_\_\_\_  
Daytime Telephone No: \_\_\_\_\_  
Evening Telephone No.: \_\_\_\_\_  
Representing:  Self  Petitioner  Respondent

## ARIZONA SUPERIOR COURT, PIMA COUNTY

(2) \_\_\_\_\_  
Petitioner/Plaintiff

(4) Case No. \_\_\_\_\_

and

ATLAS No. \_\_\_\_\_

(3) \_\_\_\_\_  
Respondent/Defendant

### ORDER TO APPEAR POST JUDGMENT/DECREE

READ THIS NOTICE: This is an important Court Order that affects your rights. Read this Order carefully. If you do not understand this Order, contact a lawyer for help.

All parties, whether represented by attorneys or not, must be present. If there is a failure to appear, the court may make such orders as are just, including granting the relief requested by the party who does appear.

Based on documents filed and pursuant to Arizona Law,

IT IS ORDERED THAT YOU (5) \_\_\_\_\_ appear at the time and place stated below so the court can determine whether the relief asked for in the Petition should be granted.

#### (6) INFORMATION ABOUT COURT HEARING TO BE HELD:

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

DATE AND TIME OF HEARING: \_\_\_\_\_

PLACE OF HEARING: \_\_\_\_\_

TYPE OF HEARING:  return hearing  evidentiary hearing  
 oral argument  post-decree or post-judgment  
 mediation conference  
 other (specify): \_\_\_\_\_

TIME ALLOTTED FOR HEARING: \_\_\_\_\_

EVIDENCE  WILL or  WILL NOT be presented at the hearing.

IT IS FURTHER ORDERED that a true copy of this "Order to Appear – Post Judgment/Decree" and a true copy of the documents filed with the Petition shall be served by the moving party on the parties who are required to appear and a true copy of these documents shall be mailed immediately to parties who have appeared in this action, in accordance with Arizona Rules of Family Law Procedure, Rules 40, 41, 42 and 43.

IT IS FURTHER ORDERED that the parties and counsel file and exchange all documents and disclosure as prescribed by Rule 92, within the time specified therein. Failure to comply may result in the imposition of sanctions as set forth in Rule 92(M).

**FAILURE TO APPEAR AT THIS HEARING MAY RESULT IN THE COURT ISSUING A CIVIL ARREST WARRANT, OR WHERE APPLICABLE, A CHILD SUPPORT ARREST WARRANT, FOR YOUR ARREST. IF YOU ARE ARRESTED, YOU MAY BE HELD IN JAIL FOR NO MORE THAN 24 HOURS BEFORE A HEARING IS HELD.**

Requests for reasonable accommodation for persons with disabilities must be made to the office of the Judge or Commissioner scheduled to hear this case five days before your scheduled court date.

(7) \_\_\_\_\_  
Date

\_\_\_\_\_  
Judicial Officer