

SELF-SERVICE CENTER
ARIZONA SUPERIOR COURT IN PIMA COUNTY

**INSTRUCTIONS: HOW TO FILL OUT THE FORMS FOR A
POST-DECREE “*TEMPORARY MODIFICATION ORDER
WITHOUT NOTICE*”**

WRITE NEATLY. USE BLACK INK.

STEP 1: Complete the “*Motion for Temporary Modification Order without Notice*”.

- Fill in the information about you in the top left corner. Fill in the information in the case caption. This includes the name of the Petitioner, the Name of the Respondent, and the Case Number. The name of the Petitioner should be the same as the Name of the Petitioner in the Order you are trying to modify.
- Check the box to indicate whether you are asking for a temporary modification without notice concerning custody and/or parenting time (“visitation”). If you are asking for anything other than custody and/or parenting time, check the box for “Other”, and write in your request.

Match the numbered instruction below to the matching number on the form.

1. Print your name as the person asking for the “*Temporary Modification Order Without Notice*”.
2. **REASONS WHY I NEED THIS ORDER.** Write in the reasons why you need this order. Explain the reasons in detail and be very specific. Use additional paper if necessary. Explain the emergency facts that now exist, and what *irreparable injury* you fear could occur without this Order.

An “irreparable injury” is one that cannot be “repaired”, a serious or life threatening injury or damage to you or the children that cannot be prevented or undone.

If you have questions about whether you should request a temporary modification order without notice, see a lawyer for help.

3. **PEOPLE INVOLVED.** Write in the name of the mother, father, other people (such as legal guardians or others who claim custody or have possession of the children), the name(s) of the children and the children’s ages.
4. **IMPORTANT! REQUIRED INFORMATION: YOU MUST CHECK ONE OF THE BOXES UNDER #4 TO INDICATE WHETHER YOU GAVE OR ATTEMPTED TO GIVE NOTICE OF THIS REQUEST (Motion) TO THE OTHER PARTY (or parties), AND EXPLAIN.**

IF YOU DID NOT GIVE OR ATTEMPT TO GIVE NOTICE OF THIS MOTION, YOU MUST EXPLAIN WHAT IRREPARABLE INJURY WOULD RESULT FROM GIVING ADVANCE NOTICE OF THIS MOTION TO THE OTHER PARTY (or parties).

5. **MOTION FOR TEMPORARY MODIFICATION ORDERS *without* NOTICE.** You cannot file this “***Motion for Temporary Modification Orders Without Notice***” unless you have filed or you will file a **petition for modification** of the same orders at the same time you request temporary orders without notice. Write in the date you filed or will be filing the “***Petition***”
6. **INFORMATION ABOUT OTHER EMERGENCY CASES INVOLVING THE PARTIES OR THE CHILDREN.** Check the boxes that apply and then write in the information requested.
7. **OTHER COURT CASES INVOLVING EITHER OR BOTH PARTIES.** Describe all other court cases that involve either or both of the parties, whether pending or not, including criminal cases. Complete all the information for each court order. Use extra paper if necessary.
8. **ANY OTHER GOVERNMENT AGENCY INVOLVEMENT WITH EITHER OR BOTH THE PARTIES, OR CHILDREN.** State whether there have been or are any complaints with or investigations by any government agency, including Child Protective Services, involving the parties or the child(ren). If so, explain the agency, date, type of case, and status of case right now.
9. **CRIMES OF EITHER PARTY:** Explain here if either parent or people involved with this Motion have been charged with committing a dangerous crime including child molestation or domestic violence.

REQUESTS TO THE COURT

1. Check the boxes that apply to request modification of custody and/or parenting time. Write in any other emergency orders that you think you need.
2. Then sign the document in front of a deputy clerk of court or a notary public. The clerk or notary public will also date and sign the document.

STEP 2: Complete *only* the top portion of the “***TEMPORARY MODIFICATION ORDER WITHOUT NOTICE***”: Fill in the information in the case caption. This includes the name of the Petitioner, the Name of the Respondent, and the Case Number. The name of the Petitioner should be the same as the Name of the Petitioner in the Order you are trying to modify. The “***Temporary Modification Order Without Notice***” is the document the Judge will sign if he or she agrees that an order must be issued right away, without giving any advance notice to the other party. **THIS IS VERY RARE.**

STEP 3: WHEN YOU HAVE COMPLETED BOTH the “*Motion*” and “*Order*”, follow the instructions in the “*Procedures*” page, the last document in this packet (DRMCE11p).

A NOTE ABOUT NOTICE

The law requires advance notice of an action affecting one’s rights concerning one’s children unless you have a very good reason not to, such as fear of death or bodily harm to yourself or someone else.

The forms in this packet are to request a change in court orders **WITHOUT NOTICE**, which means you are asking the Court to issue an order taking away someone’s children without giving them advance notice or the opportunity to defend against or deny the accusations that caused the Court to issue the order.

This is a very serious matter. The Judge will not grant the “*Temporary Modification Order Without Notice*” unless you have a very good reason that immediate and irreparable injury, loss, damage or death will result if you give notice to the other party.

SELF-SERVICE CENTER
ARIZONA SUPERIOR COURT IN PIMA COUNTY

**PROCEDURES: WHAT TO DO
AFTER COMPLETING ALL FORMS**

(TO REQUEST POST-DECREE TEMPORARY ORDERS WITHOUT NOTICE FOR
MODIFICATION OF CHILD CUSTODY AND/OR PARENTING TIME)

- STEP 1:** Complete the *“Motion for Temporary Order Without Notice”*.
- STEP 2:** **Make copies of all the paperwork.** Make 3 copies of *“Motion”* and *“Order”* forms. Assemble the copies so that you have four (4) SETS of papers: One (1) set of originals and three (3) sets of the copies.
- STEP 3:** **File the papers at the court.** Take the original and three (3) sets of copies to the Clerk of the Court filing counter.
- WHAT THE CLERK WILL DO:** The Clerk will file the original of the *“Motion for Temporary Order Without Notice”*. The Clerk will give you back clerk-stamped copies of the documents to show the documents were filed. The Clerk will then direct you to Family Court Administration or to the Judge who will hear your case.
- STEP 4:** **What the Judge will do:** The Judge will look over the *“Motion for Temporary Order Without Notice”*. The Judge may sign the *“Temporary Order without Notice”*, deny your motion, OR schedule a court hearing.
- STEP 5:** **Serve the court papers.** If the Judge issues the Temporary Modification Order without notice and/or schedules a hearing, you must provide the other party with a copy of the Motion and Order.
- STEP 6:** **The court hearing:** If the Judge schedules a hearing, be sure to write down the date, time and place of the court hearing, and come to the hearing. Be prepared to present your evidence about why the Judge should sign your Order.

DO NOT BRING CHILDREN TO COURT

Person Filing: (A) _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
ATLAS Number: _____
Lawyer's Bar Number: _____

FOR CLERK'S USE ONLY

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN PIMA COUNTY

Case Number: _____

Name of Petitioner

MOTION FOR POST-DECREE TEMPORARY ORDER WITHOUT NOTICE FOR MODIFICATION OF

Name of Respondent

- LEGAL DECISION MAKING/CUSTODY
- PARENTING TIME
- Other: _____

I MAKE THE FOLLOWING STATEMENTS TO THE COURT UNDER OATH OR BY AFFIRMATION:

1. **MY NAME IS:** _____
(Name of Person asking for Emergency Order)

2. **REASONS WHY I NEED THIS ORDER.** Explain in detail the emergency facts which now exist, what irreparable injury (serious or life-threatening injury or damage that cannot be prevented or undone) to you or the child(ren) that might occur without this Order: (Use additional paper if necessary):

Check here if continued on attached page(s).

3. **PEOPLE INVOLVED.** This Motion concerns the following people:

Name of Mother: _____
Name of Father: _____
Name of Other Person: _____
Name of Other Person: _____
Name(s) of Children: _____

4. **REQUIRED INFORMATION: NOTICE OR REASONS WHY NOTICE NOT ATTEMPTED.**
Actual Notice regarding a request that affects another party's rights concerning his or her children is normally required. Check the box to indicate whether you gave or attempted to give notice to any other parties or their attorneys.

I GAVE or ATTEMPTED TO GIVE NOTICE TO THE OTHER PARTY AS FOLLOWS:
Explain when, how, and to whom you attempted to give notice.

OR,

I DID NOT ATTEMPT TO GIVE NOTICE BECAUSE:
If you checked this box you **MUST** explain what injury, loss or damage you or the child(ren) would suffer if you gave the other party advance notice of this Motion. (Use additional paper if necessary).

Check here if continued on attached page(s).

5. **I FILED OR I AM GOING TO FILE a "regular" petition for modification of legal decision making (custody) and/or parenting time in the Superior Court of Arizona in Pima County,** I have attached a copy of that petition to the Judge's copy and to the other party's copy of this Motion.

That request was filed or is going to be filed on this month/day/year: _____

6. **INFORMATION ABOUT OTHER EMERGENCY CASES INVOLVING THE SAME PARTIES OR CHILDREN:** Check the boxes that apply and write in the information requested.

Current emergency cases: To the best of my knowledge, there are no pending proceedings for emergency orders about these children in any other court. (If this is *not* a true statement, this Court may not be able to enter an Order and you may want to consult a lawyer for advice.)

Past emergency cases: Either or both parties have filed for emergency court orders in the past. (If so, complete the following information. Use additional paper if necessary.)

Names of Parties: _____

Date of Order, Judgment, Dismissal, etc.: _____ Case No. _____
Location of court (City and state): _____

Explain Type of Case: (Juvenile, Criminal, Order of Protection, etc.) _____

Explain what order or judgment said, or basis for dismissal:

7. ALL OTHER COURT CASES INVOLVING EITHER OR BOTH OF THE PARTIES: Describe all other court cases that involve either or both of the parties, whether pending or not, including criminal cases. Complete all the information for each court order (use extra paper if necessary).

Names of Parties: _____

Date of Order, Judgment, Dismissal, etc.: _____ Case No. _____
Location of court
(City and state): _____

Explain Type of Case:
(Juvenile, Criminal, Order of Protection, etc.) _____
Explain what order or judgment said, or basis for dismissal: _____

Status of Case Now: _____

- Final Order Entered; Case is Over. Date Order/Judgment signed: _____
- Hearing Date Set On (date): _____ at (time): _____
Court Location/address: _____
- Other (explain in detail):

- Check here if continued on attached page(s).

8. ANY OTHER GOVERNMENT AGENCY INVOLVEMENT WITH EITHER OR BOTH THESE PARTIES, OR THESE CHILDREN: State whether there have been or are any complaints with or investigations by any government agency, including Child Protective Services, involving the parties or the child(ren). If so, explain the agency, date, type of case, and status of case.

9. CRIMES OF EITHER PARTY: Explain here if either parent or people involved with this Petition have been charged with committing a **dangerous crime** including child molestation or domestic violence:

I MAKE THE FOLLOWING REQUESTS TO THE COURT:

1. For a **“Temporary Modification Order Without Notice”** as follows: Check the boxes that apply:

- Awarding me Temporary Legal Decision Making and Physical Custody of the child(ren) until a full court hearing.
- Canceling parenting time (formerly “visitation”) for the other party until a full court hearing.
- Changing the parenting time schedule until a full court hearing, as follows:

Other (explain): _____

2. For a court hearing where the parties can testify about the facts related to this **“Motion for a Temporary Modification Order Without Notice”** and the **“Petition for Modification of Legal Decision Making (Custody) and/or Parenting Time,”** so that the Judge can decide whether to continue or modify the terms of any emergency (without notice) Order.

3. For any other order that is in the best interests of the minor children named above.

UNDER OATH OR BY AFFIRMATION

I swear or affirm under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.

Date

Petitioner’s Signature

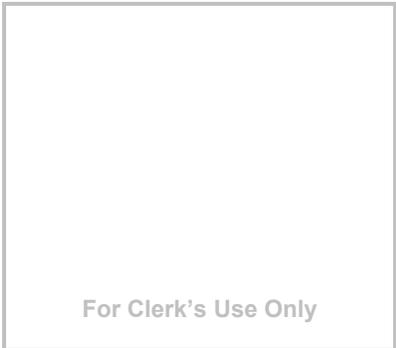
Sworn to or Affirmed before me this _____ by _____
(Date)

Printed Name

My Commission Expires: (or _____
Seal below)

Deputy Clerk or Notary Public

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
ATLAS Number: _____
Lawyer's Bar Number: _____



Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN PIMA COUNTY

Name of Petitioner

Case Number: _____

POST-DECREE TEMPORARY ORDER WITHOUT NOTICE FOR MODIFICATION OF

- LEGAL DECISION MAKING (CUSTODY)
- PARENTING TIME (formerly "visitation")
- OTHER: _____

Name of Respondent

**THIS IS AN IMPORTANT COURT ORDER THAT AFFECTS YOUR RIGHTS. READ CAREFULLY.
IF YOU DO NOT UNDERSTAND THIS ORDER, CONTACT AN ATTORNEY FOR LEGAL ADVICE.**

**** DO NOT WRITE BELOW THIS LINE****

THE COURT FINDS:

- 1. INFORMATION ABOUT UNDERLYING PETITION.**
A petition for modification of legal decision making (custody) and/or parenting time was filed on this date:
_____ by _____
- 2. EMERGENCY SITUATION.** The court has found that an emergency exists and this order must be entered immediately to avoid irreparable harm because:

 - Someone is about to cause serious bodily harm to another person immediately, OR
 - The health, safety, and welfare of a person is otherwise in serious and immediate jeopardy as follows (describe): _____

- 3. BEST INTEREST OF THE CHILDREN.** This order is made in the best interest of the children whose names and dates of birth (month/day/year) are listed below:

Name: _____	Date of Birth: _____
Name: _____	Date of Birth: _____
Name: _____	Date of Birth: _____
Name: _____	Date of Birth: _____

THE COURT ORDERS:

1. **TEMPORARY MODIFICATION OF LEGAL DECISION MAKING (CUSTODY) WITHOUT NOTICE IS:**
 DENIED **GRANTED** **AND LEGAL DECISION MAKING (CUSTODY) IS TEMPORARILY MODIFIED AS FOLLOWS:** _____

THIS ORDER SHALL CONTINUE until this date: _____ unless extended by the court, or by agreement between the parties in writing and filed with this court.

2. **TEMPORARY MODIFICATION OF PARENTING TIME WITHOUT NOTICE IS** **DENIED**
 GRANTED, AND PARENTING TIME IS TEMPORARILY MODIFIED AS FOLLOWS:

THIS ORDER SHALL CONTINUE until this date: _____ unless extended by the court, or by agreement between the parties in writing and filed with this court.

3. **IT IS ORDERED** that Petitioner and Respondent appear at the time and place stated below so the court can determine whether the relief asked for in the Motion should be granted.

NAME OF JUDGE: _____
DATE AND TIME OF HEARING: _____
PLACE OF HEARING: 110 W. Congress, Tucson, Arizona Courtroom: _____
TIME ALLOTTED FOR HEARING: _____

4. **SERVICE AND NOTICE TO THE OTHER PARTY:**
The person who requested this Order shall serve the other party with a copy of the Motion and Order to the opposing party. **IF A HEARING IS SCHEDULED IN NUMBER 3, ABOVE, SERVICE MUST BE AT LEAST _____ DAYS PRIOR TO THE HEARING. FAILURE TO TIMELY SERVE THE OPPOSING PARTY WITH THE MOTION AND ORDER WILL RESULT IN THE HEARING BEING CANCELLED.**

5. **BOND** in the amount of \$ _____ shall be posted with the Clerk of the Court no later than this date: _____ and this time: _____ as security for the payment of costs and damages that may be incurred or suffered by any party as a result of this Order should it be determined the basis of this Order was false or without merit. Bond shall be posted by:
(Name(s)) _____

DATED: _____

JUDGE/COMMISSIONER



Instructions For Completing *Order To Appear*

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. 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.



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

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: _____

**** DO NOT WRITE BELOW THIS LINE****

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