

REQUEST TO ENFORCE SUPPORT



Packet #25



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 for support. 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 child support or spousal maintenance orders if:

- You have an order issued by a court **within the state of Arizona** that requires the payment of child support or spousal maintenance, **and**
- The party obligated to pay support has failed to make the payments.

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 Support* form found in this packet.

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

- You will also need copies of the payment history from the clerk of the court. If any payments were made in different counties or different states during the period of time you are seeking to enforce, then you will need to request that payment history as well. These documents will be necessary during your hearing, but you do not need to attach these documents to the form.

IMPORTANT!

This form should be used **only if** you have an order for child support or spousal maintenance issued in the state of Arizona. If your order was issued by another state, **STOP**.  These forms cannot be used if the orders are from a state other than Arizona. A different procedure is required to enforce out-of-state orders and you may wish to contact an attorney to assist you.

Also, do not use this form to change the amount of your existing support order. This form is only used to ask for enforcement of an existing order. To change an existing child support order see Packet #24, *Modification of Child Support*.

What is an obligor?

An obligor is the person whom the court has ordered to make payments.

What is an obligee?

An obligee is the person who is to receive the payments from the obligor.

What is support?

Support is the term used to describe the money one person is court ordered to pay to another person. Support can be for either the purpose of child support or as spousal maintenance.

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 so they know about the proceedings and can choose 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 assigning a specific hearing date and time. You will then serve the completed order and your *Request to Enforce* form to the person whom owes you support.

How much will all this cost?

FEES IN GENERAL

As of July 2014, the cost to file:

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



OTHER EXPENSES INCLUDE:

- Copies of legal records through the Clerk of the Court, per page: \$0.50
- General use copies made in the 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 your Spousal Maintenance Orders, Child Support Orders, and Income Withholding Orders 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 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, Window 7. 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
240 N. Stone Avenue
(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 Support*

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.
 - 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 order. Mark the “Medical Payments” box if you are seeking enforcement of an order regarding medical expenses. You may check as many of these boxes as needed.
- 1. Date of the Order**
 - Write the date of the order you want enforced.
 - 2. Obligor Name**
 - Write the name of the person who owes you support.
 - 3. Judicial Officer who signed the order**
 - Write the name of the judicial officer who signed the order of support you want to enforce. Provide the name of the court that issued the order. 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 amount of support that was owed each month and when the payments were due. For example “Child support of \$250 per month due on the 1st of each month and spousal support of \$100 per month due on the 1st of each month.” This information must come directly from the order you are asking the court to enforce.

5. Calculate the total amount that is owed to you.

- Write the total amount of support that is past due and owed to you. There are three steps to this calculation.
 1. First, multiply the amount the person was ordered to pay by the number of months you haven't received the money. For example, \$350 owed each month X 9 missed monthly payments = \$3,150 owed to you.
 2. Second, add up the total amount of support, if any, you received during the time period the order covers. For example \$50 received X 9 months = \$450
 3. Third, subtract the amount you have received from the amount owed. For example, \$3,150 (amount owed according to step 1) - \$450 (the amount that has been paid according to step 2) = \$2,700 (total amount owed from the 9 month period of time)
- If you are seeking payment of medical bills as court ordered you must provide:
 1. A detailed summary of the charges to include the dates and amounts charged.
 2. Include any amount paid by insurance or a third party.
 3. Include any amount paid by you or the other party.
 4. Provide the remaining balance total with a break down of what each person's court ordered share would be. For example, the total bill was for \$500.00. Insurance covered \$400.00 with \$100.00 remaining. The court ordered that the costs be split 50/50, so you are responsible for \$50.00 and the other party must pay \$50.00. You will need to provide this breakdown for each bill.

NOTE: This calculation is the principal amount only. Interest is also charged at a rate of 10% per year on all arrearages. For payments that go through the Clearinghouse, you may request a payment history that will provide the total arrearage amount for you. You can call the child support desk at (520) 724-3250 and they will be able to provide the arrearage total for all payments that have gone through the Clearinghouse. You may also pick up a copy of the payment history dating back three years ,if available, for a fee of \$27.00.

6. Time Period of the order that needs to be enforced.

- Write the time period during which you are claiming that support was not paid. For example, February 1, 2014 through present.

7. Requested actions by the Court

- Write any additional action you wish the Court to take other than those already listed in lines 4(A) through 4(F).

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/Plaintiff

and

REQUEST TO ENFORCE SUPPORT

Child Support

Spousal Support

Medical Payments

Respondent/Defendant

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.

1. On, _____, _____ was
ordered (Date) (Obligor)

by _____ of _____ to pay
(Judicial Officer) (Name of Court)

support as follows: _____

2. The total amount of support past due is \$ _____ for the time period _____

to _____.

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 support 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 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:

H. 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

Type or use black ink.



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 Completing 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 and 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

Respondent

REQUEST FOR PROTECTED ADDRESS

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

Case No. _____

and

ORDER FOR PROTECTED ADDRESS

Respondent

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 Support* 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 Support*
 - *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 Support* (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.