

**AGREEMENT TO
STOP OR MODIFY
INCOME WITHHOLDING
ORDER**

(WHEN ALL PARTIES WILL SIGN
AGREEMENT TO TERMINATE)

Packet #22-A

*Separate forms from
packet before filing*

**PIMA COUNTY SUPERIOR
COURTSELF-SERVICE
PACKET**

AGREEMENT TO STOP INCOME WITHHOLDING ORDER

Use and Disclaimer

These forms shall not be used to engage in the unauthorized practice of law. The 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, trips to the courthouse and avoid serious mistakes. 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 additional help with your papers.

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

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

This packet contains court forms and instructions to file an “**Agreement to Stop an Income Withholding Order**” when all parties are willing to provide their notarized signatures on the **Agreement** form.

Title
Use and Disclaimer (1 page)
Information and Instructions – Agreement (2 pages)
Agreement to Stop or Modify Income Withholding Order (2 pages)
Information and Instructions regarding Order (1 page)
Order Regarding Request to Stop or Modify Income Withholding Order(1pg.)

AGREEMENT TO STOP OR MODIFY INCOME WITHHOLDING ORDER FORM INFORMATION AND INSTRUCTIONS

WHEN TO USE THIS FORM:

You should use this form if any of the following applies to all of your children:

- ✓ age 18 and have graduated from high school or are no longer attending high school
- ✓ age 19
- ✓ have married, been adopted or joined the military
- ✓ are deceased
- ✓ custody has changed by Court order
- ✓ it is time to stop making arrears payments because child support arrears are paid in full
- ✓ you and the other party have remarried
- ✓ your case has been dismissed
- ✓ your obligation to pay spousal maintenance has ended or has changed **and** both you and the other party agree on the change(s), and if the case is a IV-D the Attorney General will consent to the Agreement.

WHEN NOT TO USE THIS FORM:

- ✓ you need to modify child support because a child is age 18 and graduated high school but there other minor children still entitled to support (you must prepare an Amended Child Support Order)
- ✓ the other party will not agree to stop the Income Withholding Order.

NOTE: There are other forms to use for these matters.

HOW TO FILL OUT THIS FORM:

1. Fill in your name, address and telephone number in the top area where indicated on the Petition to Stop or Modify.
2. Fill in the name of the Petitioner and Respondent as it appears on the very first document.
3. Fill in the case number.
4. Check the box, which indicates if the case is Non-IV-D or IV-D.
Don't know? If you or the other parent have ever used the services of the Department of Child Support Enforcement or the State of Arizona Attorney General's Office, your case may be a "IV-D" case. If your case is a IV-D case, you are required to get the consent of the Attorney General's Office before your Agreement can be finalized. The Child Support Division of the Clerk of the Court can tell you if your case is a IV-D case.
5. Fill in the Assigned To section with the name of the judicial officer assigned to your case.
Don't know? The Clerk of the Court can tell you the name of the Judicial Officer assigned to your case.
6. In paragraph 1, check the boxes, which apply.
7. In paragraph 2, fill in the date of the most recent Income Withholding Order and the amount of the child support or spousal maintenance, which was ordered.
8. In paragraph 3, fill in the name and address of the employer of the party who has been paying support.
9. In paragraph 4, check all boxes, which apply.
10. In paragraph 5, check all boxes, which apply.
11. In paragraph 6, fill in the amount of any new amount, which should be withheld, if any.
12. In paragraph 7, if the child support order should be stopped because there are no children eligible to receive child support and there are no arrears, check this box.
13. Both parties should sign and date the form where indicated.
NOTE: The signatures must be notarized or witnessed by the Clerk of the Court.
14. Take the form to the Office of the Attorney General to obtain a signature consenting to the Agreement to Stop or Modify Income Withholding Order.

NOTE: If the Attorney General's will not consent, you must use the Petition to Stop or Modify Income Withholding Order forms.

WHAT TO DO NEXT:

1. Make two copies, or three if the Office of the Attorney General is involved.
2. Take the original forms and all copies to the Clerk of the Court, along with the necessary filing fee. (See #A below)
3. The Clerk will file the original Agreement and will “conform” your copies, to show that the original has been filed.
4. The Clerk will take the paperwork to the appropriate Judicial Officer and if signed, will provide copies to you for your records. This step may take several days and is usually not done while you wait.
5. This matter will be completed when you receive your copy of the Order stopping or modifying the Income Withholding Order.

If you have never filed an appearance in this case prior to this time (for example if you have never contested any issue), then you will have to pay an appearance fee. If you have previously paid an appearance fee, there may also be a charge to file the Agreement to Stop or Modify of \$84.00. The Clerk will tell you amount and if this fee is required.

If you have any questions, you should seek the advice of an attorney:

The Clerk of the Court and Superior Court personnel are not allowed to give legal advice.

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

ARIZONA SUPERIOR COURT, PIMA COUNTY

Regarding the Matter of:

Case No. _____

Petitioner
and

AGREEMENT TO STOP OR MODIFY INCOME WITHHOLDING ORDER

Respondent

Non-IV-D IV-D (*See page 2)

ASSIGNED TO: _____

1. The Petitioner and Respondent in the above matter ask the Court to stop or modify the Income Withholding Order now in effect.

The Petitioner Respondent was ordered to make child support/spousal maintenance/arrears payments.

The Petitioner Respondent is the person entitled to receive payments.

2. An Income Withholding Order was entered on _____, in the amount of \$ _____
 Child Support and/or \$ _____ Spousal Maintenance and/or \$ _____ Arrears.

3. The child support is currently being withheld by the following employer:

Name: _____

Address: _____

4. The Income Withholding Order should be stopped or modified because:

(Check all that apply)

All of our children are age 18 and not attending high school or a certified equivalency program, and/or

All of our children are age 19, and/or

All of our children have been adopted by another party, and/or

All of our children are married, and/or

All of our children are deceased.

Custody of our children has been changed by Court order. (Attach the Order Changing Custody if not from this Court)

We are remarried to each other. (Attach a copy of the new Marriage License)

The case has been dismissed. (Attach the Order of Dismissal if not from this Court)

I am no longer obligated to pay spousal maintenance, and all past due spousal maintenance and/or interest has been paid or satisfied.

Arrears have been paid in full.

Other reason(s): _____

5. There are no past due child support payments or interest due.
 no past due spousal maintenance payments or interest due.
6. An Amended Income Withholding Order should be issued in the amount of \$ _____ per month commencing _____.
7. All existing Child Support Orders should be terminated

Petitioner's Address: _____

Respondent's Address: _____

 Petitioner's Signature
 STATE OF _____
 COUNTY OF _____
 Subscribed and sworn to or affirmed before me this:
 _____ (date)
 By _____

 Respondent's Signature
 STATE OF _____
 COUNTY OF _____
 Subscribed and sworn to or affirmed before me this:
 _____ (date)
 By _____

 Deputy Clerk or Notary Public

 Deputy Clerk or Notary Public

NOTICE: *If one of the parties is using or has used the child support services of the Department of Economic Security (DES), the Agreement must also be signed by a representative of:

Office of the Attorney General
 Office of Child Support Enforcement
 1455 S. Alvernon Way
 Tucson, AZ 85711

CONSENT OF DEPARTMENT OF ECONOMIC SECURITY

The Department of Economic Security, by the State of Arizona Office of the Attorney General has no objection to the request to Stop or Modify the Income Withholding Order.

Dated: _____

 State of Arizona Office of the Attorney General

**ORDER TO STOP OR MODIFY
INCOME WITHHOLDING ORDER FORM**

INFORMATION AND INSTRUCTIONS

WHEN TO USE THIS FORM:

If you and the other party Agree to Stop or Modify the Income Withholding Order, you should prepare an Order for the Judicial Officer to sign.

HOW TO FILL OUT THIS FORM:

1. Fill in your name, address and telephone number in the top area where indicated on the Order.
2. Fill in the name of the Petitioner and Respondent as it appears on the very first document.
3. Fill in the case number.
4. Check the box, which indicates if the case is Non-IV-D or IV-D.
5. Fill in the name of the Judicial Officer assigned to your case.
6. Do not fill in any other information

WHAT TO DO NEXT:

1. Make three copies of the Order. Give the original to the Clerk of the Court along with your Agreement to Stop or Modify Income Withholding Order.
2. The Clerk of the Court will take the Order to the appropriate Judicial Officer and give you a copy after it is signed.
3. If you change your address or telephone number before the hearing, you should provide the new address and telephone number in writing to the Court.

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

ARIZONA SUPERIOR COURT, PIMA COUNTY

Regarding the Matter of: _____

Case No. _____

_____ Petitioner
 and
 _____ Respondent

ORDER REGARDING THE PETITION TO STOP OR MODIFY THE INCOME WITHHOLDING ORDER

Non-IV-D IV-D

ASSIGNED TO: _____

The Court has reviewed the petition to Stop or Modify the Income Withholding Order.

THE COURT FINDS:

The opposing party was properly served with the Petition to Stop/Modify the Income Withholding Order and (check one box):

- A Hearing was not requested and the time to request a hearing has passed.
- A Hearing has been requested.
- The parties have filed an agreement.

Based on a review of the records of the Clerk of the Court/Clearinghouse

IT IS ORDERED:

- All Child Support Orders are terminated effective _____.
- The Income Withholding Order entered _____ is quashed after all Clearinghouse fees have been paid and/or all arrears have been paid.
- As of _____, \$_____ in fees are owed.
- As of _____, \$_____ in arrears are owed.
- All Clearinghouse fees are waived.

- The Income Withholding Order is modified as set forth in the Amended Income Withholding Order filed on this date.
- Amounts held in suspense shall be distributed as follows:
 - Refunded to the payor after any outstanding arrears are paid.

AND/OR

- Refunded to the payor after any outstanding Clearinghouse fees are paid.
- The Court requires further information before the Request to Stop or Modify the Income Withholding Order may be granted.

IT IS ORDERED that this matter is set for hearing on _____ at _____ a.m./p.m. at the Arizona Superior Court, Pima County Courthouse 110 W. Congress Avenue Tucson, Arizona. Both parties are ordered to appear at the hearing. If a party fails to appear for the hearing, the hearing may proceed in that party's absence with a judgment order rendered and/or sanctions.

- Petitioner Respondent is/are granted leave to appear by telephone conference call by calling (520) 724-_____ at the date and time (Arizona time zone) of the hearing.
- Pending further Order of the Court, payments received by the Clearinghouse/Clerk of Court
 - shall not be held shall be held for 90 days from this date.

DATE

JUDICIAL OFFICER

Copies to the following on this date:
 Petitioner
 Respondent
 Office of the Attorney General
 Clerk of Court-Child Support Division