CUSTODY AND/OR PARENTING TIME
(formerly known as "VISITATION")

1

To Make an Emergency Change to an Existing Court Order

Filing the Court Papers
(Forms Packet)

© Superior Court of Arizona in Maricopa County
April 18, 2002
ALL RIGHTS RESERVED
DRMCE1fc - 5128

SELF SERVICE CENTER

EMERGENCY CHANGE OF A COURT ORDER FOR CUSTODY AND/OR PARENTING TIME (Formerly known as "Visitation")

PETITIONER OR RESPONDENT

ASKING THE COURT FOR THE EMERGENCY MODIFICATION
(FORMS ONLY)

(Caution: you must also complete and file *"Petition to Modify Custody/Parenting Time"* to file for an emergency modification order)

How to assemble these documents

This packet contains court forms about filing for emergency modification orders. Be sure the documents are in the following order:

Order	File Number	Title	No. Pp.
1	DRMCE1ft	Table of forms/instructions in this packet	1
2	DRMCE1k	Checklist to file	1
3	DRMCE11f	***"Petition for Emergency Order"***	3
4	DRMCE81f	***"Order to Appear on Petition for Emergency Modification of Child Custody, to Stop or Change Parenting Time,"***	2
5	DRMCE82f	***"Emergency Order "***	3

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. 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 users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

© Superior Court of Arizona in Maricopa County
May 31, 2002
ALL RIGHTS RESERVED

SELF SERVICE CENTER

PETITION AND COURT PAPERS TO MAKE AN EMERGENCY MODIFICATION TO A PRIOR COURT ORDER

CHECKLIST

Use the forms and instructions in this packet **ONLY** if the following factors apply to your situation:

- ✔ You already filed **or will file** at the same time you file the emergency paperwork, a ***"Petition to Modify Child Custody or Parenting Time"*** (formerly known as **"Visitation"**)**, AND**

- ✔ Someone is about to cause immediate and serious bodily harm to the child(ren), or the health, safety, and welfare of the child(ren) is in serious and immediate danger, **AND**

- ✔ You can give very specific facts about what the problem is, and why the judge needs to put your case ahead of everyone else who has been waiting for the judge, **AND**

- ✔ You are prepared to post a bond to pay for any costs this court action causes, if it turns out that what you said is not true, or the judge does not agree with you.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

© Superior Court of Arizona in Maricopa County
May 9, 2002
ALL RIGHTS RESERVED

Name of Person Filing Document: _____
Your Address: _____
Your City, State, Zip Code: _____
Your Telephone Number: _____
ATLAS Number (if applicable): _____
Attorney Bar Number (if applicable): _____
Representing ☐ Self (Without a Lawyer) OR ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

_____
(Name of Petitioner)

_____
(Name of Respondent)

Case Number _____

EMERGENCY PETITION

☐To Modify Child Custody
☐To Stop or Change Parenting Time
(formerly known as "Visitation")
☐Other _____

☐**WITHOUT NOTICE**
☐**WITH NOTICE**

I, _____ MAKE THE FOLLOWING STATEMENTS TO THE
(Name of Person asking for Emergency Petition)
COURT UNDER OATH pursuant to Rule 65(d) A.R.Civ.P.:

1. REASONS WHY I NEED THIS ORDER: Explain in detail the emergency facts which now exist, what injury you fear could occur, why you need this order immediately, and why an emergency order is the only way to solve the problem: (Use additional paper if necessary)_____
_____
_____
_____
_____

2. NOTICE TO THE OTHER PARTY: Answer one of the following about notice to the other party:

☐ **This is how I gave notice to the other party or his/her attorney**:
Who I gave notice to:_____
When:_____
How:_____

☐ **This is how I tried to give notice to the other party or his/her attorney:**
Who I tried to give notice to:_____
When:_____
How:_____

☐ **I did not try to give advanced notice:** Explain what injury, loss or damage you would suffer if you gave the other party advance notice of this petition:_____
_____
_____
_____

© Superior Court of Arizona in Maricopa County
Nov. 4, 2002
ALL RIGHTS RESERVED
PTT

3. PEOPLE INVOLVED. This Petition concerns the following people:
Name of Mother: _____
Name of Father:_____
Name of Other People: _____
Names of Children and their ages:_____
_____
_____
_____

4. PETITION TO MODIFY: I filed on (date)_____ in the Superior Court of Arizona in Maricopa County a ***"Petition to Modify Custody and/or Parenting Time"*** and incorporated it by reference. I have attached a copy of it to the Judge's copy and the other party's copy of this Petition. (You cannot file this ***"Emergency Petition"*** unless you also file a ***"Petition to Modify Custody and/or Parenting Time"***).

5. INFORMATION ABOUT OTHER EMERGENCY CASES INVOLVING THE PARTIES OR THE CHILDREN: (Check the boxes that apply and then write in the information requested.)

☐ **Current emergency cases:** To my knowledge, there are no pending proceedings for emergency orders about the children in any other court. (If this is not a true statement, see a lawyer for help.)

☐ **Past emergency cases:** Either or both parties have filed for emergency court orders in the past. (If so, you must complete the following information; use additional paper if necessary:)
Names of Parties:_____
Date of order, judgment, dismissal, etc._____
Explain what order or judgment said, or basis for dismissal: _____
_____
_____
Court Case Number_____
Location of court (city and state):_____

6. ANY OTHER GOVERNMENT AGENCY INVOLVEMENT: 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 children. If so, write in the name of the agency, date, type of case, and status of case right now._____
_____
_____
_____

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

I MAKE THE FOLLOWING REQUESTS TO THE COURT:

1. For an *"Emergency Order"* (Check the boxes that apply)

☐ Awarding me Custody of the children until the Hearing;

☐ Stopping Parenting time of (name) _____ until the Hearing.

© Superior Court of Arizona in Maricopa County
Nov. 4, 2002
ALL RIGHTS RESERVED

☐ Changing Parenting time of (name) _____ until Hearing, as follows (explain):_____
_____
_____

☐ Other (explain): _____
_____
_____

2. **For a court hearing** when the parties can testify about the facts related to this Emergency Petition, so that the judge can decide whether to continue the terms of the Emergency Order, or to change the terms of the order I want to modify.

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

OATH AND VERIFICATION OF PERSON FILING EMERGENCY PETITION:

STATE OF ARIZONA)
County of Maricopa) ss.

I, being duly sworn and under oath, state that I have read this Petition and all the statements in the Petition are true and complete to the best of my knowledge and belief. I am not filing this Petition to harass or to cause unnecessary delay or to increase the cost of litigation. I understand that if the judge finds that I did file this Petition for an improper purpose, the judge may order contempt or another sanctions against me, including assessing me for any and all reasonable costs, attorney fees, or other expenses caused by my filing this Petition.

SIGNED:_____

SUBSCRIBED AND SWORN to before me this date:_____ by_____

My Commission Expires: Notary Public or Clerk:_____

© Superior Court of Arizona in Maricopa County
Nov. 4, 2002
ALL RIGHTS RESERVED
PTT

Name of Person Filing Document:_____
Your Address: _____
Your City, State, Zip Code: _____
Your Telephone Number: _____
ATLAS Number (if applicable):_____
Attorney Bar Number (if applicable): _____

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

_____
(Name of Petitioner/Plaintiff)

_____
(Name of Respondent/Defendant)

Case Number _____

ORDER TO APPEAR ON PETITION FOR EMERGENCY MODIFICATION OF

☐Child Custody
☐To Stop or Change Parenting Time
☐Other _____

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 legal advice.

Based on the Petition for Emergency Modification of a Court Order filed with the Court, and pursuant to Arizona law, **IT IS ORDERED:**

1. That Petitioner/Plaintiff _____ and Respondent/Defendant_____ appear at the time and place stated below so the Court can determine whether the Petition should be granted.

   NAME OF JUDICIAL OFFICER:_____

   DATE AND TIME OF COURT HEARING:_____

   LOCATION OF COURT HEARING: **Maricopa County Superior Court**

101 West Jefferson	201 West Jefferson	222 East Javelina	14264 West Tierra Buena Lane
_____ Floor	_____ Floor	_____ Floor	_____Floor
Phoenix, Arizona	Phoenix, Arizona	Mesa, Arizona	Surprise, Arizona

AMOUNT OF TIME FOR HEARING: This is a 15 minute proceeding with the court. The court will determine if more time is needed. 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.

2. At the hearing the judge will listen to the testimony from both parties and their witnesses and decide whether to grant the ***"Emergency Order,"*** or if an ***"Emergency Order"*** is already issued, whether to modify or revoke it, and whether any other orders should be entered. The judge may also decide which party will be ordered to pay the filing and other court fees caused as a result of the filing of the ***"Petition for Emergency Order."***

© Superior Court of Arizona in Maricopa County
November 4, 2002
ALL RIGHTS RESERVED
ORD

DRMCE81f
Use only most current version

3. The party who petitioned for this Order must serve by process server or sheriff on the other party a copy of the Petition for Emergency Order, a copy of this Order, and copies of any other documents upon which the Petition was based. The copies of the papers must be served at least _____days before the hearing.

4. The responding party may file a ***"Response and Opposing Affidavit"***(s)" by _____(date)_. Copies of the ***"Response and Opposing Affidavit"***(s) must be served on the party who initiated the action, or if the initiating party is represented by an attorney, then on his or her attorney by mail and in accordance with Rule 5, Arizona Rules of Civil Procedure.

DONE IN OPEN COURT**:**_____ _____

Judge/Commissioner of the Superior Court

© Superior Court of Arizona in Maricopa County
November 4, 2002
ALL RIGHTS RESERVED
ORD

Name of Person Filing Document: _____
Your Address: _____
Your City, State, Zip Code: _____
Your Telephone Number: _____
ATLAS Number (if applicable): _____
Attorney Bar Number (if applicable): _____
Representing ☐ Self (Without a Lawyer) OR ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

_____
(Name of Petitioner)

_____
(Name of Respondent)

Case Number _____

EMERGENCY ORDER (check applicable boxes)
☐Regarding Child Custody
☐Stopping or Changing Parenting Time (formerly known as "Visitation")
☐Other _____
☐**WITHOUT NOTICE**
☐**WITH NOTICE**

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

THE COURT FINDS:

1. ☐ An ***"Emergency Petition"*** was filed on _____ by _____
☐ A ***"Petition to Modify Custody and/or ParentingTtime"*** was filed on _____
The court read the Petitions, took testimony as relevant, considered all matters, and issues an ***"Emergency Order."***

2. The court has found that an emergency exists and this Order must be entered immediately to avoid irreparable harm for the following reasons:

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

3. **WITHOUT ADVANCE NOTICE. Applicable only if other party did not receive advanced notice:**
☐ Advance notice of this Order was not required to be given to the other party or his or her attorney or others entitled to prior notice because:
☐ The applicant tried with due diligence to give advanced notice to all parties but was unable OR
☐ Advanced notice is not required because to do so would result in immediate and irreparable injury, loss, or damage to the applicant and/or the child(ren).

© Superior Court of Arizona in Maricopa County
November 4, 2002
ALL RIGHTS RESERVED

4. BEST INTEREST OF CHILD(REN). This Order is in the best interest of the following child(ren):

Name _____ Age _____
Name _____ Age _____
Name _____ Age _____

THE COURT ORDERS: (check boxes that apply)

1. ☐ **EMERGENCY CHILD CUSTODY** shall be awarded to as follows:_____
_____
_____
_____

2. ☐ **EMERGENCY PARENTING TIME SHALL BE AS FOLLOWS:**_____
_____
_____
_____

3. ☐ **OTHER EMERGENCY ORDERS:**_____
_____
_____
_____

4. THIS ORDER SHALL CONTINUE until:
☐ (date)_____, **OR**
☐ **for Emergency Orders Without Notice** until (date) _____
unless extended by the court, or by agreement between the parties in writing and filed with this court.

5. SERVICE AND NOTICE TO THE OTHER PARTY

☐ **A. NO NOTICE GIVEN PRIOR TO FILING PETITION:** The person who requested this Order shall personally serve or give actual notice to the other party by serving the following documents:
1. ***"Petition for Modification of Custody and/or Parenting time"*** and
2. ***"Emergency Petition"*** and
3. A copy of this ***"Emergency Order"*** and
4. A copy of the ***"Order to Appear,"***
5. A copy of all other documents filed in support of or required by both Petitions. **OR,**

☐ **B. NOTICE GIVEN PRIOR TO FILING PETITION BUT OTHER PARTY FAILS TO APPEAR OR RESPOND.**
1. A copy of this ***"Emergency Order"*** and
2. A copy of the ***"Order to Appear"*** (if signed by the judge).

7. ☐ **BOND** in the amount of $_____shall be posted by _____ (except for the State of Arizona) with the Clerk of the Court no later than (date/time)_____ _____as security for the payment of costs and damages incurred by any party wrongfully ordered not to do something according to this Order.

© Superior Court of Arizona in Maricopa County
November 4, 2002
ALL RIGHTS RESERVED

8. ☐ **IMPORTANT NOTICE TO THE PARTIES:** An ***"Order to Appear"*** has been entered for the judge to hear the testimony of both parties to this dispute, and to decide whether to extend, change, or cancel this Order. The person who asked for this ***"Emergency Order"*** is required to serve upon the other party, a copy of the ***"Order to Appear."*** Be sure you know when the hearing is scheduled and come to the hearing. Failure to come could result in a civil arrest warrant being issued against you.

DONE IN OPEN COURT: _____ _____
(Date and Time) Judge of the Superior Court

© Superior Court of Arizona in Maricopa County
November 4, 2002
ALL RIGHTS RESERVED
ORD