

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

**IN THE MATTER OF THE)
PROMULGATION AND PUBLICATION)
OF REVISED PLAN FOR EXPEDITED)
PROCESS AND CREATION OF)
VARIOUS POST-DECREE)
SPECIALTY COURTS FOR)
EXPEDITED PROCESS)
_____)**

**ADMINISTRATIVE ORDER
No. 2007-022**

(Replaces Nos. 97-037, 98-058
98-075, 99-055 & 2001-024)

Whereas, the Superior Court of Arizona in Maricopa County Amended Plan for Expedited Process to: Establish and Modify Child Support, Enforce Support, Enforce Parenting Time and Visitation, and Stop and Modify Orders of Assignment (Plan) has been submitted to and approved by the Arizona Supreme Court pursuant to its Administrative Order 2001-65, effective January 30, 2007; and

Whereas, A.R.S. §25-412 requires each county treasurer to establish an expedited child support and parenting time fund consisting of monies received pursuant to A.R.S. §12-284(D); and

Whereas, A.R.S. §25-412(B) requires the presiding judge of the superior court to use fund monies to establish, maintain and enhance programs designed to expedite the processing of petitions filed pursuant to A.R.S. §25-326 and to establish, enforce and modify court orders involving children; and

Whereas, the family court desires to revise its expedited plan to improve the expedited processing and disposition of petitions to establish, modify and enforce support, to enforce parenting time (visitation), and to stop and modify orders of assignment; and

Whereas, the family court has established various Post-Decree Specialty Courts utilizing Court Commissioners and staffed by the Family Court Conference Center (formerly Expedited Services) to expedite the processing of post-decree petitions; therefore,

IT IS ORDERED:

1. The Amended Plan for Expedited Process to: Establish and Modify Child Support, Enforce Support, Enforce Parenting Time and Visitation, and Stop and Modify Orders of Assignment (Plan) attached hereto and

incorporated herein, effective January 30, 2007, is hereby promulgated and published in accordance with Laws 1987, Chapter 211, Section 11.

2. The following Post-Decree Specialty Courts utilizing Court Commissioners and staffed by the Family Court Conference Center (formerly Expedited Services) are established to expedite the processing of post-decree petitions under the Plan:

Child Support Modification Court
Child Support Establishment Court
Support Enforcement Court
Support Non-compliance Court
Parenting Time Enforcement Court
Order of Assignment Court

3. The policies and procedures set forth in the attached Plan for Expedited Process for operation of the Post-Decree Specialty Courts referenced above and to process and adjudicate eligible post-decree petitions and stipulations in accordance with the provisions of the Plan are adopted and approved.

4. The Family Court Conference Center (FCCC) is established as the successor agency to replace and assume the functions of Expedited Services as directed by the court, and in accordance with the Plan.

5. Administrative Order Nos. 97-037 (*In The Matter of Promulgation and Publication of Revised Plan for Expedited Process*), 98-058 (*In the Matter of Transferring and Redirecting Referred Cases Between Conciliation Services and Expedited Services*), 98-075 (*In the Matter of Maricopa County Local Rules of Practice Rule 3.2(I)*), 99-055 (*In the Matter of the Promulgation and Publication of Revised Plan For Expedited Process*), and 2001-024 (*In the Matter of the Promulgation and Publication of Revised Plan for Expedited Process*) are vacated together with all policies and procedures adopted in furtherance of said Administrative Orders.

DATED this 23rd day of February, 2007.

Barbara Rodriguez Mundell
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Norman J. Davis, Family Court Presiding Judge
All Family Court Judges and Commissioners
Marcus Reinkensmeyer, Judicial Branch Administrator
Phillip Knox, Court Administrator, General Jurisdiction Courts
Karen Westover, Deputy Court Administrator
Marylou Strehle, Family Court Administrator
Judith Bushong, Self Service Center Director



Supreme Court

STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

Ruth V. McGregor
Chief Justice

David K. Byers
Administrative Director
of the Courts

January 30, 2007

The Honorable Barbara Mundell
Presiding Judge
Superior Court in Maricopa County
Old Courthouse, 5th Floor
125 W. Washington Street
Phoenix, Arizona 85003

RE: Approval of Amended Plan for Expedited Process

Dear Judge Mundell:

This is to inform you that in accordance with Laws 1987, Chapter 211, Section 11 and Administrative Order No. 97-23, the Superior Court of Arizona in Maricopa County Amended Plan for Expedited Process to: (1) Establish and Modify Child Support (2) Enforce Support (3) Enforce Parenting Time and Visitation and (4) Stop and Modify Orders of Assignment, received by our office on January 19, 2007, has been approved. Congratulations for improving the delivery of these important services to the citizens of your county.

As a reminder, the law referred to provides that upon approval of revisions to a plan, "The revised plan shall be promulgated and published."

Sincerely,



David K. Byers
Administrative Director

Cc: Honorable Ruth V. McGregor, Chief Justice, Arizona Supreme Court
Honorable Michael K. Jeanes, Clerk of Superior Court
Honorable Norman K. Davis, Family Court Presiding Judge
Janet Scheiderer, Director, Court Services Division, AOC
Phil Knox, General Jurisdiction Court Administrator
Marylou Strehle, Family Court Administrator

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Amended Plan for Expedited Process to:

- (1) Establish and Modify Child Support**
- (2) Enforce Support¹**
- (3) Enforce Parenting Time and Visitation**
- (4) Stop and Modify Orders of Assignment**

Effective Date: January 30, 2007

- A. **Purpose.** This is the Plan for Expedited Process (Plan) as required by A.R.S. § 25-412 and Laws 1987, Chapter 211, Section 11. The purposes of this Plan are to:
1. Implement the provisions of Arizona law, particularly A.R.S. §§ 25-326 and -412 on expeditious handling of post-decree and post-judgment petitions and stipulations;
 2. Comply with Federal Title IV-D requirements;
 3. Establish expedited procedures for the benefit of the public in full compliance with the *Arizona Rules of Family Law Procedure* to resolve post-decree and post-judgment petitions at the earliest possible date with a minimum of court proceedings; and,
 4. Establish policies and procedures to implement and maintain the operation of the following expedited Post-Decree Specialty Courts utilizing Court Commissioners and staffed by the Family Court Conference Center (formerly Expedited Services):
 - **Child Support Modification Court**
 - **Child Support Establishment Court**
 - **Support Enforcement Court**
 - **Support Non-compliance Court**
 - **Parenting Time Enforcement Court**
 - **Order of Assignment Court**
- B. **Definitions.** For purposes of this Plan, the following terms are defined to mean:
1. **Conference:** an alternative dispute resolution proceeding conducted by a conference officer as defined by Rule 73(A), *Arizona Rules of Family Law Procedure*.
 2. **Conference Officer:** an employee of the Court appointed by the Presiding Judge or his or her designee, pursuant to A.R.S. §§ 25-412 and 414, and Rule 73, *Arizona Rules of Family Law Procedure*.
 3. **Court Commissioner:** a person appointed pursuant to Ariz. Const. Art. VI, § 24 and A.R.S. § 12-213 by the Presiding Judge of a county with powers described in

¹ Support includes child support, medical insurance premiums and unreimbursed medical, dental or vision expenses and spousal maintenance.

A.R.S. § 12-213 and Rule 6 of the Rules of the Supreme Court.

4. **Disposition:** a disposition occurs when an appealable or final order in a case is entered.
5. **Enforcement Case:** an action or proceeding to compel a party to comply with orders, injunctions, decrees, and judgments of the court, and to enter orders and judgments accordingly.
6. **Enforcement Order:** an order determining whether to compel payment of support including the granting of a judgment, where appropriate, and including enforcement of an order for parenting time (visitation), where appropriate. The order may include any remedy deemed just and proper by the court, including but not limited to a finding of contempt, incarceration for contempt, reporting job searches, license suspension, selling property, assigning income, turning property over to obligee, referral for education, counseling, and/or therapy, supervision of parenting time (visitation), substance abuse test monitoring, or any other alternative remedy as expressed in this Plan or otherwise allowed by law.
7. **Establishment Case:** an action or proceeding to determine responsibility to pay support, and to order the party or parties to pay a specific amount of support, applying the Arizona Child Support Guidelines.
8. **Establishment Order:** an order determining whether support shall be paid and the amount of support to be paid. When a support establishment order is entered, an order of assignment shall also be issued.
9. **Family Court Conference Center** (formerly known as Expedited Services): a unit within the Superior Court in Maricopa County.
10. **Hearing:** appearance conducted before a judge or commissioner to receive evidence and make findings, recommendations and/or orders relating to support or parenting time.
11. **IV-D Agency:** a public agency administering a support enforcement program under Title IV-D of the Social Security Act, 42 U.S.C. § 651 *et. seq.*
12. **IV-D Case:** a case brought by a IV-D agency or a IV-D participant to establish paternity, to establish, enforce or modify support or to enforce spousal support, where appropriate. These cases also include cases in which the IV-D agency has intervened.
13. **IV-D Participant:** an individual who is a parent or caretaker of a child that is the subject of a Title IV-D case, but excluding the IV-D agency.
14. **Maternity Case:** an action to determine the mother of a child or children born out of wedlock.
15. **Modification Case:** an action or proceeding seeking a change in the support order, whether pursuant to standard court practice, or the simplified modification

procedure described in the Arizona Child Support Guidelines.

16. **Modification Order:** an order determining whether the amount to be paid pursuant to an order of support shall be changed. When a modification order changes an earlier support order, an order of assignment shall also be issued, except if this amount is zero.
17. **Non-IV-D Case:** a case that is not brought by a IV-D agency or a IV-D participant to establish paternity, to establish, enforce or modify support or to enforce spousal support or parenting time. These cases are also referred to as "private cases."
18. **Obligee:** a person entitled, by a court or administrative order, to receive support from the obligor.
19. **Obligor:** a person ordered, by a court or administrative order, to make support payments.
20. **Order to Appear:** an order setting the date, time, and place a party is to appear in court or conference. A court commissioner, judge, or person designated by administrative order may sign the order. An order to appear has the same force and effect as an order to show cause.
21. **Order of Assignment:** an order from the court directing that deductions be taken from wages or other income to pay current or past-due support or spousal maintenance.
22. **Parenting Time Order:** an order of the court pursuant to which parents (or others ordered to have custody or control of a child or children under Arizona law) are required to allow appropriate access to the child(ren), according to the best interests of the child(ren). This is also known as "visitation."
23. **Paternity Case:** an action to determine the father of a child or children born out of wedlock.
24. **Paternity Order:** an order that establishes the father of a particular child or children.
25. **Private Case:** a case that is not brought by a IV-D agency or a IV-D participant to establish paternity, to establish, enforce or modify support or to enforce spousal support or parenting time. These cases are also referred to as "non- IV-D cases."
26. **Support:** the provision of maintenance or subsistence and includes medical insurance coverage and uncovered medical costs for the child, arrearages, interest on arrearages, past support, interest on past support and reimbursement for expended public assistance. For purposes of this Plan, support may also include spousal maintenance.

- C. **Petitions and Stipulations.** This Plan applies to the following types of Family Court post-decree and post-judgment petitions and stipulations filed pursuant to A.R.S. §§25-502(J), -503(L), and -504, and Rule 91, *Arizona Rules of Family Law Procedure*, however denominated:
1. Petitions for modification of a prior child support order.
 2. Petitions for modification of a prior child support order filed pursuant to the "Simplified Procedure" set forth in the Arizona Child Support Guidelines.
 3. Petitions for modification of a prior child support order to assign or alter responsibility for medical insurance for a child filed pursuant to the "Simplified Procedure" set forth in the Arizona Child Support Guidelines.
 4. Petitions to establish a child support order after paternity has been voluntarily acknowledged pursuant to A.R.S. §25-812 and no other issues are pending.
 5. Petitions to establish a child support order pursuant to A.R.S. §25-502(J).
 6. Post-judgment petitions to establish a child support order after final orders of paternity, custody, and parenting time (visitation) have all been entered in a previous proceeding.
 7. Petitions for enforcement of a prior support order. For this purpose only, "support" includes enforcement of any combination of child support, medical insurance premiums, unreimbursed medical/dental/vision expenses, and spousal maintenance.
 8. Petitions and requests for judgment of support arrearages supported by affidavit filed pursuant to A.R.S. §25-503(L).
 9. Petitions for enforcement of a parenting time (visitation) order.
 10. Petitions and stipulations to stop or modify an Order of Assignment.
 11. Stipulations that resolve a petition pending in a Specialty Court and stipulations that resolve an issue that would be the subject of an eligible petition.

This Plan does not apply to any other petitions, stipulations or cases filed in the Superior Court in Maricopa County.

- D. **Eligibility.** To better serve the public by providing expedited resolution of post-decree and post-judgment issues, the following eligibility procedures will apply unless specifically provided otherwise herein:
1. **Single Issue Petitions.** Only those written petitions and stipulations listed in paragraph C above that involve a single request for modification or enforcement of a prior order are subject to this Plan and eligible for resolution by the Post-Decree Specialty Courts. For this purpose incidental requests for attorneys fees and/or costs incurred with respect to an eligible petition will not disqualify the Petition and will be heard and determined under this Plan by the appropriate Specialty Court.
 2. **Multiple Issue Petitions & Counter Petitions.** Petitions presented to the Family Court Conference Center (FCCC) or a Specialty Court that seek resolution of multiple issues of modification and/or enforcement in one petition or multiple petitions, or in a pending petition and pending counter petition will not proceed under this Plan, and will be immediately referred to the assigned judicial officer for hearing at the earliest possible date.

3. **Complex Petitions.** The Specialty Courts are designed to provide a prompt resolution of routine post-decree and post-judgment issues that are filed in large numbers with the court, and are not structured to hear more complex matters that may require longer hearings. The judicial officer assigned to a case is encouraged to hear all petitions that are complex and would unduly tax the resources of the Specialty Courts. If an eligible petition is determined to be complex by the judicial officer assigned to the Specialty Court or by the Presiding Judge of the Family Court Department, it will be immediately referred to the assigned judicial officer for resolution. For this purpose a complex petition is:
 - a. A petition that will require more than the customary time required for hearing that type of petition with the Specialty Court; or
 - b. A petition filed in a case that the assigned judicial officer has acquired significant knowledge and expertise in the case by reason of prior involvement in the case that may be integral in determining the issues in the eligible petition; or
 - c. A petition that may require the appointment of a federally authorized tax practitioner (FATP) pursuant to A.R.S. §25-320.02; or
 - d. A petition that cannot proceed to immediate hearing and will require longer-term management and monitoring because of a bankruptcy filing, pending appeal, extensive discovery or other similar factors; or
 - e. A petition that involves unusual facts, circumstances or history that make it more appropriate for the judicial officer assigned to the case to hear the petition.
4. **Stipulations.** A stipulation is a joint petition and will be eligible to be heard by the appropriate Specialty Court if the subject and scope of the stipulation would otherwise be eligible if submitted as a petition by only one party.
5. **Referrals.** Child support and parenting time issues raised in other petitions not eligible for referral will be promptly resolved by the assigned judicial officer with all other issues and will not be referred to the Specialty Courts under this Plan whether or not the other remaining issues have been resolved.
6. **Requests for Referral Without Petition.** Stipulations, informal requests, and written requests for referral to the Family Court Conference Center or a Specialty Court without payment of the appropriate filing fee and filing of an eligible petition under A.R.S. §25-502(J), A.R.S. §25-503(L), A.R.S. §25-504, or Rule 91, *Arizona Rules of Family Law Procedure*, cannot be made by a party, will not be granted by the court, and will be rejected by the Family Court Conference Center.
7. **Retention of Petition By Assigned Judge.** The judicial officer assigned to a case will hear and determine any motions to reassign an eligible petition to the assigned division for hearing. Eligible petitions that are erroneously presented to the assigned judicial officer may be heard by the judicial officer or promptly referred to the Specialty Court as determined by the assigned judicial officer.

8. **Option to Proceed With Ineligible Petitions.** In the event a Specialty Court accepts or schedules an ineligible petition for a conference or hearing, the judicial officer assigned to the Specialty Court may elect either to proceed and hear all issues in the petition or to transfer the petition to be heard by the judicial officer assigned to the case.
 9. **Reassignment to Prevent Delay.** If, in the judgment of the Family Court Presiding Judge, the volume of pending post-decree and post-judgment petitions pending in one or more Specialty Courts is sufficiently large that prompt hearings cannot be provided to the public with the available court resources, the Family Court Presiding Judge may direct that various petitions or types of petitions be returned to the judicial officers assigned to such petitions until such time as the delay is reduced in the Specialty Courts.
 10. **Future Eligibility of Multiple Issue Petitions.** The Family Court Presiding Judge may from time to time also direct that petitions that seek resolution of multiple issues in one petition or in multiple petitions or counter-petitions are eligible to be heard under this Plan by entry of an Administrative Order describing the specific types of petitions to be made eligible provided that each of the multiple issues made eligible thereby would be eligible without this action if filed as the subject of a separate petition under this Plan. In such event the processes and procedures applicable to each petition as a separate single-issue petition will be combined as described in the Administrative Order.
- E. **Appointment of Judges and Commissioners.** The Presiding Judge shall appoint a judge or court commissioner to hear all matters related to IV-D and private cases (non-IV-D).
- F. **Time Frames.**
1. **Applicable Time Frames for IV-D Cases Only.** All paternity and support order establishment matters brought by a IV-D agency must be completed from the time of service of process to the time of disposition within the following time frames: 75% in 6 months and 90% in 12 months, but cases are deemed completed within the 6 month requirement if jurisdiction is "long arm" and disposition occurs within 12 months of service of process. (45 C.F.R. Sec. § 303.101).
 2. **Applicable Time Frames For All Other Cases Under This Plan.** Except as provided in section F-1 above, all other cases covered under this Plan shall be completed according to the standards established for case flow processing as set by the Superior Court of Arizona in Maricopa County, Family Court Department, A.R.S. § 25-414 ("parenting time" only), and A.R.S. §25-504 (hearing on *ex parte* Order of Assignment).
 3. **Service of Process.** All service of process under this Plan shall be made within the time limits and in accordance with the procedures outlined in Rules 40, 41, 42, 43 and 91, *Arizona Rules of Family Law Procedure*.

- a. **Establishment Cases.** In all IV-D and all private (non-IV-D) establishment cases, the non-requesting party shall be served with an Order to Appear at least ten (10) days prior to the date of the hearing or conference unless the filing is pursuant to § 25-502(J). In an establishment process pursuant to § 25-502(J), the party who does not request the establishment shall be served with a copy of the request to establish, a proposed order and a completed parent worksheet. If that party objects, the objecting party shall file a request for hearing, and provide copies to other parties including the IV-D agency if it is a title IV-D case. The court will notify the parties by mail or otherwise of the date, time and place for the court appearance.
 - b. **Enforcement Cases.** In all IV-D and all private (non-IV-D) enforcement proceedings regarding support, or parenting time (visitation), the non-petitioning or non-requesting party shall be served with a copy of the Petition to Enforce and Order to Appear in accordance with Rule 91, *Arizona Rules of Family Law Procedure* at least ten (10) days prior to the date of the conference and hearing. In a request for judgment by affidavit process pursuant to A.R.S. §25-503(L), the party who does not request the enforcement shall be served with a copy of the request for judgment and a proposed order in accordance with A.R.S. §25-503(L). If that party objects, the objecting party shall file a request for hearing, and provide copies to other parties including the IV-D agency if it is a title IV-D case. The court will notify the parties by mail or otherwise of the date, time and place for the court appearance.
 - c. **Modification Cases.** In a modification proceeding, the party who does not request the modification shall be served with a Petition for Modification, an Order to Appear, an Affidavit of Financial Information, and a blank copy of an Affidavit of Financial Information in accordance with Rule 91, *Arizona Rules of Family Law Procedure*. The Order to Appear will direct the parties to appear at a certain date and time for a conference and a subsequent hearing. In a Simplified Modification proceeding under the Arizona Child Support Guidelines, the party who does not request the modification shall be served with a copy of the Request for Modification, and a completed Parent Worksheet. If that party objects, the objecting party shall file a Request for Hearing and completed Parent Worksheet, and provide copies to other parties including the IV-D agency if it is a Title IV-D case. The court will notify the parties by mail or otherwise of the date, time and place for the court appearance.
 - d. **Order of Assignment Cases.** In proceedings to terminate or adjust an Order of Assignment, the petition to terminate or modify shall be served upon the party who does not seek the change in accordance with A.R.S. §25-504 and Rules 40, 41, 42 and 43 of the *Arizona Rules of Family Law Procedure*.
4. **Continuances.** No continuance shall be granted except for good cause, which must be set forth in the record. When a judge or commissioner grants a continuance in a IV-D case, he or she shall consider the time frames set forth in

Section F-1 in this Plan.

5. **Entry of Order.** When entered, the order shall be in writing and shall state the outcome of the case, including any amounts established as support, and any enforcement remedies ordered. The party who requested the order should provide copies to all parties if orders are not provided to all parties at the time of the hearing.

G. **General Procedures.**

1. **Initiation of Proceeding.** In all cases covered by this Plan, each request to establish support, each request to modify child support other than by the simplified procedure, and each request for enforcement shall be accompanied by a Petition and other required documents in accordance with Rule 91, *Arizona Rules of Family Law Procedure*, except that a case to establish paternity shall proceed by petition and summons. A request to establish support pursuant to A.R.S. § 25-502(J), a request to establish a support judgment supported by affidavit pursuant to A.R.S. §25-503(L), and a request to adjust or terminate an order of assignment pursuant to A.R.S. § 25-504, are initiated by a petition and do not need to be accompanied by an Order to Appear. For the simplified modification procedure, parties shall follow the process prescribed by the Arizona Child Support Guidelines.
2. **Petitions.** All eligible petitions, requests and stipulations must be in writing and filed with the Clerk of the Superior Court in accordance with the *Arizona Rules of Family Law Procedure*, the *Arizona Child Support Guidelines*, and any other legal requirements as appropriate. Stipulations, informal requests and written requests for referral to a Specialty Court, and eligible Petitions that do not comply with the provisions of A.R.S. §25-502(J), A.R.S. §25-503(L), A.R.S. §25-504, Rule 91, *Arizona Rules of Family Law Procedure*, the *Arizona Child Support Guidelines*, or other applicable legal requirements as appropriate, will be rejected. The judicial officer assigned to the appropriate Specialty Court will determine compliance with legal requirements.
3. **Order to Appear.** A court commissioner, judge, or special commissioner appointed by the court may issue an Order to Appear. The Order to Appear will include an order that parties being served bring with them the documents listed below in Section N of this Plan.
4. **Stipulations.** Stipulations eligible to be heard by a Specialty Court will be filed with the Clerk of the Superior Court in accordance with the requirements of the *Arizona Rules of Family Law Procedure*. The filing party will then provide a copy of the stipulation with proof of filing to the Family Court Conference Center, together with an original and copies of a proposed form of *Order* with envelopes stamped and addressed to each party in accordance with *Maricopa County Local Rule 3.2(i)*. The judicial officer assigned to the appropriate Specialty Court will review and enter the stipulated *Order* or reject it and notify the parties of the reasons for rejection as appropriate.
5. **Title IV-D Cases.** The Family Court Conference Center will search the file or

computer docket to determine if the State of Arizona has made a prior appearance in a case wherein an eligible petition is filed. If a prior appearance has been made by the State, the FCCC will instruct the party filing the petition to serve the State as required by law.

6. **Service of Process.** Service of process shall be completed as ordered by the court in accordance with applicable legal requirements and the *Arizona Rules of Family Law Procedure*.
7. **Responses.** A written response to a Petition and Order to Appear need not be filed, except that a party who objects to a Request for Modification of Support filed pursuant to the simplified procedure of the Arizona Child Support Guidelines, a party who objects to a Request to Establish Support pursuant to A.R.S. § 25-502(J), a party who objects to a Request to Establish a Support Judgment Supported by Affidavit pursuant to A.R.S. §25-503(L), and a party who objects to a Request to Adjust or Terminate an Order of Assignment pursuant to A.R.S. § 25-504, may each file a Request for Hearing if the request is disputed.
8. **Defaults.** A party may respond to a petition and summons regarding paternity according to Arizona law. In compliance with Federal law in paternity cases and Rule 76, *Arizona Rules of Family Law Procedure*, the court may order default against a non-cooperating party. Pursuant to A.R.S. § 25-813, the court may order a default against a party who fails to appear or who has been ordered to submit to genetic or blood testing and fails to appear without good cause for the appointment to take the test or fails to take a blood or genetic test.
9. **Conduct of Conferences and Subsequent Hearings with Judicial Officer.** The conference officer will meet with the parties, and their counsel, if represented, to determine whether there are agreements on any of the issues. If the parties reach agreement, the Conference Officer will assist the parties in documenting the agreement and presenting it to the Court for approval pursuant to Rule 69, *Arizona Rules of Family Law Procedure*. If the parties disagree on any of the issues necessary to determine the resolution of the pending petition, the Court will conduct an evidentiary hearing on any and all issues in dispute immediately following the conference. It is the goal of the Court to provide the parties with a resolution of the pending petition on the date of the Conference.

H. **Child Support Modification Court.** The **Child Support Modification Court** will hear all eligible post-decree and post-judgment petitions for modification of child support whether filed pursuant to Rule 91, *Arizona Rules of Family Law Procedure*, or pursuant to the simplified procedure authorized by the *Arizona Child Support Guidelines* on the following basis:

1. **Eligible Petitions.** Post-decree and post-judgment petitions for modification of child support that are eligible to be referred to and heard by the **Child Support Modification Court** include:
 - a. **Rule 91 Petitions.** Petitions for modification of a prior child support order that seek a modification of a final child support order filed pursuant to Rule 91, *Arizona Rules of Family Law Procedure*, and that do not include

- any additional requests to modify or enforce a prior order are eligible.
- b. **Simplified Modifications.** Petitions for modification of a prior child support order filed pursuant to the "Simplified Procedure" set forth in the Arizona Child Support Guidelines are eligible.
 - c. **Simplified Medical Insurance Modifications.** Petitions for modification of a prior child support order to assign or alter responsibility for medical insurance for a child filed pursuant to the "Simplified Procedure" set forth in the Arizona Child Support Guidelines are eligible.
2. **Ineligible Petitions.** Post-decree and post-judgment petitions for modification of child support that are **not** eligible to be referred to and heard by the **Child Support Modification Court** include:
- a. **Spousal Maintenance Modifications.** Petitions for modification of a prior spousal maintenance order, whether as a single issue or combined with other requested relief, are **not** eligible.
 - b. **Multiple Issue Petitions.** Petitions that include a request to modify child support as part of a petition to modify or enforce custody, parenting time, spousal maintenance or other prior orders are **not** eligible.
 - c. **Concurrent Petitions.** Petitions that seek only to modify a prior child support order that are filed during the time that there are any other unadjudicated post-decree or post-judgment petitions pending in the case will be heard by the judicial officer assigned to the case and are **not** eligible.
3. **Rule 91 Modification Proceeding.** Petitions for modification of a prior child support order filed pursuant to Rule 91, *Arizona Rules of Family Law Procedure* shall proceed as follows:
- a. **Initiating the Process.** Any party seeking to modify a prior child support order may file a petition for modification of child support with the Clerk of the Superior Court in accordance with the requirements of the *Arizona Rules of Family Law Procedure*, and request a hearing by delivering a copy of the petition with proof of the filing to the Family Court Conference Center (FCCC).
 - b. **Order to Appear.** Upon receipt of an eligible petition for modification of child support that satisfies the requirements of Rule 91, *Arizona Rules of Family Law Procedure*, the Child Support Modification Court will issue an *Order to Appear* to be served by the filing party requiring all parties to appear at a conference with a conference officer, and a subsequent evidentiary hearing before a judicial officer within 45 days of the request.
4. **Simplified Modification Proceeding.** Petitions for modification of a prior child support order filed pursuant to the simplified procedure authorized by the *Arizona Child Support Guidelines* shall proceed in accordance with the procedure in the

Guidelines as follows:

- a. **Initiating the Process.** Any party seeking to modify a prior child support order may file a request to modify child support (simplified process) together with a completed *Parent's Worksheet for Child Support Amount*, and supporting income documentation with the Clerk of the Superior Court, and provide a proposed form of *Child Support Order* and a proposed form of *Order of Assignment*, together with envelopes stamped and addressed to each party in the case in accordance with Rule 3.2(i), *Superior Court Local Rules of Practice, Maricopa County*. The party seeking the modification shall then serve copies of the filed documents upon the other party and, if appropriate, the state Title IV-D agency in accordance with the *Arizona Rules of Family Law Procedure*.
 - b. **No Request for Hearing.** The Family Court Conference Center will monitor each request to modify child support filed pursuant to the guidelines simplified process to determine if the request is disputed after proof of service upon the party that is not requesting the modification has been filed. If the request is not disputed and no *Request for Hearing* is filed, the request will be forwarded to the Child Support Modification Court to review the request and enter appropriate orders as required by the *Arizona Child Support Guidelines* or issue an appropriate order or notice to appear for a conference and hearing.
 - c. **Request for Hearing.** If a *Request for Hearing* is filed, the Child Support Modification Court will issue an *Order to Appear* or notice by minute entry for all parties to appear at a conference with a conference officer, and a subsequent evidentiary hearing before a judicial officer within 45 days of the request.
5. **Conference and Hearing.** At the date and time of the scheduled conference and hearing the parties will meet with a conference officer to obtain information and agreements on the issues raised in the filed petition.
- a. **Full Agreement.** If full agreement is reached at the conference, the conference officer will assist the parties to memorialize their agreement in a formal written stipulated *Child Support Order* supported by a *Parent's Worksheet for Child Support Amount* and an *Order of Assignment*. The stipulated *Child Support Order* will immediately be forwarded to the judicial officer assigned to the Child Support Modification Court for review and approval while the parties are at the courthouse. The judicial officer will review and enter the stipulated *Child Support Order* and *Order of Assignment* or conduct a brief hearing with the parties to resolve any deficiencies or remaining issues in the parties' agreement. The parties will be provided copies of the *Child Support Order* and *Order of Assignment* prior to leaving the courthouse.
 - b. **Hearing.** If full agreement is not reached at the conference, the conference officer will forward any partial agreements of the parties, together with a form *Child Support Order* and *Order of Assignment* completed to the extent that the parties are in agreement, to the judicial

officer assigned to the Child Support Modification Court electronically or in writing, and provide copies to the parties. The judicial officer will conduct an evidentiary hearing on the remaining contested issues, and make an appropriate ruling. At the conclusion of the hearing, the parties will be provided with copies of the new *Child Support Order* and *Order of Assignment* determined by the judicial officer, if possible. If the judicial officer finds it necessary to take the issues under advisement, a copy of the decision will be provided to the parties by mail as soon as possible.

- I. **Child Support Establishment Court.** All eligible post-decree and post-judgment petitions to establish a child support order will be referred to the **Child Support Establishment Court**, and proceed to resolution on the following basis:
 1. **Eligible Petitions.** Petitions for establishment of child support that are eligible to be referred to and heard by the **Child Support Establishment Court** include:
 - a. **First Post-Decree Child Support Order.** All post-decree and post-judgment petitions filed pursuant to Rule 91, *Arizona Rules of Family Law Procedure* to establish the first child support order in a case after final orders of paternity, custody, and parenting time (visitation) have all been previously entered in a case.
 - b. **Subsequent Petitions After Jurisdiction Acquired.** Petitions seeking only to establish a child support order filed after the court has acquired personal jurisdiction over both parents following the entry of a decree or judgment that lacked personal jurisdiction to enter a child support order are eligible.
 - c. **First Child Support After Voluntary Acknowledgement of Paternity.** Petitions seeking to establish only a child support order after paternity has been voluntarily acknowledged pursuant to A.R.S. §25-812 and that raise no other issues for determination are eligible.
 2. **Ineligible Petitions.** Petitions for establishment of child support that are **not** eligible to be referred to and heard by the **Child Support Establishment Court** include:
 - a. **Multiple Issue Petitions.** Petitions that include a request to establish a child support order as part of a petition to modify or enforce custody, parenting time, spousal maintenance or other prior orders are **not** eligible.
 - b. **Concurrent Petitions.** Petitions that seek only to establish a child support order that are filed during the time that there are any other unadjudicated post-decree or post-judgment petitions pending in the case will be heard by the judicial officer assigned to the case and are **not** eligible.
 3. **Establishment Proceedings.** Petitions to establish a first child support order shall proceed as follows:

- a. **Initiating the Process.** Any party seeking to establish a child support order may file a petition to establish child support with the Clerk of the Superior Court in accordance with the requirements of the *Arizona Rules of Family Law Procedure*, and request a hearing by delivering a copy of the petition with proof of the filing to the Family Court Conference Center (FCCC).
 - b. **Order to Appear.** Upon receipt of an eligible petition to establish child support that satisfies the requirements of Rule 91, *Arizona Rules of Family Law Procedure*, the Child Support Establishment Court will issue an *Order to Appear* to be served by the filing party requiring all parties to appear at a conference with a conference officer, and a subsequent evidentiary hearing before a judicial officer within 45 days of the request.
4. **Simplified Establishment Proceedings.** Petitions to establish a child support order pursuant to A.R.S. §25-502(J) shall proceed in accordance with A.R.S. §25-502(J) as follows:
 - a. **Initiating the Process.** Any party seeking to establish a first child support order may file a *Petition to Establish Child Support*, together with a completed *Parent's Worksheet for Child Support Amount*, and *Notice of Right to Request Hearing*, and provide a proposed form of *Child Support Order*, together with envelopes stamped and addressed to each party in the case in accordance with Rule 3.2(i), *Superior Court Local Rules of Practice, Maricopa County*. The party seeking the establishment shall then serve copies of the filed documents and proposed form of *Child Support Order* upon the other party and, if appropriate, the state Title IV-D agency in accordance with the *Arizona Rules of Family Law Procedure*.
 - b. **No Request for Hearing.** The Family Court Conference Center will monitor each request to establish child support filed pursuant to A.R.S. §25-502(J) to determine if the request is disputed after proof of service upon all parties has been filed. If the request is not disputed and no *Request for Hearing* is filed, the request will be forwarded to the Child Support Establishment Court to review the request and enter an appropriate order or set the matter for hearing as appropriate.
 - c. **Request for Hearing.** If a *Request for Hearing* is filed, the Child Support Establishment Court will issue an *Order to Appear* for all parties to appear at a conference with a conference officer, and a subsequent evidentiary hearing before a judicial officer within 45 days of the request.
5. **Conference and Hearing.** At the date and time of the scheduled conference and hearing the parties will meet with a conference officer to obtain information and agreements on the issues raised in the filed petition.
 - a. **Full Agreement.** If full agreement is reached at the conference, the conference officer will assist the parties to memorialize the agreement in a formal written stipulated *Child Support Order* supported by a *Parent's Worksheet for Child Support Amount* and an *Order of Assignment*. The

stipulated *Child Support Order* and *Order of Assignment* will immediately be forwarded to the judicial officer assigned to the Child Support Establishment Court for review and approval while the parties are at the courthouse. The judicial officer will review and enter the stipulated *Child Support Order* and *Order of Assignment* or conduct a brief hearing with the parties to resolve any deficiencies or remaining issues in the parties' agreement. The parties will be provided copies of the *Child Support Order* and *Order of Assignment* prior to leaving the courthouse.

- b. **Hearing.** If full agreement is not reached at the conference, the conference officer will forward any partial agreements of the parties, together with a form *Child Support Order* and *Order of Assignment* completed to the extent that the parties are in agreement, to the judicial officer assigned to the Child Support Establishment Court electronically or in writing, and provide copies to the parties. The judicial officer will conduct an evidentiary hearing on the remaining contested issues, and make an appropriate ruling. At the conclusion of the hearing, the parties will be provided with copies of the new *Child Support Order* and *Order of Assignment* determined by the judicial officer, if possible. If the judicial officer finds it necessary to take the issues under advisement, a copy of the decision will be provided to the parties by mail as soon as possible.

J. **Support Enforcement Court.** All eligible post-decree and post-judgment petitions to enforce support will be referred to the **Support Enforcement Court**, and proceed to resolution on the following basis:

1. **Eligible Petitions.** Petitions to enforce support that are eligible to be referred and heard by the **Support Enforcement Court** include:
 - a. **Support.** All petitions filed pursuant to Rule 91, *Arizona Rules of Family Law Procedure* seeking to enforce a prior support order are eligible. A "support" order includes any final prior order for the payment of spousal maintenance, child support, medical insurance premiums, unreimbursed medical, dental, or vision expenses, or any combination thereof.
 - b. **Judgment By Affidavit.** All petitions and requests that seek only a judgment for support arrearages supported by affidavit pursuant to A.R.S. §25-503(L) are eligible.
2. **Ineligible Petitions.** Petitions to enforce support that are **not** eligible to be referred to and heard by the **Support Enforcement Court** include:
 - a. **Multiple Issue Petitions.** Petitions that include a request to enforce a support order as part of a petition to modify or enforce support, custody, parenting time, or other orders are **not** eligible.
 - b. **Concurrent Petitions.** Petitions that seek only to enforce a support order that are filed during the time that there are any other unadjudicated post-decree or post-judgment petitions pending in the case will be heard by the judicial officer assigned to the case and are **not** eligible.

3. **Enforcement Proceedings.** Petitions to enforce a support order shall proceed as follows:
 - a. **Initiating the Process.** Any party seeking to enforce a support order may file a petition to enforce support with the Clerk of the Superior Court in accordance with the requirements of Rule 91, *Arizona Rules of Family Law Procedure*, and request a hearing by delivering a copy of the petition with proof of the filing to the Family Court Conference Center (FCCC). The Petition shall include the following documents in compliance with Rule 91(C), *Arizona Rules of Family Law Procedure*:
 - i. **Summary Calculation.** Any petition to enforce a support order shall include a current summary calculation of arrears from the clearinghouse records of the Department of Child Support Enforcement if available, or if not available, a statement of all sums due.
 - ii. **Medical/Dental/Vision Cost Summary.** If the petition to enforce support includes a request for reimbursement of medical, dental, or vision costs, the petition shall include a detailed summary of the bills, insurance and personal payments, remaining unpaid balances, and the remaining pro rata obligation of each party in accordance with Rule 91(C), *Arizona Rules of Family Law Procedure*. The summary shall substantially conform to the worksheet attached hereto as Attachment A.
 - iii. **Blank AFI.** Every petition to enforce shall include a blank copy of an *Affidavit of Financial Information* to be served upon the opposing party.
 - b. **Order to Appear.** Upon receipt of an eligible petition to enforce support that satisfies the requirements of Rule 91, *Arizona Rules of Family Law Procedure*, the Support Enforcement Court will issue an *Order to Appear* for all parties to appear at conference with a conference officer, and a subsequent evidentiary hearing before a judicial officer within 45 days of the request.
4. **Judgment By Affidavit Proceeding.** Petitions and requests to establish a support judgment supported by affidavit pursuant to A.R.S. §25-503(L) shall proceed in accordance with A.R.S. §25-503(L) as follows:
 - a. **Initiating the Process.** Any party seeking to establish a judgment for support arrearages pursuant to A.R.S. §25-503(L) may file a *Petition to Establish Support Judgment* in accordance with the requirements of A.R.S. §25-503(L) and the *Arizona Rules of Family Law Procedure* together with an affidavit indicating the name of the party obligated to pay support and the amount of the arrearages with the Clerk of the Superior Court. The petition or a separate form of *Notice* must contain language that clearly states that a party may request a hearing within twenty (20)

days or within thirty (30) days if service is made outside the state if the arrearage amount or the identity of the person against whom judgment is sought is in dispute. The filing party shall provide a proposed form of *Judgment*, together with envelopes stamped and addressed to each party in the case in accordance with Rule 3.2(i), Superior Court *Local Rules of Practice, Maricopa County*. The party seeking the establishment of the judgment shall then serve copies of the filed documents upon the other party and, if appropriate, the state Title IV-D agency in accordance with the requirements of A.R.S. §25-503(L) and the *Arizona Rules of Family Law Procedure*.

- b. **No Request for Hearing.** The Family Court Conference Center will monitor each filed request to establish judgment by affidavit to determine if the request is disputed after proof of service upon the other party or parties has been filed. If the request is not disputed and no *Request for Hearing* is filed, the request will be forwarded to the Support Enforcement Court to review the request and enter an appropriate *Judgment* or set the matter for hearing as required by A.R.S. §25-503(L).
 - c. **Request for Hearing.** If a *Request for Hearing* is filed, the Support Enforcement Court will issue an *Order to Appear* or notice by minute entry for all parties to appear at a conference with a conference officer, and a subsequent evidentiary hearing before a judicial officer within 45 days of the request.
5. **Conference and Hearing.** At the date and time of the scheduled conference and hearing the parties will initially meet with a conference officer on the issues raised in the petition.
- a. **Conference Preparation.** Prior to the scheduled conference, the Family Court Conference Center will verify that all prior court orders issued by this court have been properly entered in the Arizona Department of Child Support Enforcement (DCSE) clearinghouse records, and prepare a preliminary calculation of child support and spousal maintenance arrearages based upon the clearinghouse records.
 - b. **Conference.** At the conference the conference officer will attempt to obtain agreement from the parties on the issues raised in the petition, and address at least the following matters, if applicable to the petition:
 - i. **DCSE Arrearage Calculation.** Review the preliminary calculation of child support and spousal maintenance arrearages based upon DCSE clearinghouse records with the parties to verify accuracy of orders, payments and calculation;
 - ii. **Direct Payments.** Determine if the obligor has made any payments directly to the obligee that are not present in the clearinghouse records, and to the extent the parties agree that the obligor receive a credit for such payments, complete an *Affidavit of Direct Payment* for the parties' signatures with respect to all such agreed payments.

- iii. **Equitable Credits.** Determine whether the parties are in agreement that obligor receive any other equitable credits, e.g. while a child resided full-time with the obligor, and complete an *Affidavit of Direct Payment* for the parties signature with respect to such amounts.
 - iv. **Medical Bills.** Review the obligee's summary of unreimbursed medical, dental and vision bills with the parties and determine whether the parties are in agreement to the obligor's pro rata portion.
 - v. **Repayment Agreements.** Review the parties' proposals for payment of any arrearage and determine if the parties are in agreement with respect to the terms of repayment.
 - vi. **Repayment Ability.** Explore the obligor's ability to make a lump sum payment and other periodic payments.
 - vii. **Instructions.** Instruct the parties of the requirement to make all future payments through the DCSE clearinghouse, and the obligor's responsibility to personally make all payments including times that an *Order of Assignment* is not in effect.
- c. **Full Agreement.** If full agreement is reached at the conference, the conference officer will assist the parties to memorialize the agreement in a formal written stipulated *Order*, an *Order of Assignment* and/or an *Affidavit of Direct Payment* as appropriate. The conference officer will take the parties to the courtroom, and the stipulated *Orders* and *Affidavit*, if any, will immediately be forwarded to the judicial officer assigned to the Child Support Enforcement Court for review and approval while the parties are at the courthouse. The judicial officer will review and enter the stipulated *Order* and *Order of Assignment*, if appropriate, and instruct the Clerk to file any agreed *Affidavit of Direct Payment*, or conduct a brief hearing with the parties to resolve any deficiencies or remaining issues in the parties' agreement. The parties will be provided copies of the signed *Order*, *Order of Assignment*, and *Affidavit of Direct Payment* prior to leaving the courthouse.
- d. **Failure to Appear.** In the event one party fails to appear after being personally served with an *Order to Appear*, the conference officer will obtain from the appearing party to the extent available the non-appearing party's detailed physical description, last known address, vehicle description, employer's name and address, and any other available information to locate the non-appearing party. The conference officer will then take the appearing party or parties to the courtroom for the judicial officer to conduct a brief hearing on the petition and consider the imposition of appropriate sanctions including the issuance of a *Child Support Arrest Warrant* or *Civil Arrest Warrant*. If both parties fail to appear, the conference officer will prepare a written order to dismiss the petition and/or vacate the hearing for the judicial officer to consider.

- e. **Hearing.** If full agreement is not reached at the conference, the conference officer will forward any partial agreements of the parties to the judicial officer assigned to the Child Support Enforcement Court, electronically or in writing, and provide copies to the parties. The judicial officer will conduct an evidentiary hearing on the remaining contested issues, and enter an appropriate order to enforce the support order. At the conclusion of the hearing, the parties will be provided with copies of the new *Order* and *Order of Assignment*, determined by the judicial officer, if possible. If the judicial officer finds it necessary to take the issues under advisement, a copy of the decision will be provided to the parties by mail as soon as possible.
6. **Monitoring.** The Support Enforcement Court will make orders for future monitoring of the parties' compliance in those cases where monitoring is appropriate. The Family Court Conference Center will continue to monitor the case in compliance with the court's instructions. Monitoring may include the following:
 - a. **Affidavits of Non-compliance.** If the obligor violates the enforcement order entered by the court, the Support Enforcement Court may authorize a party to file an *Affidavit of Non-compliance* for a specific period not to exceed twelve (12) months following the entry of the enforcement order in lieu of filing another petition for enforcement. All parties will be required to keep the court and all other parties notified of their current mailing address until the time allowed for filing an *Affidavit* has expired. The *Affidavit of Non-compliance* will be under oath and state the nature of the alleged violation of the enforcement order. The obligee will be required to file the *Affidavit* with the Clerk and provide a copy to the Family Court Conference Center. Upon receipt of a proper *Affidavit*, the Family Court Conference Center will issue an *Order to Appear* for the parties to appear at a conference and/or hearing for the court to consider the issues presented in the *Affidavit*. The obligee will be required to serve a copy of the *Order to Appear* and supporting *Affidavit* upon all other parties in accordance with Rules 40, 41 or 42, *Arizona Rules of Family Law Procedure*, as applicable.
 - b. **FCCC Monitoring.** The Support Enforcement Court may require the Family Court Conference Center to monitor clearinghouse records for a specific period not to exceed twelve (12) months, to ensure compliance with a support enforcement order.
 - c. **FCCC Proof of Payment.** The Support Enforcement Court may require an obligor to provide proof of each support payment made to the clearinghouse by providing such proof to the Family Court Conference Center on a specific date and time identified in the order, and in accordance with a schedule that will be established by the Family Court Conference Center to accommodate such orders.
 7. **Review Hearings.** Upon receipt of a proper and timely *Affidavit of Non-compliance*, or upon identifying a significant violation of the support enforcement

order within the monitoring period, the Family Court Conference Center will schedule a review hearing with the Support Enforcement Court, and notify all parties of the hearing by mail or other method authorized by Rule 43, *Arizona Rules of Family Law Procedure*. The Family Court Conference Center will not be required to conduct a conference prior to the review hearing, but will prepare an updated calculation of child support and spousal maintenance arrearages based upon the clearinghouse records if relevant to the alleged violation, and provide a copy to the assigned judicial officer and the parties.

8. **Referral to Support Non-compliance Court.** If in the discretion of the Support Enforcement Court, a case will require long-term monitoring because of repeated violations of support orders or the accumulation of large support arrearage amounts, the case may be referred to the Support Non-compliance Court for further monitoring and enforcement action.

K. **Support Non-compliance Court.** Support enforcement issues properly referred to the **Support Non-compliance Court** will be heard on the following basis:

1. **Eligible Petitions.** The following post-decree and post-judgment petitions to enforce support are eligible for referral to the **Support Non-compliance Court**:
 - a. **Support Enforcement Court Petitions.** Petitions to enforce support that have been previously heard and/or reviewed in the Support Enforcement Court are eligible for referral to the Support Non-compliance Court but only after all support arrearage amounts have been reduced to a formal written judgment by the Support Enforcement Court or other judicial officer.
 - b. **Long-term Monitoring.** Those cases and petitions that are subject to long-term monitoring by the Family Court Conference Center because of repeated violations of support orders or the accumulation of large support arrearage amounts are eligible. For this purpose those cases and petitions currently subject to monitoring by the Family Court Conference Center or previously by Expedited Services are eligible.
 - c. **Judicial Determination.** Those cases that are deemed appropriate for enforcement by the judge of the Support Non-compliance Court or the Family Court Presiding Judge are eligible.
2. **Enforcement Proceedings.** Petitions to enforce a support order shall proceed as follows:
 - a. **Initiating the Process.** All cases and petitions will be referred to the Support Non-compliance Court by the Support Enforcement Court or the Family Court Presiding Judge, or accepted by the judge of the Support Non-compliance Court for enforcement.
 - b. **Order to Appear / Notice.** Upon receipt of an eligible case or petition to enforce support, the Support Non-compliance Court will issue an *Order to Appear*, or a notice by minute entry, as appropriate, for all parties to

appear at an evidentiary hearing before a judicial officer.

- c. **Arrearage Calculation.** Prior to the scheduled evidentiary hearing, the Family Court Conference Center will verify that all prior court orders issued by this court have been properly entered in the Department of Child Support Enforcement clearinghouse records, and prepare a preliminary calculation of child support and spousal maintenance arrearages based upon the clearinghouse records, and provide a copy to the assigned judicial officer and the parties.

3. **Non-compliance Hearing.**

- a. **Hearing.** The judicial officer will conduct an evidentiary hearing on the remaining contested issues, and enter an appropriate order to enforce the support order.
- b. **Failure to Appear.** In the event one party fails to appear after being properly notified of the hearing, the conference officer will obtain from the appearing party to the extent available the non-appearing party's detailed physical description, last known address, vehicle description, employer's name and address, and any other available information to locate the non-appearing party. The conference officer will then take the appearing party or parties to the courtroom for the judicial officer to conduct a brief hearing on the petition and consider the imposition of appropriate sanctions including the issuance of a *Child Support Arrest Warrant* or *Civil Arrest Warrant*. If both parties fail to appear, the conference officer will prepare a written order to dismiss the petition and/or vacate the hearing for the judicial officer to consider.

4. **Monitoring.** The Support Non-compliance Court will make orders for future monitoring of the parties' compliance in those cases where monitoring is appropriate. The Family Court Conference Center will continue to monitor the case in compliance with the court's instructions. Monitoring may include the following:

- a. **Affidavits of Non-compliance.** If the obligor violates the enforcement order entered by the court, the Support Non-compliance Court may authorize a party to file an *Affidavit of Non-compliance* for a specific period not to exceed twelve (12) months following the entry of the enforcement order in lieu of filing another petition for enforcement. All parties will be required to keep the court and all other parties notified of their current mailing address until the time allowed for filing an *Affidavit* has expired. The *Affidavit of Non-compliance* will be under oath and state the nature of the alleged violation of the enforcement order. The obligee will be required to file the *Affidavit* with the Clerk and provide a copy to the Family Court Conference Center. Upon receipt of a proper *Affidavit*, the Family Court Conference Center will issue an *Order to Appear* for the parties to appear at a conference and/or hearing for the court to consider the issues presented in the *Affidavit*. The obligee will be required to serve a copy of the *Order to Appear* and supporting *Affidavit* upon all other

parties in accordance with Rules 40, 41 or 42, *Arizona Rules of Family Law Procedure*, as applicable.

- b. **FCCC Monitoring.** The Support Non-compliance Court may require the Family Court Conference Center to monitor clearinghouse records for a specific period not to exceed twelve (12) months, to ensure compliance with a support enforcement order.
 - c. **FCCC Proof of Payment.** The Support Non-compliance Court may require an obligor to provide proof of each support payment made to the clearinghouse by providing such proof to the Family Court Conference Center on a specific date and time identified in the order, and in accordance with a schedule that will be established by the Family Court Conference Center to accommodate such orders.
5. **Review Hearings.** Upon receipt of a proper and timely *Affidavit of Non-compliance*, or upon identifying a significant violation of the support enforcement order within the monitoring period, the Family Court Conference Center will schedule a review hearing with the Support Non-compliance Court, and notify all parties of the hearing by mail or other method authorized by Rule 43, *Arizona Rules of Family Law Procedure*. The Family Court Conference Center will prepare an updated calculation of child support and spousal maintenance arrearages based upon the clearinghouse records if relevant to the alleged violation prior to the review hearing.
- L. **Parenting Time Enforcement Court.** All eligible post-decree and post-judgment petitions to enforce parenting time or visitation will be referred to the **Parenting Time Enforcement Court**, and proceed to resolution on the following basis:
1. **Eligible Petitions.** All petitions that seek to enforce a prior parenting time or visitation order filed pursuant to Rule 91, *Arizona Rules of Family Law Procedure* are eligible to be referred to and heard by the **Parenting Time Enforcement Court**.
 2. **Ineligible Petitions.** Petitions that are **not** eligible to be referred to and heard by the **Parenting Time Enforcement Court** include:
 - a. **Custody Enforcement.** Petitions that seek to enforce a prior custody order, including petitions for enforcement of a child custody determination pursuant to A.R.S. §25-1058, will be heard by the judicial officer assigned to the case and are **not** eligible.
 - b. **Warrant To Take Physical Custody.** Petitions that seek enforcement of a prior child custody order that seek the issuance of a warrant to take physical custody of a child pursuant to A.R.S. §25-1061 will be heard by the judicial officer assigned to the case and are **not** eligible.
 - c. **Hague Convention Cases.** Petitions filed pursuant to A.R.S. §25-1052 seeking the return of a child under the Hague Convention on the Civil Aspects of International Child Abduction will be heard by the judicial

officer assigned to the case and are **not** eligible.

- d. **Multiple Issue Petitions.** Petitions that include a request to enforce a parenting time order as part of a petition to modify or enforce custody, support or spousal maintenance, or other non-parenting time orders are **not** eligible.
 - e. **Concurrent Petitions.** Petitions that seek only to enforce a parenting time order that are filed during the time that there are any other unadjudicated post-decree or post-judgment petitions pending in the case will be heard by the judicial officer assigned to the case and are **not** eligible.
3. **Enforcement Proceedings.** Petitions to enforce a parenting time (visitation) order shall proceed as follows:
- a. **Initiating the Process.** Any party seeking to enforce a parenting time (visitation) order may file a petition to enforce parenting time with the Clerk of the Superior Court in accordance with the requirements of Rule 91, *Arizona Rules of Family Law Procedure*, and request a hearing by delivering a copy of the petition with proof of the filing to the Family Court Conference Center (FCCC). The Petition shall include detailed facts supporting a violation of the order or enforcement action and the specific remedy or remedies sought in accordance with Rule 91(G), *Arizona Rules of Family Law Procedure*.
 - b. **Order to Appear.** Upon receipt of an eligible petition to enforce parenting time or visitation that satisfies the requirements of Rule 91, *Arizona Rules of Family Law Procedure*, the Parenting Time Enforcement Court will issue an *Order to Appear* for all parties to appear at a conference with a conference officer, and a subsequent evidentiary hearing before a judicial officer within 25 days of when the requesting party indicates service of the petition will be accomplished as required by A.R.S. §25-414(B).
4. **Conference and Hearing.** At the date and time of the scheduled conference and hearing the parties will meet with a conference officer to obtain information and agreements on the issues raised in the filed petition.
- a. **Full Agreement.** If full agreement is reached at the conference, the conference officer will assist the parties to memorialize the agreement in a formal written stipulated *Order*. The stipulated *Order* will immediately be forwarded to the judicial officer assigned to the Parenting Time Enforcement Court for review and approval while the parties are at the courthouse. The judicial officer will review and enter the stipulated *Order* or conduct a brief hearing with the parties to resolve any deficiencies or remaining issues in the parties' agreement. The parties will be provided copies of the *Order* prior to leaving the courthouse.
 - b. **Hearing.** If full agreement is not reached at the conference, the

conference officer will forward any partial agreements of the parties to the judicial officer assigned to the Parenting Time Enforcement Court electronically or in writing, and provide copies to the parties. The judicial officer will conduct an evidentiary hearing on the remaining contested issues, and enter an appropriate order to enforce the parenting time (visitation) order. At the conclusion of the hearing, the parties will be provided with copies of the new *Order* determined by the judicial officer, if possible. If the judicial officer finds it necessary to take the issues under advisement, a copy of the decision will be provided to the parties by mail as soon as possible.

- c. **Failure to Appear.** In the event one party fails to appear after being properly notified of the hearing, the conference officer will obtain from the appearing party to the extent available the non-appearing party's detailed physical description, last known address, vehicle description, employer's name and address, and any other available information to locate the non-appearing party. The conference officer will then take the appearing party or parties to the courtroom for the judicial officer to conduct a brief hearing on the petition and consider the imposition of appropriate sanctions including the issuance of a *Civil Arrest Warrant*. If both parties fail to appear, the conference officer will prepare a written order to dismiss the petition and/or vacate the hearing for the judicial officer to consider.
5. **Monitoring.** The Parenting Time Enforcement Court will determine whether future monitoring of the court's parenting time enforcement order entered at the hearing is appropriate, and make appropriate monitoring orders in those cases where monitoring is appropriate. The Family Court Conference Center will continue to monitor the parties' compliance in accordance with the court's instructions and provide the following monitoring services as ordered by the court:
 - a. **Affidavits of Non-compliance.** The Parenting Time Enforcement Court may authorize a party to file an *Affidavit of Non-compliance* within a specific period not to exceed twelve (12) months following the entry of the enforcement order in lieu of filing another petition for enforcement. All parties will be required to keep the court and all other parties notified of their current mailing address until the time allowed for filing an *Affidavit* has expired. The *Affidavit of Non-compliance* will be under oath and state the nature of the alleged violation of the enforcement order. The filing party will be required to file the *Affidavit* with the Clerk and provide a copy to the Family Court Conference Center. Upon receipt of a proper *Affidavit*, the Family Court Conference Center will issue an *Order to Appear* for the parties to appear at a conference and/or hearing for the court to consider the issues presented in the *Affidavit*. The filing party will be required to serve a copy of the *Order to Appear* and supporting *Affidavit* upon all other parties in accordance with Rules 40, 41 or 42, *Arizona Rules of Family Law Procedure*, as applicable.
 - b. **Supervision Monitoring.** The Parenting Time Enforcement Court may require an appropriate person or agency to supervise parenting time

and/or parenting time exchanges as authorized by law and report violations of court orders by either party to the Family Court Conference Center for a specific period not to exceed twelve (12) months, to ensure compliance with a parenting time (visitation) order.

6. **Review Hearings.** Upon receipt of a proper and timely *Affidavit of Non-compliance*, or upon identifying a significant violation of the parenting time (visitation) order, the Family Court Conference Center will schedule a review hearing with the Parenting Time Enforcement Court, and notify all parties of the hearing by mail or other method authorized by Rule 43, *Arizona Rules of Family Law Procedure*. The Family Court Conference Center will provide all documentation and reports of violations prior to the review hearing.
- M. **Order of Assignment Court.** All eligible stipulations and petitions to modify or stop an *Order of Assignment* will be referred to the **Order of Assignment Court** and proceed to resolution on the following basis:
1. **Eligible Petitions & Stipulations.** The **Order of Assignment Court** will hear all eligible post-decree and post-judgment stipulations and petitions to modify or stop an *Order of Assignment* including:
 - a. **Modify or Stop Orders of Assignment.** All stipulations and petitions that seek to modify or terminate an Order of Assignment are eligible to be heard by the Order of Assignment Court unless otherwise stated herein.
 - b. **Stipulations to Terminate.** Stipulations to terminate an *Order of Assignment* filed in accordance with A.R.S. §25-504(O), that do not also request a termination of all child support orders or an order satisfying all outstanding support judgments may be presented to the Clerk of the Superior Court for issuance in accordance with A.R.S. §25-540(O), or presented to the Court pursuant to the procedures outlined herein.
 - c. **Stipulations to Terminate All Child Support Obligations.** Stipulations and petitions to modify or stop an *Order of Assignment* that also agree or allege that all support obligations have been satisfied or waived and include an agreement or request to terminate all support obligations are eligible.
 2. **Ineligible Petitions.** Petitions that are **not** eligible to be referred to and heard by the **Order of Assignment Court** include:
 - a. **Multiple Issue Petitions.** Petitions that include a request to modify or stop an *Order of Assignment* as part of a petition to modify or enforce custody, parenting time, child support, spousal maintenance or other prior orders are **not** eligible.
 - b. **Concurrent Petitions.** Petitions that seek only to modify or stop an *Order of Assignment* that are filed during the time that there are any other unadjudicated post-decree or post-judgment petitions pending in the case seeking to modify or enforce a custody, parenting time or support order

will be heard by the judicial officer assigned to the case and are not eligible.

3. **Stipulations.** Stipulations to stop or modify an *Order of Assignment* will be filed with the Clerk of the Superior Court in accordance with the requirements of the *Arizona Rules of Family Law Procedure*. The filing party will then provide a copy of the stipulation with proof of filing, together with an original and copies of a proposed form of *Order* with envelopes stamped and addressed to each party in accordance with Rule 3.2(i) *Superior Court Local Rules of Practice, Maricopa County*. The judicial officer assigned to the Order of Assignment Court will review and enter the stipulated *Order* or reject it and notify the parties of the reasons for rejection as appropriate.
4. **Initiating Modification Proceedings.** Any person or agency seeking to modify a prior *Order of Assignment* in accordance with A.R.S. §25-504(L) will:
 - a. **Petition & Notice.** File a petition to modify that specifies the adjustment sought and the reasons for the request with the Clerk of the Superior Court in accordance with the requirements of A.R.S. §25-504(L) and the *Arizona Rules of Family Law Procedure*. The petition or a separate form of *Notice* will contain language that clearly states that a hearing may be requested if the petition is disputed by the person not seeking the modification within twenty (20) days or within thirty (30) days if service is made outside the state.
 - b. **Proposed Order of Assignment.** Provide an original and copies of a proposed new *Order of Assignment* with envelopes stamped and addressed to each party in accordance with *Maricopa County Local Rule 3.2(i)*.
5. **Initiating Termination Proceedings.** Any person or agency seeking to terminate a prior *Order of Assignment* in accordance with A.R.S. §25-504(M) will:
 - a. **Petition & Notice.** File a petition to terminate that specifies why the termination is requested, and that contains the name and address of the employer or payor of the person obligated to pay support in accordance with the requirements of A.R.S. §25-504(M) and the *Arizona Rules of Family Law Procedure*. The petition or a separate form of *Notice* will contain language that clearly states that a hearing may be requested if the petition is disputed by the person not seeking the modification within twenty (20) days or within thirty (30) days if service is made outside the state.
 - b. **Proposed Order of Termination.** Provide an original and copies of a proposed new *Order Terminating Order of Assignment* with envelopes stamped and addressed to each party in accordance with *Maricopa County Local Rule 3.2(i)*.
6. **Copies to Clerk or Court.** The person or agency seeking the modification or termination of an *Order of Assignment* may elect to initially proceed through the

Clerk of the Superior Court in accordance with A.R.S. §25-504(L) or (M), or through the Court in accordance with the procedures outlined herein.

- a. **Clerk of the Superior Court.** A person or agency that elects to proceed with the Clerk of the Superior Court will provide a copy of the petition to the Clerk at the time of filing together with an original and copies of a proposed *Order* with envelopes stamped and addressed to each party in accordance with Rule 3.2(i) *Superior Court Local Rules of Practice, Maricopa County*. If no request for hearing is received within the time allowed by A.R.S. §25-504(L) & (M), the Clerk will issue the *Order of Assignment* or *Order Terminating Order of Assignment* in accordance with the requirements of A.R.S. §25-504(L) or (M), as appropriate. If a request for hearing is received, the Clerk will immediately forward the request to the Family Court Conference Center to schedule a hearing as set forth herein.
 - b. **Family Court Conference Center.** If a person or agency elects to proceed with the Court, the person or agency will deliver a copy of the petition with proof of the filing, together with an original and copies of a proposed *Order* with envelopes stamped and addressed to each party in accordance with Rule 3.2(i) *Superior Court Local Rules of Practice, Maricopa County*, to the Family Court Conference Center (FCCC) immediately after filing.
7. **Service of Process.** Whether proceeding through the Court or the Clerk of the Superior Court, the party or agency seeking the modification or termination shall then serve copies of the filed documents upon the other party and, if appropriate, the state Title IV-D agency in accordance with A.R.S. §25-504(L) or (M) and the *Arizona Rules of Family Law Procedure*.
 8. **No Request for Hearing.** The Family Court Conference Center will monitor each request to modify or terminate an *Order of Assignment* to determine if the request is disputed after proof of service upon the party that is not requesting the modification or termination has been filed. If the request is not disputed and no *Request for Hearing* is filed, the request will be forwarded to the Order of Assignment Court to review the request and enter an appropriate order or set the matter for conference and hearing as appropriate.
 9. **Request for Hearing.** If a *Request for Hearing* is filed, the Order of Assignment Court will issue an *Order to Appear* or notice by minute entry for all parties to appear at a conference with a conference officer, and a subsequent evidentiary hearing before a judicial officer within 45 days of the request.
 10. **Conference and Hearing.** At the date and time of the scheduled conference and hearing the parties will meet with a conference officer to obtain information and agreements on the issues raised in the filed petition.
 - a. **Conference Preparation.** Prior to the scheduled conference, the Family Court Conference Center will verify that all prior court orders issued by this court have been properly entered in the Department of Child Support

Enforcement clearinghouse records, and prepare a preliminary calculation of child support and spousal maintenance arrearages based upon the clearinghouse records.

- b. **Full Agreement.** If full agreement is reached at the conference, the conference officer will assist the parties to memorialize their agreement in a formal written stipulated *Order*. The *Order* will immediately be forwarded to the judicial officer assigned to the Order of Assignment Court for review and approval while the parties are at the courthouse. The judicial officer will review and enter the stipulated *Order* or conduct a brief hearing with the parties to resolve any deficiencies or remaining issues in the parties' agreement. The parties will be provided copies of the approved *Order* prior to leaving the courthouse.
- c. **Hearing.** If full agreement is not reached at the conference, the conference officer will forward any partial agreements of the parties to the judicial officer assigned to the Order of Assignment Court electronically or in writing, and provide copies to the parties. The judicial officer will conduct an evidentiary hearing on the remaining contested issues, and make an appropriate ruling. At the conclusion of the hearing, the parties will be provided with copies of the new *Order* determined by the judicial officer, if possible. If the judicial officer finds it necessary to take the issues under advisement, a copy of the decision will be provided to the parties by mail as soon as possible.

N. **Documents Required:** The Order to Appear may direct one or both parties to bring to the hearing or conference documents and information described in Rules 49 and 91(P), *Arizona Rules of Family Law Procedure*, including, but not limited to:

1. **For Support Establishment Proceedings and Support Modification Proceedings, Including Simplified Modification Proceedings:**

- a. **Worksheet:** a completed Child Support Parent's Worksheet
- b. **Tax Returns:** copies of federal and state income tax returns (personal, partnership, and corporate), as well as schedules, attachments, W-2's and 1099's for the past two years
- c. **Recent income:** copies of pay stubs or statement of earnings for the past six months
- d. **Proof of government benefits:** copies of the most recent statements reflecting the amount of any benefits received such as Social Security, SSI, SSD, AFDC, TANF (formerly AFDC), unemployment compensation, worker's compensation, trust income, retirement benefits and the like
- e. **Support of others ordered by court:** proof of actually paid court-ordered child support for child(ren) other than the child(ren) in this case, including payment histories
- f. **Support of others not ordered by court:** proof of costs of support of natural or adopted child(ren) for whom there is no court order requiring you to support them
- g. **Spousal maintenance:** proof of actually paid court-ordered spousal maintenance

- h. **Medical insurance:** proof of medical insurance premium actually paid by the parent (for the children involved in this case only)
- i. **Proof of education costs:** proof of reasonable and necessary expenses for attending private or special schools or necessary expenses to meet particular educational needs (for the children involved in this case only)
- j. **Child care:** proof of actual child care costs (for the children involved in this case only)
- k. **Children with extraordinary needs:** proof of costs for extraordinary child(ren) (gifted, handicapped or special needs not specified within the Arizona child support guidelines) for the child(ren) involved in this case only
- l. **Social security numbers:** child(ren)'s and parent's social security number(s) **IF REQUIRED BY LAW**
- m. **Employer information:** proof of the obligor's employer and payroll address.

2. **For Support Enforcement Proceedings:**

- a. **Financial Affidavit of Income and Expenses:** completed
- b. **Obligor's Identification:** a copy of obligor's driver's license or other government-issued identification
- c. **Tax returns:** copies of federal and state income tax returns (personal, partnership, and corporate), as well as schedules, attachments, W-2's and 1099's for the past two years
- d. **Recent Income:** copies of pay stubs or statement of earnings for the past six months
- e. **Proof of government benefits:** copies of the most recent statements reflecting the amount of any benefits received such as Social Security, SSI, SSD, AFDC, TANF (formerly AFDC), unemployment compensation, worker's compensation, trust income, retirement benefits and the like
- f. **Proof of accounts:** statements for the past six months on accounts with banks, savings and loans, and investment companies and credit card companies, such as Visa, Master Card, American Express, department stores, etc.
- g. **Medical insurance:** if relevant to the hearing, proof of the availability of medical insurance coverage during all relevant times, the cost of available coverage, persons for whom the parent is providing medical insurance, the actual cost of current coverage for the employee and the entire family, the insurance carrier and the policy number
- h. **Proof of direct payments:** proof of payment of support for which credit is being requested (such as canceled checks, money orders, other receipts, etc.)
- i. **Proof of medical bills:** if relevant to the hearing, proof of bills or receipts of unreimbursed medical, dental and vision expenses; proof of portion of medical, dental and vision costs covered by insurance and/or denial of claims; proof that obligor has received the obligee's request for payment of unreimbursed medical, dental and vision expenses; and proof of payments made by obligor toward unreimbursed medical, dental and vision expenses.

- O. **Failure to Bring Information to Support or Modification Hearing.** If the person upon whom the Order to Appear is served does not comply by providing the required information at the modification or enforcement hearing, the court may impose all sanction allowed by law, including those provided in Rules 65(C), 73(E) and 76(D), *Arizona Rules of Family Law Procedure*.
- P. **Forms.** The Self Service Center shall provide forms for the petition or request for establishment, petition or request for enforcement, petition or request for modification, stipulation or petition to modify or terminate an order of assignment, order to appear, voluntary paternity and such other forms required by statute and/or prescribed or recommended by the Supreme Court.
- Q. **Data Entry.** All post decree petitions must be entered and resulted in the Integrated Court Information System (iCIS). FCCC will document the receipt of all eligible petitions listed herein, the issuance of an Order to Appear, and the date, time and location of the conference and hearing in iCIS. The Conference Officer will result out each conference in iCIS. The Commissioner's Judicial Assistant will result out all hearings scheduled in his/her division and terminate the petition in iCIS so that each petition has resolution. If the Commissioner dismisses the petition upon a failure to appear and the matter is not reset for hearing or a default judgment not entered, the Judicial Assistant will enter the appropriate dismissal code to terminate the petition.

