

FAMILY COURT CASES

1

HOW TO FILE A PETITION TO ENFORCE A PHYSICAL CHILD CUSTODY ORDER

**(To Have Your Child, Who is Being Illegally
Withheld From You, Returned to You)**

(Forms Packet)



SELF-SERVICE CENTER

**PETITION TO ENFORCE A PHYSICAL CHILD CUSTODY
ORDER**

(to have your child, who is being illegally withheld from you, returned to you)

CHECKLIST

You may use the forms and instruction in this packet only if the following factors apply to your situation:

- ✓ You have a current legal decision making or child custody order from this State (Arizona) or from any other state that says you are entitled to the physical custody of one or more minor children,

AND

- ✓ The minor children are presently in the physical custody of the other party without your consent and without lawful authority and the other party has failed to return the minor children to you,

AND

- ✓ The minor children are currently, or will be, in the State of Arizona and you know how to find or locate the minor children.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Self-Service Center website at www.superiorcourt.maricopa.gov/SSC

SELF-SERVICE CENTER

PETITION TO ENFORCE A PHYSICAL CHILD CUSTODY ORDER (Forms Only)

This packet contains court forms to file a ***“Petition to Enforce a Physical Child Custody Order”*** in a Family Court case. The documents should appear in the following order:

Order	File Number	Title	# pages
1	DREHC1k	Checklist: <i>You may use these forms if . . .</i>	1
2	DREHC1ft	Table of Contents (this page)	1
3	DRSDS10f-c	Family Court Sensitive Data Cover sheet <i>(if required – See instructions.)</i>	1
4	DREHC11f	<i>“Petition to Enforce a Physical Child Custody Order”</i>	3
5	DREHC82f	<i>“Order for Appearance of Person(s) with Physical Custody of the Minor Child(ren)”</i>	1

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.

Do not type in ALL CAPS

Name:

Representing: Self Petitioner Respondent

(If Attorney) State Bar Number:

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Petitioner Case No.
Respondent ATLAS No.
**FAMILY COURT / SENSITIVE DATA
COVERSHEET WITH CHILDREN
(CONFIDENTIAL RECORD)**

Fill out. File with Clerk of Court. Social Security Numbers should appear on this form only and should be omitted from other court forms. Access Confidential pursuant to ARFLAP 43(G)(1).

A. Personal Information:	Petitioner		Respondent	
Name				
Gender	Male or	Female	Male or	Female
Date of Birth (Month/Day/Year)				
Social Security Number				

WARNING: DO NOT INCLUDE MAILING ADDRESS ON THIS FORM IF REQUESTING ADDRESS PROTECTION

Mailing Address
City, State, Zip Code
Contact Phone
Email Address
Current Employer Name
Employer Address
Employer City, State, Zip Code
Employer Telephone Number
Employer Fax Number

B. Child(ren) Information:				
Child Name	Gender	Child Social Security No.	Child Date of Birth	
	Male	Female		

C. Type of Case being filed - Check only one category.	Interpreter Needed:
<i>*Check only if no other category applies</i>	Yes No
Dissolution (Divorce)	Paternity
Legal Separation	*Custody/Visitation
Annulment	*Child Support
Order of Protection	Other
	If yes, what language?

DO NOT COPY OR FILE THIS DOCUMENT AND DO NOT SERVE A COPY TO THE OTHER PARTY.

Name of Person Filing: (A) _____
Address of Person Filing: _____
City, State, Zip Code: _____
Phone Number: _____
Representing: Self, Without an Attorney
Attorney for Petitioner Respondent
Attorney Bar Number (if applicable) _____



**SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY**

_____(B)
Name of Petitioner

CASE NUMBER _____(B)

**PETITION TO ENFORCE A PHYSICAL
CHILD CUSTODY ORDER
(A.R.S. 25-1058)**

_____(B)
Name of Respondent

STATEMENTS MADE TO THE COURT UNDER OATH OR BY AFFIRMATION:

1. INFORMATION ABOUT ME, THE APPLICANT:

Name: _____
Address: _____
Relationship to child(ren): I am Mother Father Other _____

2. INFORMATION ABOUT THE OTHER PARTY WHO HAS YOUR MINOR CHILD(REN):

Name: _____
Address: _____
Relationship to child(ren): He/she is Mother Father Other _____

3. INFORMATION ABOUT THE CHILD(REN) UNDER THE AGE OF 18 YEARS ABOUT WHOM THIS PETITION IS FILED:

Child's Name: _____
Date of Birth: _____ Age: _____
Current Location (Address): _____

Child's Name: _____
Date of Birth: _____ Age: _____
Current Location (Address): _____

(If there are additional children, provide that information on a separate piece of paper)

4. INFORMATION ABOUT CURRENT PHYSICAL CHILD CUSTODY ORDER:

Date of Order: _____
Location of Court issuing order (city & state): _____
Name of Judge who signed Order/Decree: _____
According to the Order/Decree, who was awarded physical custody? _____

A Certified Copy of the Order/Decree is attached to the *“Petition to Enforce a Physical Child Custody Order.”*

5. PENDING COURT CASES REGARDING LEGAL DECISION MAKING/CUSTODY/PARENTING TIME RELATED TO THE MINOR CHILD(REN). (Check one box):

I do I do NOT have information regarding a legal decision making/custody/parenting time court case relating to any of the minor child(ren) that is pending in this state or in any other state. (If so, explain here, if not, go on to next question)

Name(s) of child(ren): _____

Name(s) of court(s): _____

Location(s) of court(s): _____

Court case number(s): _____

Current status of case(s): _____

How is/are the child(ren) involved? _____

Summary of court order(s): _____

6. REGISTRATION OF PHYSICAL CUSTODY ORDER FROM ANOTHER STATE (A.R.S. 25-1055)

(If applicable)

There is or There is not a physical custody order from another state that has been issued about the minor child(ren) listed above. (If there is a physical custody order from another state, please complete the information below.)

The out-of-state order has or has not been registered in Arizona. (Complete the information below if the order has been registered in Arizona.)

The name of the court in Arizona where the physical custody order is registered is:

The case was registered in Arizona on: _____
(date of registration)

7. WHY YOU NEED THE COURT TO ISSUE AN ORDER DIRECTING THE PERSON(S) WITH PHYSICAL CUSTODY OF THE MINOR CHILD(REN) TO APPEAR IN COURT (A.R.S. 25-1040):

The minor child(ren) is/are presently in the physical custody of _____ without my consent and without lawful authority and he/she has failed to return the minor child(ren) to me.

8. WHY YOU NEED THE COURT TO ISSUE A WARRANT TO TAKE PHYSICAL CUSTODY OF MINOR CHILD (or “CHILDREN”) (A.R.S. 25-1061):

The minor child(ren) is/are immediately likely to suffer serious physical injury OR be removed from the State of Arizona. Explain to the Judge how the minor child are in immediate danger and will suffer harm or why you think the person who has the minor children will flee with the minor children if an order is not entered today.

RELIEF REQUESTED: (Check any that you wish to request.)

- That an **“Order for Appearance of Person(s) With Physical Custody of the Minor Child(ren)”** be issued and directed to the other party (the party holding the minor child(ren), commanding him/her to produce the minor child(ren) before this Court at the time and place stated in that Order.
- That a **“Warrant to Take Physical Custody of Minor Child(ren)”** be granted by this Court, directed to the Sheriff of Maricopa County, commanding the Sheriff that the minor child(ren) shall be picked up immediately and delivered to me or turned over to the Court or to Child Protective Services prior to the hearing AND/OR if the Court deems necessary that the person who has illegally detained and/or restrained the minor children be picked up and arrested pursuant to A.R.S. 25-1061 and brought before the Court.
- For the Court to grant the relief in the **“Petition to Enforce a Physical Child Custody Order”**, and
 - I. That the minor child(ren) be immediately delivered to my physical custody; and,
 - II. For any other order that is in the best interest of the minor child(ren); and,
 - III. That the court award the Applicant all costs, including but not limited to, necessary travel expenses, investigator’s fees and other costs and fees incurred in this matter.

UNDER OATH OR BY AFFIRMATION

I, being duly sworn and under oath or by affirmation state that I am the Applicant in the matter above. I have read the Petition and all the statements 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 filed this Petition for an improper purpose, the judge may make an “Order of Contempt” or other sanctions against me, including all reasonable costs, attorney fees, or other expenses caused by my filing of this petition.

SIGNED: _____
(Signature of Applicant)

(Printed Name of Applicant)

SIGNED AND SWORN TO or AFFIRMED before me this _____
(Month, date, year)

My Commission expires: _____
Deputy Clerk of Court/Notary Public

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

FOR CLERK'S USE ONLY

_____(A)
Name of Petitioner

CASE NUMBER _____(A)

**ORDER FOR APPEARANCE OF
PERSON(S) WITH PHYSICAL
CUSTODY OF THE CHILD(REN)
(A.R.S. 25-1040)**

_____(A)
Name of Respondent

THE COURT ORDERS THAT: _____
(name(s) of person(s) charged with illegal detention of child(ren))

1. Appear before the Honorable _____,
Judge of the Superior Court of Maricopa County, Family Court Division, located at:

- 201 West Jefferson Street, Phoenix OR 18380 North 40th Street, Phoenix
 14264 West Tierra Buena Lane, Surprise OR 222 East Javelina, Mesa, Arizona

on _____(month/date/year)

at _____ o'clock a.m OR p.m.

for _____ minutes

to show cause why you have restrained and detained the minor child(ren) and why the relief requested in the **"Petition to Enforce a Physical Child Custody Order"** should not be granted.

2. Produce the minor children: _____

at the time and location stated above for the hearing unless the child(ren) are in the custody of the Arizona Department of Economic Security or the Child Protective Services. The CPS shall then produce the child(ren) at the time and place stated above for the scheduled hearing.

3. If you fail to appear or fail to produce the child(ren) at the above scheduled hearing, a Civil Arrest Warrant may be issued for your arrest.

Done in Open Court: _____

JUDGE OF THE SUPERIOR COURT