

**PETITION FOR HEARING ON  
EX PARTE  
INCOME WITHHOLDING ORDER  
(WITHHOLD INCOME WITHOUT ADVANCE  
NOTICE OR HEARING)**

**3**

**To Make the Party Obey A Court Order  
For Support**

**Part 3:**

**PETITION FOR HEARING  
TO OBJECT TO EX PARTE INCOME  
WITHHOLDING ORDER**



**SELF-SERVICE CENTER**

**CHECKLIST**  
**Forms and Instructions**

**“PETITION FOR HEARING ON EX PARTE  
INCOME WITHHOLDING ORDER”**

**USE THESE FORMS IF:**

- ✓ Your employer or other payor was served with an **“Ex Parte Income Withholding Order”** to take money from your pay for child support and/or spousal maintenance, **AND**
- ✓ One *or more* of the following statements is true:
  - I am **not** the person named in the **“Ex Parte Income Withholding Order”** (Mistaken Identity), **OR**
  - The amount is incorrect or has been modified, **OR**
  - The child support or spousal maintenance order has been dismissed or is no longer valid, **OR**
  - Current child support or spousal maintenance is no longer owed, **OR**
  - All arrearages and interest have been paid/satisfied and are no longer owed.

**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](http://www.superiorcourt.maricopa.gov/SSC)

SELF-SERVICE CENTER

PETITION FOR HEARING ON EX PARTE  
INCOME WITHHOLDING ORDER  
(ORDER WITHOUT ADVANCE NOTICE OR HEARING)

FOR THE PARTY OBJECTING TO AN INCOME WITHHOLDING ORDER

This packet contains court forms and instructions to file a petition for a Hearing on an ***“Ex Parte Income Withholding Order”***. The documents should appear in order as listed below. The items listed in **BOLD** are forms you will need to fill out, copy, and submit to the Court. **Do not copy or file the instructions and other non-bold items!**

Order	File Number	Title	# pages
1	DRWA3k	CHECKLIST: Use these forms if . . .	1
2	DRWA3t	Table of forms/instructions in this packet	1
3	DRWA31i	INSTRUCTIONS: How to File a Request for Hearing on an <i>Ex Parte Income Withholding Order</i>	1
4	DRWA31f	<b><i>“Petition for Hearing RE: Ex Parte Income Withholding Order”</i></b>	1
5	DRWA32f	<b><i>“Notice of Hearing Regarding Ex Parte Income Withholding Order”</i></b>	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.

# HOW TO PETITION FOR A HEARING REGARDING AN EX PARTE INCOME WITHHOLDING ORDER

TO COMPLETE THESE FORMS YOU WILL NEED A COPY OF THE EX PARTE ORDER.

## INSTRUCTIONS

**FOR ALL FORMS: TYPE OR PRINT NEATLY USING BLACK INK**

Match the number of the instruction to the corresponding number on the form.

### 1<sup>st</sup> Form: Petition for Hearing Re: Ex Parte Income Withholding Order

- (1) Type or print the information requested at the upper left corner for the person filing this form.
- (2) Type or print the information requested as it is listed on the **“Ex Parte Income Withholding Order”**.
- (3) Type or print your name in the blank space provided.
- (4) Check all of the boxes that describe why you want a hearing regarding the **“Ex Parte Income Withholding Order”**.
- (5) Check this box if you want the Court to order the Support Payment Clearinghouse to not pay out any monies already received until after the hearing (**Note: This hold, if granted, does not happen instantly.**).
- (6) **Sign and Date the form.** By signing the form you are stating to the Court that the information you have entered is true and correct to the best of your knowledge, under penalty of perjury.

### 2<sup>nd</sup> Form: Notice of Hearing – Fill in only the information described below.

- (1) Type or print the name of Petitioner and Respondent, Case Number, and ATLAS Number (if any) as listed on the **“Ex Parte Income Withholding Order”**.
- (2) LEAVE THE REST OF THE FORM BLANK. The Judicial Officer or Clerk will complete the rest.

## PROCEDURES: WHAT TO DO AFTER YOU HAVE COMPLETED THE FORMS

1. Make two copies of both forms (three, if there is an ATLAS Number).
  2. File your papers with the Clerk of the Superior Court at any Maricopa County Courthouse location:  
**201 W Jefferson, Phoenix; 18380 North 40<sup>th</sup> Street, Phoenix; 222 E. Javelina Drive, Mesa or 14264 W. Tierra Buena Lane, Surprise**
  3. Hand your originals and all copies to the Clerk at the filing counter who will enter the date, time and place of hearing, sign the Notice, and return the copies to you. Keep one set for your records.
  4. There is a fee for filing this request, **but if you have never “appeared” in this case**, meaning you or your attorney have not previously filed any response or other papers in this case, **there may also be an Appearance Fee.** If you cannot afford this fee, you may request a fee deferral application from the Clerk of Court’s Office or the Self Service Center. The form may also be obtained from the Self Service Center’s website at:  
<http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/forms/>
1. You must then immediately serve a copy of the **“Petition”** and the **“Notice”** on the other party or his/her attorney. See the Self-Service Center’s “Service” packet(s) for further information if needed.
  2. **If either party is using the child support collection services of the state IV-D agency (DES), you must also send a copy to that agency. You may do this by mailing to this address: Attorney General, Child Support Enforcement, P. O. Box 6123, Site Code 775 C, Phoenix, AZ 85005**
  3. Attend the hearing.

(1) Person Filing: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Daytime / Evening Phone: \_\_\_\_\_ / \_\_\_\_\_  
In this case I am a:  Petitioner  Respondent  Represented by Attorney  
Attorney Name: \_\_\_\_\_ Bar No.: \_\_\_\_\_



**SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY**

(3) \_\_\_\_\_  
Petitioner (in original case)

(2) Case No. \_\_\_\_\_

ATLAS No. \_\_\_\_\_

\_\_\_\_\_  
Respondent (in original case)

**PETITION FOR HEARING  
RE: EX PARTE INCOME  
WITHHOLDING ORDER  
A.R.S. § 25-504**

**THIS FORM IS NOT TO BE USED TO REQUEST A CHANGE IN YOUR EXISTING SUPPORT ORDER.  
THIS FORM ONLY APPLIES TO THE EX PARTE INCOME WITHHOLDING ORDER.**

(3) I, \_\_\_\_\_ ask the court to set a hearing within ten (10) days before the Ex Parte Income Withholding Order becomes binding on my first employer/payor served with the Ex Parte Income Withholding Order. This petition is filed within **SEVEN DAYS** from the date the Petition for Assignment, Ex Parte Income Withholding Order and Notice were delivered to me.

(4) This Petition for Hearing is based on the following statement(s) regarding the Ex Parte Income Withholding Order. (Check all boxes that apply)

- The person named in the Ex Parte Order is not me (Mistaken Identity).
- The amount shown in the Ex Parte Order is incorrect or has been modified.
- The child support or spousal maintenance order has been dismissed or is no longer valid.
- The current child support or spousal maintenance is no longer owing.
- All arrearages/interest have been paid/satisfied and are no longer owing.

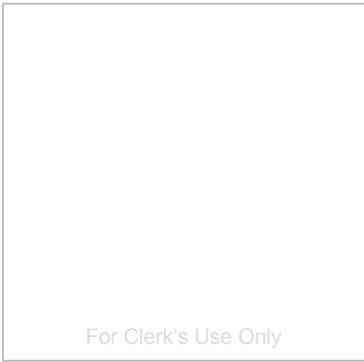
(5)  I request the Court to order the Support Payment Clearinghouse to hold any payments received pursuant to the Ex Parte Income Withholding Order until after the hearing. I realize that this hold will not be instant and that monies will continue to be sent out until a judicial determination is made.

**By signing this form I state to the Court, under penalty of perjury, the information I have given is true and correct.**

(6) \_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Requesting Party

**SUPERIOR COURT of ARIZONA  
N MARICOPA COUNTY**



For Clerk's Use Only

(1) \_\_\_\_\_  
Petitioner (in original case)

Case No. \_\_\_\_\_

ATLAS No. \_\_\_\_\_

\_\_\_\_\_  
Respondent (in original case)

**NOTICE OF HEARING REGARDING  
EX PARTE INCOME WITHHOLDING  
ORDER - A.R.S. § 25-504**

A Petition for Hearing regarding the ***“Ex Parte Income Withholding Order”*** has been filed: This matter has been set for hearing:

**NAME OF JUDICIAL OFFICER:** \_\_\_\_\_

**DATE AND TIME OF HEARING:** \_\_\_\_\_

**PLACE OF HEARING:** Maricopa County Superior Court

**ADDRESS:** \_\_\_\_\_

**Bring any documents or exhibits that you want to use as proof in your case.**

**If either party fails to appear at the hearing after proper notice, the Court may take evidence from the party who does appear and may make a decision based on the information provided in the pleadings, and any oral testimony presented at the hearing, or the court may issue other orders.**

Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case at least 3 judicial days in advance of a scheduled court proceeding. If you require the services of an interpreter of a spoken language or for the hearing impaired, your request must be made immediately to the division assigned to the case.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judicial Officer/Deputy Clerk of Court