

# **ENFORCING PARENTING TIME OR LEGAL DECISION-MAKING**

## **YOU CAN USE THIS PACKET IF ALL THIS IS TRUE:**

- You have a parenting time or legal decision-making order from Coconino County Superior Court.
- You want to enforce that order.

Before signing a court document or getting involved with a court case, it's important to see an attorney to make sure you know your legal rights and responsibilities. The Self-Help Center has information on finding an attorney.

## INSTRUCTIONS

**STEP 1: FILL OUT THE PETITION FOR ORDER TO APPEAR ON ENFORCEMENT OF PARENTING TIME OR LEGAL DECISION-MAKING**

**STEP 2: FILL OUT THE ORDER TO APPEAR**

**STEP 3: FILE THE FOLLOWING WITH THE COURT**

Take or mail the original and two copies of the following to the Clerk's Office in the Coconino County Courthouse at 200 N. San Francisco St., Flagstaff, AZ 86001.

- Petition for Order to Appear on Enforcement of Parenting Time or Legal Decision-Making
- Order to Appear

The Clerk will stamp your copies with the filing date and return them to you for your records. If you file by mail, include a self-addressed, stamped envelope and a note asking the Clerk to return the date-stamped copies to you.

**STEP 4: DELIVER A COPY TO THE JUDGE**

On the day you file it, hand-deliver a copy of the Petition for Order to Appear to the inbox outside your judge's office. If you file by mail, mail the copy to the judge at <Judge's Name>, 200 N. San Francisco St., Flagstaff, AZ 86001, and include a note saying that this is the judge's copy of the Petition you filed today by mail.

**STEP 5: THE COURT WILL MAIL YOU THE SIGNED ORDER TO APPEAR**

**STEP 6: SERVE THE FOLLOWING ON THE OTHER PARTY**

After you receive the signed Order to Appear, follow the **INSTRUCTIONS: SERVING COURT PAPERS ON THE OTHER PARTY** in this packet to serve a copy of the following on the other party by 20 days before the hearing. If you fail to complete service on time, you may delay your case or need to start the process all over again.

- Petition for Order to Appear on Enforcement of Parenting Time or Legal Decision-Making
- Signed Order to Appear

**STEP 7: GO TO THE HEARING**

Bring your witnesses, three copies of your evidence, and a copy of every document you filed with the court in this case. Be prepared to tell the judge why you think the court should grant your requests.

Before the court date, watch the courts video *How to Represent Yourself in Court* online at <http://www.youtube.com/watch?v=SfScIA2BkCk> to learn about procedures in court.

Generally, the court allows no more than 30 minutes for this type of hearing, so be prepared.

Person Filing: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Email: \_\_\_\_\_  
Representing Self \_\_\_\_\_

COCONINO COUNTY SUPERIOR COURT

\_\_\_\_\_ Case Number: DO \_\_\_\_\_  
Petitioner

**PETITION FOR ORDER TO APPEAR  
ON ENFORCEMENT OF:**

\_\_\_\_\_ Respondent  
 LEGAL DECISION-MAKING  
 PARENTING TIME

I ask the court to enforce the following order:  
Exact Text of Order:

\_\_\_\_\_

Name of Court Document Containing the Order: \_\_\_\_\_  
Order Date: \_\_\_\_\_ Page Number: \_\_\_\_\_

The order was issued by this court, located at 200 N. San Francisco St., Flagstaff, AZ 86001.

How the Other Party is Disobeying the Order:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

How the Other Party Was Originally Notified of the Order:

- I mailed or hand-delivered it to them and filed an Affidavit of Mailing/Hand-Delivery.
- They were at the hearing when the court entered it.
- A minute entry says the court mailed it to them.
- Other: \_\_\_\_\_

I request the following other orders:

\_\_\_\_\_  
\_\_\_\_\_



Person Filing: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Representing Self

**SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO**

Petitioner: \_\_\_\_\_ Case Number: DO\_\_\_\_\_

**ORDER TO APPEAR**  
**POST-JUDGMENT/DECREE**

Respondent: \_\_\_\_\_

**READ THIS NOTICE:** This is an important Court Order that affects your rights. Read this Order carefully. If you do not understand this Order, contact a lawyer for help.

All parties, whether represented by attorneys or not, must be present. If there is a failure to appear, the court may make such orders as are just, including granting the relief requested by the party who does appear.

**FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A CIVIL ARREST WARRANT, OR WHERE APPLICABLE, A CHILD SUPPORT ARREST WARRANT, FOR YOUR ARREST. IF YOU ARE ARRESTED, YOU MAY BE HELD IN JAIL FOR NO MORE THAN 24 HOURS BEFORE A HEARING IS HELD.**

Based on documents filed and pursuant to Arizona Law,

IT IS ORDERED THAT YOU, (*other party's name*): \_\_\_\_\_  
appear at the time and place stated below so the court can determine whether the relief asked for in the  
Petition should be granted.

*Leave the rest of the form blank. This is for the court to fill in.*

**INFORMATION ABOUT COURT HEARING TO BE HELD:**

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

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

DIVISION: \_\_\_\_\_

(All Divisions are in the Coconino County Courthouse at 200 N. San Francisco St., Flagstaff.)



## INSTRUCTIONS: SERVING FORMS ON THE OTHER PARTY

Where does the other party live?	Serve the forms in one of these ways
In the U.S. and not on an Indian Reservation	① ② ③ or ④
On an Indian Reservation in the U.S.*	① ⑤ or ⑥
I don't know	⑦
Not in the U.S.	see an attorney

\*If the other party lives on an Indian Reservation, there might be more options for service. An attorney can advise you.

- ① **Acceptance of Service:** You ask the other party to accept your delivery of the forms voluntarily so you don't have to pay to serve. See the form "Acceptance of Service" in this packet. Don't use Acceptance of Service if there's domestic violence or you think the other party will be violent or uncooperative.
  
- ② **Process Server:** You pay a process server to serve the forms. See the forms and instructions for "Service by Process Server, Sheriff, or Tribal Law Enforcement" in this packet.
  
- ③ **Sheriff:** You pay the sheriff to serve the forms. See the forms and instructions for "Service by Process Server, Sheriff, or Tribal Law Enforcement" in this packet.
  
- ④ **Certified Mail:** You send the forms to the other party through certified mail. See the instructions and forms for "Service by Certified Mail" in this packet.
  
- ⑤ **Tribally Licensed Process Server:** You pay a tribally licensed process server to serve the forms. See the forms and instructions for "Service by Process Server, Sheriff, or Tribal Law Enforcement" in this packet.
  
- ⑥ **Service by Tribal Law Enforcement:** You pay tribal law enforcement to serve the forms. See the forms and instructions for "Service by Process Server, Sheriff, or Tribal Law Enforcement" in this packet.
  
- ⑦ **Service by Publication:** You pay a newspaper to publish a notice about the case. See the forms and instructions for "Service by Publication" in this packet.



**INSTRUCTIONS:  
SERVICE BY PROCESS SERVER, SHERIFF, OR  
TRIBAL LAW ENFORCEMENT**

<b>1.</b>	<b>Find a process server, sheriff, or tribal law enforcement officer</b>  Find a process server or the sheriff in the county where the other party lives.  Process servers are in the Yellow Pages.  The sheriff is in the government pages of the phonebook. The Coconino County Sheriff's Office is at 911 E. Sawmill Rd., Flagstaff, AZ 86004, 928-774-4523 or (toll-free) 800-338-7888.  If the other party lives on an Indian reservation, find a tribally licensed process server in the tribe's phonebook or go through tribal law enforcement.
<b>2.</b>	<b>Call the process server, sheriff, or tribal law enforcement officer</b>  Have your Petition in front of you.  Ask these questions. <ul style="list-style-type: none"><li>• How much do you charge for service of process?</li><li>• Do I pay up front, or will you bill me?</li><li>• Do you file the Affidavit of Service with the court and mail me a copy, or do I need to file it myself? (This is the document showing that the other party was served.)</li></ul> If you have a fee waiver or deferral and are using tribal law enforcement or a sheriff's office in a county other than Coconino, also ask: <ul style="list-style-type: none"><li>• Do you accept fee waivers or deferrals from Coconino County? (They're not required to.)</li></ul> You cannot waive or defer the fee for service by process server.

<p><b>3.</b></p>	<p><b>Fill out the Letter: Service By Process Server, Sheriff, Or Tribal Law Enforcement</b></p>
<p><b>4.</b></p>	<p><b>Mail or hand-deliver the following to the process server, sheriff, or tribal law enforcement officer</b></p> <ul style="list-style-type: none"> <li>• Letter: Service by Process Server, Sheriff, or Tribal Law Enforcement</li> <li>• One of the following: <ul style="list-style-type: none"> <li>○ the fee</li> <li>○ a certified copy of the court order waiving or deferring fees</li> </ul> </li> <li>• One copy of each document you listed in the Letter</li> </ul> <p>Keep copies of everything for your records.</p>
<p><b>5.</b></p>	<p><b>Make sure the Affidavit of Service is filed with the court</b></p>

**LETTER: SERVICE BY PROCESS SERVER, SHERIFF, OR TRIBAL LAW ENFORCEMENT**

My Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

Date: \_\_\_\_\_

Sheriff of the County of *(if serving by sheriff)*: \_\_\_\_\_  
Process Server's Name *(if serving by process server)*: \_\_\_\_\_  
Tribal Law Enforcement of *(if serving by tribal law enforcement)*: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_

Re: Name of Person to Be Served: \_\_\_\_\_  
Court Case Number: DO \_\_\_\_\_

To whom it may concern:

Please find enclosed a copy of the following documents to be served on the person named above in the court case referenced above:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Details about the Other Party:**

During the workday, the other party can usually be found at:  Home  Work  Other

Home Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_

Work Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_

Other Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Or other description of location: \_\_\_\_\_

Physical Description:

Sex	Race	Birth	Height	Weight	Eyes	Hair	SSN

Additional Description:

Description of the Other Party's Vehicle:

Make	Model	Year	Color

Additional Description:

- I enclose \$\_\_\_\_\_ in payment for service of process.
- I understand I will be billed for service of process.
- I enclose a certified copy of a court order waiving or deferring the fee.

Please note that each document served must be named in the Affidavit of Service.

Thank you for your assistance.

My Signature: \_\_\_\_\_

## **INSTRUCTIONS: SERVICE BY CERTIFIED MAIL**

<b>1.</b>	<b>Get your copies together</b>  You need one copy of each document you filed with the court.
<b>2.</b>	<b>Take them to the post office</b>  Ask the post office to mail them “certified mail, restricted delivery to the addressee, with a return receipt”.  The post office will send you a “green card” showing they were delivered.
<b>3.</b>	<b>If the other party is incarcerated, also mail a set of copies to them through first-class mail</b>
<b>4.</b>	<b>Fill out and file the Affidavit of Service by Certified Mail with the court</b>  Attach the green card to it.

Person Filing: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Representing Self \_\_\_\_\_

COCONINO COUNTY SUPERIOR COURT

Petitioner: \_\_\_\_\_ Case Number: DO \_\_\_\_\_

**AFFIDAVIT OF SERVICE BY  
CERTIFIED MAIL**

Respondent: \_\_\_\_\_

On this date: \_\_\_\_\_, I mailed the following legal papers in this case through certified mail, with delivery restricted to the other party:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I mailed the papers to this address: \_\_\_\_\_

On this date: \_\_\_\_\_, I received the receipt signed by the other party (attached), showing that the other party received the forms on this date: \_\_\_\_\_

If the other party is incarcerated, I also mailed a set of copies to them through first-class mail.

My Signature: \_\_\_\_\_

State of Arizona )

)

County of \_\_\_\_\_ )

Subscribed and sworn before me this date: \_\_\_\_\_ by: \_\_\_\_\_

Seal:

Notary Public: \_\_\_\_\_

Notary Expiration Date: \_\_\_\_\_

*(Attach green card here.)*