

PETITION FOR GRANDPARENT'S THIRD PARTY RIGHTS



PINAL COUNTY

To Get a Court Order Allowing Third Party Rights of Grandchildren

INSTRUCTIONS AND FORMS

**Provided as a Public Service by
AMANDA STANFORD
Clerk of the Superior Court**

REPRESENTING YOURSELF IN FAMILY COURT

It is not easy to represent yourself in Family Court, but many people do it for financial and other reasons. This brief guide provides some very basic information to help you understand the proceedings. It does not tell you everything about family law or family court, and it is no substitute for understanding Title 25 of the Arizona Revised Statutes, the Arizona Rules of Family Law Procedure, and the Arizona Rules of Evidence. For more information, you should go to the Pinal County Superior Court website (www.pinalcountyz.gov/Departments/JudicialBranch/) or consult a lawyer.

Proceedings In Family Court

Proceedings in Family Court follow the *Arizona Rules of Family Law Procedure*.

In a divorce or paternity case, you may be referred to an Early Resolution Conference, Mediation, a Parenting Conference, or a Settlement Conference (sometimes called an Alternative Dispute Resolution or “ADR”). These proceedings are designed to help the parties reach agreement on all or some of their disputes. They generally are not conducted by your assigned Judge.

You may also have to appear before the Judge for a pretrial hearing. The most common pretrial hearings are (1) a *Resolution Management Conference*, which helps the Judge manage the case by, among other things, setting deadlines and a trial date; and (2) a *Temporary Orders Hearing*, at which the Judge may issue temporary orders to govern the case until the trial.

If you do not reach a settlement of all issues, there will be a *trial*. This is the single hearing where the Judge will hear your evidence and make final decisions on disputed issues.

Disclosure And Discovery

To help parties prepare for the trial, the Arizona Rules of Family Law Procedure have *disclosure* and *discovery* requirements.

Disclosure requirements are in Rule 49. Each party must voluntarily provide certain information to the other party. You have an obligation to disclose such information to the other party, and you have a right to insist that the other party disclose such information to you. Failure to disclose as required may result in sanctions, including being barred from offering evidence that was not timely disclosed.

If you need information that is not voluntarily disclosed, you may engage in *discovery*, such as requesting documents from a party or subpoenaing documents from non-parties. Rules 51 through 65 of the Arizona Rules of Family Court discuss the requirements for discovery.

What Is A Trial?

A trial is the time for you and for the other party to present *evidence* on disputed issues.

General Issues If Children Are Involved In Your Case:

- Legal custody (decision-making authority over major matters concerning the children).
- Parenting time (what time each parent will spend with the children).
- Child support.

Additional Issues If Your Case Involves A Divorce:

- Spousal maintenance.
- Division of community property and allocation of debts.

The Judge will decide these issues based on the evidence presented during the trial. *Only evidence you bring to the trial will be considered.*

After the trial, the Judge may issue a ruling in open court or may take the case “under advisement,” which means that the Judge will issue a written ruling at a later time.

The judge’s ruling may be a signed **decree** or **judgment**, which officially concludes the case. If the judge chooses, the judge may decide disputed issues and then require one or both of the parties to submit a decree for the judge’s signature.

Preparing For The Trial

When preparing for the trial, it is critical that you read the judge’s minute entries carefully. The minute entries typically contain the Judge’s requirements for the trial. These requirements may include: (1) Submitting a **pretrial statement** that describes the issues in the case and lists your witnesses and exhibits; and (2) Giving copies of your **exhibits** to the Clerk and to the other party before the trial.

Many Judges impose **time limits** at the trial. It is your responsibility to make sure you present all your evidence in the time allotted.

What Happens During The Trial?

The main thing that happens during the trial is the presentation of **evidence**. The Judge will make decision based on the evidence presented during the trial. Evidence is generally of two kinds: (1) Witness testimony and (2) Documents.

When you call a **witness** to testify, you must ask the witness questions. A witness may only answer questions that are asked. When the party who called a witness is done with questioning, the other party may “cross-examine” the witness by asking additional questions.

A party may testify as a witness on his or her own behalf. However, while a witness is on the stand, the parties may only ask questions. Arguing with a witness or commenting on the answers is not allowed.

Documents may be evidence at the trial, but you must follow the proper procedure. Before the trial (usually 5 days before), you must give documents that you want to use to the Clerk of the Court to be “marked” with an exhibit number. However, marking an exhibit does not mean it is evidence. Rather, during the trial, you must “offer” the exhibit by asking the judge to admit it into evidence. The judge then decides whether to admit the evidence. The judge will consider only evidence that is **admitted**.

Proper Court Behavior

Although family cases are often emotional, it is important that everyone act in an orderly and respectful way in court. Here are some “Do’s and Don’ts:”

- Do dress appropriately. Don’t wear hats, sunglasses, or ragged clothes.
- Do wait your turn to speak. Don’t interrupt or bicker while someone else is talking.
- Do treat others with respect. Don’t curse, make faces, or engage in confrontational behavior.
- Do be honest and candid with the judge. Don’t lie or try to hide things.
- Do make sure that friends and family who accompany you sit quietly. They are not allowed to speak unless called as a witness, and then only when they are testifying.

For Additional Information

This guide presents very basic information. For additional information, read the applicable statutes and rules, visit the Pinal County Superior Court website (www.pinalcountyaz.gov/Departments/Judicial Branch) and if necessary, consult a lawyer.

**PETITION AND FORMS FOR COURT ORDER RE:
GRANDPARENTS THIRD PARTY RIGHTS**

Checklist

USE THE FORMS AND INSTRUCTIONS in this packet only if the following factors apply to your situation:

- ✓ You natural or adoptive grandparents or great grandparents of the minor children,

AND

- ✓ You want to get a court order allowing you Third Party Rights of the minor children,

AND

- ✓ The minor children resided (lived) in Arizona at least 6 months before you file the petition or talked to a lawyer who advised you that even so you could pursue the case in Arizona AND one of the following is true:

1. The parents of minor children have been divorced for at least 3 months

OR

2. One parent has been dead or missing for at least 3 months

OR

3. The minor children were born out of wedlock.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing.

INSTRUCTIONS

How to Fill Out Third Party Rights Paperwork

WHEN TO USE THIS FORM:

Use this form if you are natural or adoptive grandparent(s) or great grandparent(s) who want to get a court order for Third Party Rights.

WHEN FILLING OUT ANY COURT FORMS, PLEASE TYPE OR PRINT WITH BLACK INK ONLY!

PETITION:

Person filing document:

In the top left corner of the first page, fill out the following information of the person filing the petition: YOUR name; mailing address (if not protected); city, state and ZIP code; telephone number.

Case Caption:

Fill in name(s) of the grandparents requesting Third Party Rights in the spaces provided that says "Petitioner, Grandparent." Remember, you will be the PETITIONER through the whole case.

In the space that says "Respondent, Mother of Minor Children", fill in the name of the mother or legal guardian. In the space that says "Respondent, Father of Minor Children", fill in the name of the father or legal guardian.

Case No.:

If there is an existing case, such as a Dissolution of Marriage or Legal Decision-Making case, please write the case number. If you do not know the case number, request it from the Deputy Clerk so that you may add it to your forms.

- 1. Information about you:** Fill in your name, address (if not protected) and date of birth. This is basic information about YOU, the PETITIONER, and your relationship to the children for whom you want the order.
- 2. Information about the mother:** Fill in the information about the mother, including address and date of birth. This is basic information about the opposing party, the RESPONDENT.
- 3. Information about the father:** Fill in the information about the father, including address and date of birth. This is basic information about the opposing party, the RESPONDENT.
- 4. Information about the legal guardian (if any):** Fill in the information about any legal guardian for the children, including address and date of birth. This is basic information about the opposing party, the RESPONDENT.
- 5. Information about the children:** Fill in information about all the children for whom you want this order. The same persons should be the custodial adult for all the children for whom you want this order. If the children have different adults who have Legal Decision-Making, name all the adults with Legal Decision-Making as respondents in the caption, and complete all the information about them in numbers 2, 3, and/or 4 above.
- 6. Legal Reasons you should have Third Party Rights:** Under the law, grandparents can only have Third Party Rights orders in certain cases. Read all the choices and decide which one applies to you. Then complete all the information about the choice you selected. If your situation does not fit one of the choices, do not file the Petition. You can ask a lawyer for help, to see if there is some other legal

ground upon which you can ask for Third Party Rights.

7. **Relationship with Children:** Explain here what your relationship with the children has been for the past 6 months and why it is best for the children to have Third Party Rights with you.
8. **Your Third Party Rights plan:** Explain here specifically what Third Party Rights arrangements you think are best for the children.
9. **Other information about the children:** Fill out where the children from this action have been living **for the past 5 years**; if any children are under age 5, simply put information since their birth. Write each child's name; the address where the child lived; what dates the child lived at each address; who the child lived with; and the relationship of that person to the child. While you may not remember exact dates when you moved from one location to another, fill this information out as completely as possible.
10. **Other cases about the children:** You must tell the Court if there are prior cases involving your minor child(ren) that don't involve Legal Decision-Making or Third Party Rights, e.g. personal injury cases involving the child(ren). If there are no other cases, mark the first box and GO ON. If there is another case, mark the second box and give as much information as possible. This information could affect you or your children's rights in this case.
11. **Other Legal Decision-Making, Third Party Rights, support cases about these children:** The Court **MUST** know if there have been other cases involving Legal Decision-Making, Third Party Rights or child support of the children of this case. If there are no other Legal Decision-Making or Third Party Rights cases, or you don't know of any, mark the second box and GO ON. If you have been involved in any way with this type of Court case, mark the first box and give the information where requested. Tell the Court what happened and what is going on now in the other case(s).
12. **Legal Decision-Making rights of others as to these children:** If you do not know of another person OTHER THAN THE OPPOSING PARTY who is claiming Legal Decision-Making or Third Party Rights rights to any of the children, mark the first box and GO ON. If you do know of such a person, put the information here, including the child's name and the person who believes they have a Legal Decision-Making or Third Party Rights claim.

Other Statements to the Court: List any other information request that you wish to address.

13. **Proper location for this court case:** The grandparents, parents/custodian, or children must live in Pinal County for this to be a proper county for you to pursue your court case.

REQUESTS MADE TO THE COURT FOR LEGAL DECISION-MAKING, THIRD PARTY RIGHTS AND CHILD SUPPORT

This section of the Petition formally requests that the Court make Orders relating to grandparent Third Party Rights.

1. THIRD PARTY RIGHTS
2. OTHER ORDERS

OATH AND VERIFICATION OF PETITIONER:

Sign this form in front of a notary. By doing so you are telling the court that everything contained in the Petition for Grandparent Third Party Rights is true.

Family Law Cover Sheet:

Information about the Petitioner: Write in your name, address, date of birth, in the Petitioner's Box. If a lawyer represents you, the Petitioner, you must also write in the lawyer's name, address, bar number and telephone number in the Petitioner's Attorney Box.

Information about the other party, the Respondent: Write in the name of the Respondent. If you know the Respondent's address and date of birth you must write in this information.

Nature of Case: Check only one box that matches the legal procedure for which you are filing the documents in this packet.

Minor Children Involved: List the names and dates of birth for any minor children involved in this specific case.

Signature: Petitioner(s) sign at the line provided.

Order to Appear:

Person Filing document: In the top left corner of the first page, fill out the following information of the person filing the petition: YOUR name; mailing address (if not protected); city; state; ZIP code; and telephone number.

Case Caption: Fill in name(s) of the grandparents requesting Third Party Rights in the spaces provided that says "Petitioner." Remember, you will be the PETITIONER through the whole case.

In the space that says "Respondent", fill in the name of the mother and father or legal guardian.

The rest of the document will be filled out by the Court.

PROCEDURES

How to File Petition for Third Party Rights with the Court

STEP 1: ONCE YOU HAVE FILLED OUT THE DOCUMENTS AND YOU HAVE SIGNED THEM IN FRONT OF A NOTARY PUBLIC, YOU NEED TO MAKE THREE (3) COPIES (* OR MORE) OF THE FOLLOWING:

- √ “Petition to Establish Third Party Rights”
- √ “Order to Appear”

STEP 2: SEPARATE YOUR DOCUMENTS INTO ONE SET OF THE ORIGINALS AND SETS OF COPIES FOR YOURSELF AND ONE SET FOR EACH PERSON (OR AGENCY) ENTITLED TO RECEIVE NOTICE:

Set 1 – Originals for the Clerk of the Court: <ul style="list-style-type: none">● “Petition for Third Party Rights”● “Family Law Cover Sheet”● “Order to Appear”	Set 2 – Copies for You <ul style="list-style-type: none">● “Petition for Third Party Rights”● “Order to Appear”
Set 3 – Copies for Mother: <i>*if living and parental rights have not been terminated by court order</i> <ul style="list-style-type: none">● “Petition for Third Party Rights”● “Order to Appear”	Set 4 – Copies for Father: <i>*if living and parental rights have not been terminated by court order</i> <ul style="list-style-type: none">● “Petition for Third Party Rights”● “Order to Appear”
Set 5 – if needed for Legal Guardian: <ul style="list-style-type: none">● “Petition for Third Party Rights”● “Order to Appear”	Set 6 – (or more) if needed for Other: <i>Person(s) or Agency having possession of or claiming a right to Legal Decision-Making of the children:</i> <ul style="list-style-type: none">● “Petition for Third Party Rights”● “Order to Appear”

NOTE: Please provide one (1) self-addressed stamped envelope with the above set of documents.

STEP 3: FILE THE PAPERS WITH THE CLERK OF THE SUPERIOR COURT:

You should arrive at the Clerk’s Office at least two hours before it closes. You may file your court papers at one of our locations.

Visit our website for office locations or feel free to give us a call.

Contact Information for all Offices

Toll Free: 888.431.1311 • Local: 520.509.3555 or 311 • Fax: 520.866.5320

www.coscpinalcountyz.gov/office.html

FEES: There is a filing fee for filing this Petition and there may be other charges associated with this case. Inquire with the Clerk's office regarding the filing fee amount. Payment may be made by Cash, Money Order, Visa or MasterCard debit or credit.

If you cannot pay these fees, you may request the fee(s) be deferred or waived. The Clerk of the Superior Court has the necessary forms to ask for a deferral or waiver. **NOTE:** With the Application for Deferral, there is a \$27 fee and you must provide proof of income (copy of your last 2 most recent paystubs.)

PAPERS: Hand all sets of your court papers to the Deputy Clerk along with the filing fee. The clerk will file stamp and retain the originals and the self addressed stamped envelope. The clerk will conform stamp each set of copies you provide.

STEP 4: The clerk will forward the original Petition for Third Party Rights and Order to Appear to the Judge for review and to schedule a hearing date. Once the Judge has completed the Order to Appear, copies will be mailed to you in the self-addressed stamped envelope.

STEP 5: SERVE THE PAPERS ON THE OTHER PARTY: Upon receipt of the copies of the Order to Appear, place a copy to each set of copies for mother, father or legal guardian.

You **MUST** serve all parties with a copy of the Petition and the Order to Appear. Service must occur 10 business days prior to the scheduled hearing/conference.

The two most common methods of service are (1) personal service done by a private process server or sheriff, and (2) Acceptance of Service by the other party if they agree to receive the paperwork from you.

If you use the process server or sheriff, the process server or sheriff will then file an Affidavit of Service with the Court, when service is completed. This proves that party(ies) have been served.

If the other party agrees to accept service, you can serve the other party with an Acceptance of Service form. The other party must sign it in front of a notary. This form then must be filed with the Clerk of Court. This proves that the party(ies) have been served.

NOTE: If both parents are living and unless an order has been signed by the Judge specifically stating that the parental rights of one of the parent's have been "**permanently severed**", you must serve the papers on **both** parents. This includes your own son or daughter even if he or she agrees with your request.

STEP 6: Attend the scheduled hearing.

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

In the Matter of:

Petitioner

CASE NUMBER: DO2

Petitioner

PETITION FOR THIRD PARTY RIGHTS

AND

Respondent (Mother of Minor Child(ren) or Legal
Guardian)

HONORABLE: _____

Respondent (Father of Minor Child(ren) or Legal
Guardian)

GENERAL INFORMATION:

1. Information about me (or us):

Name: _____

Address: _____

County of Residence: _____

Date(s) of Birth: _____

Occupations(s): _____

My / Our relationship to child(ren) for whom I want a Third Party Rights Order:

Parent of Mother of child(ren) Grandparent of Mother of child(ren)

Parent of Father of child(ren) Grandparent of Father of child(ren)

Other: (explain): _____

2. Information about the mother of child(ren)

Name: _____
Address: _____
County of Residence: _____
Date(s) of Birth: _____
Occupations(s): _____

3. Information about the father of child(ren)

Name: _____
Address: _____
County of Residence: _____
Date(s) of Birth: _____
Occupations(s): _____

4. Information about other legal guardians of child(ren), if any:

Name: _____
Address: _____
County of Residence: _____
Date(s) of Birth: _____
Occupations(s): _____

5. Information about children for whom I / We want a Third Party Rights Order:

Name: _____	Name: _____
Birth Date: _____	Birth Date: _____
Current Address: _____	Current Address: _____
_____	_____
County of Residence: _____	County of Residence: _____
Father: _____	Father: _____
Mother: _____	Mother: _____
Name: _____	Name: _____
Birth Date: _____	Birth Date: _____
Current Address: _____	Current Address: _____
_____	_____
County of Residence: _____	County of Residence: _____
Father: _____	Father: _____
Mother: _____	Mother: _____

6. Legal Reason why I/We should have a Third Party Rights Order: (check whichever applies)

A. Parents of child(ren) have been divorced for at least 3 months:

Date of Divorce: _____ Court Case Number: _____
Name of Court: _____
Court Location/Address: _____

B. Mother OR Father of child(ren) has been dead for at least 3 months:
Date of Death: _____

C. Mother OR Father of child(ren) has been missing for at least 3 months:
Date parent discovered to be missing: _____
Date reported to Law enforcement agency: _____
Name, location of agency: _____

D. Child(ren) born out of wedlock: _____

E. If you are asking for Third Party Rights as PATERNAL grandparent(s), that is, you are the parent(s) or grandparent(s) of the father of the children, complete the information:

PATERNITY WAS ESTABLISHED BY: (check one box)

A Court Order for Paternity from this county or previously *transferred to* this county. (A.R.S. § 25-502(c))

Filing an Acknowledgment of Paternity through the Hospital Paternity Program or other means allowed by law on or after July 21, 1996 (A.R.S. § 25-812-814, or § 36-334).

Child Support Order: An Order for Child Support has been issued which names my/our son/grandson as the father. (Supply information about the Order as requested below.)

Marriage: Parties were legally married when child(ren) was (were) born, conceived or adopted.
(Note: A copy of any documents mentioned above should already be in the case file or attached.)

7. **Statements about your relationship with the child(ren) for the last 6 months, and why you think it is best for the child(ren) that you have Third Party Rights with them:**

8. **Your plan for Third Party Rights for the good of the child(ren): (be specific)**

TRANSPORTATION will be provided by (name): _____ as follows: (explain)

During WEEKENDS: (explain specifically)

During the SUMMER MONTHS OR SCHOOL BREAKS: (explain specifically)

FOR HOLIDAYS AND BIRTHDAYS: (explain specifically)

FOR TELEPHONE CALLS: (explain specifically)

OTHER: (explain specifically)

OTHER INFORMATION ABOUT THE CHILD(REN):

9. **Where the child(ren) who is/are under 18 years of age have lived for the last 5 years.** (Attach extra pages if necessary.)

Child's Name: _____ Dates From: _____ To: _____
Lived With: _____ Relationship to Child: _____
Street Address: _____ City, State: _____

Child's Name: _____ Dates From: _____ To: _____
Lived With: _____ Relationship to Child: _____
Street Address: _____ City, State: _____

Child's Name: _____ Dates From: _____ To: _____
Lived With: _____ Relationship to Child: _____
Street Address: _____ City, State: _____

10. **Court cases NOT involving Legal Decision-Making or Third Party Rights related to the child(ren) under 18 years old.** (check one box) I HAVE I HAVE NOT been a party or a witness in court in this state or in any other state regarding issues OTHER THAN Legal Decision-Making or Third Party Rights of any of the child(ren) named above (If so, explain below, using extra pages if necessary. IF NOT, GO ON.)

Name of Each Child: _____

Court State: _____ Court Location: _____

Court Case Number: _____ Current Status: _____

How the Child is Involved: _____

Summary of Any Court Order: _____

11. **Legal Decision-Making or Third Party Rights cases related to child(ren) under 18 years old.** (check one box)

I **DO** HAVE I **DO NOT** HAVE information about a Legal Decision-Making or Third Party Rights court case relating to any of the children named above that is pending in this state or in any other state (If so, explain below, using extra pages if necessary. IF NOT, GO ON).

Name of Each Child: _____

Court State: _____ Court Location: _____

Court Case Number: _____ Current Status: _____

Nature of the Court Proceeding: _____

Summary of Court Order: _____

12. **Legal Decision-Making or Third Party Rights claims of any person.** (check one box) I **DO** KNOW I **DO NOT** KNOW a person other than the Petitioner or the Respondent who has physical Legal Decision-Making or who claims Legal Decision-Making or Third Party Rights rights to any of the children named above. (If so, explain below, using extra pages if necessary. IF NOT, GO ON).

Name of Each Child: _____

Name of Person with the Claim: _____

Address of Person with the Claim: _____

Nature of the Claim: _____

Other Statements to the Court: _____

13. **VENUE:** This is the proper court to bring this lawsuit under Arizona law because it is the county of residence of the petitioner, or the respondent, or the child(ren).

REQUEST MADE TO COURT:

- (1) For Third Party Rights as described above, and
- (2) For such other orders as this court considers just and fair.

OATH AND VERIFICATION OF GRANDPARENT(S):

I (We), the grandparent(s) requesting this Order, being duly sworn and under oath, state that I (We) have read this Complaint/Petition. All the statements in the Complaint/Petition are true, correct and complete to the best of my (our) knowledge and belief.

Date

Signature

State of Arizona)
)
County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____
 Name of Signer

Commission Expires

Notary Public

Date

Signature

State of Arizona)
)
County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____
 Name of Signer

Commission Expires

Notary Public

Arizona Superior Court, Pinal County Family Court Cover Sheet

CASE NUMBER <u>DO 2</u> ATLAS NUMBER(S) _____	Judge _____
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<p style="text-align: center;">PETITIONER'S NAME AND ADDRESS</p> Name: _____ Address: _____ City/State/Zip: _____ Phone Number: _____ Email Address: _____ DOB: _____	<p style="text-align: center;">RESPONDENT'S NAME AND ADDRESS</p> Name: _____ Address: _____ City/State/Zip: _____ Phone Number: _____ Email Address: _____ DOB: _____
<p style="text-align: center;">PETITIONER'S ATTORNEY</p> Name/State Bar #: _____ Address: _____ City/State/Zip: _____ Phone Number: _____	<p style="text-align: center;">EMERGENCY ORDER SOUGHT</p> <input type="checkbox"/> Order of Protection <input type="checkbox"/> Temporary Order <input type="checkbox"/> Other _____ (Specify)
<p>Do you or the other party need an interpreter?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> If yes, what language: _____	<p>FEES: <input type="checkbox"/> PAID <input type="checkbox"/> NOT PAID - REASON</p> <p style="margin-left: 40px;"> <input type="checkbox"/> Political Subdivision/Government Agency <input type="checkbox"/> Deferred <input type="checkbox"/> Waived </p>

ACTION REQUESTED Check only one box

- DISSOLUTION (Divorce)
- With Children
- Without Children

- Legal Separation
 - Paternity/Maternity
 - Annulment
 - Legal Decision-Making
 - Order of Protection
 - Foreign Judgment
 - Domesticated Decree
 - Foreign Judgment for Legal Decision-Making
 - Establish Support
 - Habeas Corpus
 - Parenting Time
 - Emergency Order of Protection
 - Other _____
- (Specify)

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Regarding the Matter of:

Name of Petitioner

CASE NUMBER: DO2

and

ORDER TO APPEAR

Name of Respondent

READ ME: This is an important Court Order that affects your rights. Read this Order carefully. If you do not understand this Order, contact an attorney for legal advice.

Based on the "Petition" and pursuant to Arizona law,

IT IS ORDERED THAT YOU _____ appear at the time and place stated below so the court can determine whether the relief asked for in the "*Petition*" should be granted.

INFORMATION ABOUT COURT HEARING TO BE HELD:

NAME OF JUDICIAL OFFICER: _____

DATE AND TIME OF HEARING: _____

PLACE OF HEARING: PINAL COUNTY SUPERIOR COURT

ADDRESS OF HEARING: Pinal County Justice Complex
971 N. Jason Lopez Circle, Building A
Florence AZ 85132

AMOUNT OF TIME FOR HEARING: This is a 10-minute proceeding. The court will determine if more time is needed. All parties, whether represented by attorneys or not, must be present. If there is a failure to appear the court may make such orders as are just, including granting the relief requested by the party who does appear.
Warning: Failure to Appear at this hearing may cause a civil warrant to be issued for your arrest.

That a true copy of this "Order to Appear" and a true copy of the Petition, Affidavit and related documents filed with the Petition shall be served by process server or sheriff by the moving party on the responding party.

DONE IN OPEN COURT: _____
(Judge/Commissioner of the Superior Court)

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

In the Matter of:

Petitioner

CASE NUMBER: DO2

Petitioner
AND

**ORDER REGARDING PETITION FOR
THIRD PARTY RIGHTS**

Respondent (Mother of Minor Child(ren) or Legal Guardian)

Respondent (Father of Minor Child(ren) or Legal Guardian)

HONORABLE: _____

THE COURT FINDS AS FOLLOWS:

1. This case comes before this Court for a final Order. The Court has taken all testimony needed to enter this Order.
2. This Court has jurisdiction over the parties under the law.
3. It is in the best interests of the child(ren) that Third Party Rights be ordered as described below.
4. This order applies to these children

NAME	DATE OF BIRTH
_____	_____
_____	_____
_____	_____

5. This order concerns the Third Party Rights of these persons:

NAME	DATE OF BIRTH
_____	_____
_____	_____
_____	_____

6. The reason why this Third Party Rights order is entered is: (check which applies)
 - A. Parents of child(ren) have been divorced for at least 3 months:
 - B. Mother OR Father of child(ren) has been dead for at least 3 months:
 - C. Mother OR Father of child(ren) has been missing for at least 3 months:

D. Child(ren) born out of wedlock:

If Third Party Rights are granted to PATERNAL grandparents, reason for Third Party Rights order is:

1) An order of Paternity dated:

2) OR, no paternity order exists, but the reason the Petitioners are found to be the paternal grandparents is:

7. This order governs Third Party Rights rights between the persons named in Number 5 above with the children named in number 4 above as to:

Mother

Father

Other (name guardian or other named in caption to case):

THEREFORE, IT IS ORDERED THAT:

1. THIRD PARTY RIGHTS SHALL BE ALLOWED AS FOLLOWS:

TRANSPORTATION will be provided by (name): _____

As follows: (explain)

During WEEKENDS (explain specifically)

During the SUMMER MONTHS OR SCHOOL BREAKS: (explain specifically)

FOR HOLIDAYS AND BIRTHDAYS: (explain specifically)

FOR TELEPHONE CALLS: (explain specifically)

OTHER: (explain specifically)

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Party Requesting Third Party Rights

CASE NUMBER: DO2

Name of Party Requesting Third Party Rights

**ACCEPTANCE OF SERVICE AND CONSENT OF
PETITION FOR THIRD PARTY RIGHTS**

AND

Respondent (Mother of Minor Child(ren) or Legal
Guardian)

HONORABLE: _____

Respondent (Father of Minor Child(ren) or Legal
Guardian)

REQUIRED INFORMATION FROM PARENT, UNDER OATH:

1. INFORMATION ABOUT ME:

Name: _____
Address: _____
Telephone: _____ Date of Birth: _____

2. I am the natural MOTHER or FATHER of the minor child(ren) named below:

3. I acknowledge that I have voluntarily accepted a copy of the following legal papers. _____

4. I consent to the Petition for Third Party Rights and waive notice of all further proceedings in this matter.

OATH OF THE PARENT

I swear or affirm that the information on this document is true and correct under penalty of perjury.

Date

Signature

State of Arizona)

County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____
Name of Signer

Commission Expires

Notary Public