

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-005235

01/19/2012

HONORABLE J. JUSTIN MCGUIRE

CLERK OF THE COURT
E. Ramirez
Deputy

ATLAS IV-D 000260047903
STATE OF ARIZONA, EX REL, DES
DEBRA JONES

LAURA GILLIS

AND

ANTHONY JONES

ANTHONY JONES
7920 W GLENDALE AVE LOT 111
GLENDALE AZ 85303

AG-CHILD SUPPORT-NORTH
CENTRAL OFFICE

IV-D CONTEMPT HEARING

Courtroom 506—Central Court Building

2:54 p.m. This is the time set for Enforcement Evidentiary Hearing on the *Petition for Order to Show Cause Re Contempt for Failing to Pay Court Ordered Child Support* filed October 7, 2011, on behalf of Debra Jones. Obligee, Debra Jones, is present and represented by counsel, Laura Gillis. Obligor, Anthony Jones, is present on his own behalf. The State is represented by Assistant Attorney General Steven G. Smith.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Debra Jones and Anthony Jones are sworn.

On the Court's own motion,

Any defects in service of process are waived by Obligor's appearance before the Court this date and the Court shall proceed.

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Counsel for the State advises the Court of the State's position and recommendations and reviews the *Arrears Calculation Report* filed January 9, 2012. Child support payment history posted through the Support Payment Clearinghouse is recited for the record.

Counsel for Obligee presents case status.

Obligee concurs and offers nothing further.

The Court takes judicial notice of the *Petition to Modify a Child Support Order (Standard Process)* filed September 8, 2011, by Anthony Jones.

The Court addresses Obligor regarding his failure to pay even the requested amount of child support pled in his *Petition* (\$242 per month).

Anthony Jones testifies.

Discussion is held.

The Court requests Obligor to produce a treating physician's statement to substantiate his testimony.

LET THE RECORD REFLECT that Obligor presents the Court with a letter from David S. Bailey, M.D., Orthopedic Clinic Association, P.C. The Court notes that the letter states specifically Obligor can work light duty with a 50 pound floor-to-waist lifting restriction and 25 pound waist-to-shoulder lifting.

LET THE RECORD FURTHER REFLECT that Obligor is admonished for failure to pay child support. The Court declines entry of judgment this date due to pending modification of child support.

Based upon the evidence and argument presented the Court makes the following findings and orders:

THE COURT FINDS that Obligor is in contempt of Court for failure to comply with a valid support order of which he had knowledge and in remaining current in his child support obligations. Obligor willfully failed to make support payments as previously ordered or some reasonable portion thereof, despite his ability to do so. As a sanction,

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Obligor may purge himself of contempt by paying a cash purge in the amount of **\$500.00 CASH ONLY** to the Support Payment Clearinghouse by **5:00 p.m., January 20, 2012**, and by complying with the orders contained in the formal written *Establishment Judgment and Order*.

Obligor is to deliver a receipt for the cash purge payment to this division. *Failure to pay the cash purge and provide a receipt to this division as specified herein shall result in the issuance of a child support arrest warrant and the purge release amount shall be set at \$1,000.00 CASH ONLY.*

**ANY MONIES PAID AS AND FOR PURGE SHALL BE FORWARDED TO THE
SUPPORT PAYMENT CLEARINGHOUSE AND APPLIED TOWARD
SUPPORT/ARREARAGE PAYMENTS.**

IT IS FURTHER ORDERED affirming that Obligor shall pay the child support obligation in full and timely for a period of 24 months commencing July 1, 2011. *Payment is due on the 1st of each month and late if not paid by the last day of the month.*

IT IS FURTHER ORDERED affirming the payment on arrears set at \$100 per month. Payments shall be paid through the Support Payment Clearinghouse. The payment on arrears shall not be increased absent further order of the Court.

IT IS FURTHER ORDERED continuing this matter for Enforcement Evidentiary Hearing, in this division, on **September 6, 2012, at 1:30p.m.**, for entry of judgment, as appropriate, following modification of child support; to monitor Obligor's full and timely payment of child support and child support arrears; and to determine compliance with all support orders:

The Honorable J. Justin McGuire
Maricopa County Superior Court
Central Court Building, 5th Floor
Courtroom 506
201 West Jefferson
Phoenix, AZ, 85003
602-506-0862

In the event Obligor (the party required to pay support) **fails to appear for the hearing as set forth herein, a Child Support Arrest Warrant may be issued and/or a default judgment entered.**

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IT IS FURTHER ORDERED affirming Obligor's child support obligations are \$479 per month Current Child Support; \$100 per month Payment on Support Arrears; \$150 per month Cash Medical Support—plus the applicable Support Payment Clearinghouse fee—for a monthly obligation of \$734.

Between now and the aforementioned hearing, the Court expects the Obligor to pay the court-ordered obligation each and every month (in addition to the cash purge payment—\$500) and be prepared to provide proof of payments (receipts) or present evidence as to why Obligor should not be found in contempt of court.

3:08 p.m. Hearing concludes.

PLEASE NOTE: Any change in the paying party's employment and any change in the residential address of either party **must** be submitted to the Clerk's Office, in writing, within ten (10) days of the change (A.R.S. § 25-322(C)). Failure to notify the Clerk's Office of any change may be considered contempt of Court.

PLEASE NOTE: This Court utilizes a digital audio recording system to preserve the official record of proceedings. Persons requesting copies of recorded proceedings do not have to provide blank CDs. All CDs will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Counsel or litigants must complete the appropriate request form which may be obtained from the Self-Service Center or from Court staff and present the completed form to the Self-Service Center. All fees must be handled through the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

REFERRAL FOR LEGAL SERVICES

(1) Self Service Center, 101 West Jefferson, East Court Building, Phoenix, AZ. Automated telephone number: (602) 506-SELF. (Provides a variety of forms and instructions.) The parties may also obtain various forms from the Self-Service Center website at:
<<http://www.superiorcourt.maricopa.gov/ssc/sschome.html>>

(2) Lawyer Referral Service, 303 E. Palm Lane, Phoenix, AZ 85004 (Phone: (602) 257-4434). (Also available at: www.maricopabar.org) (This organization will refer you to a lawyer that meets your needs in your part of town. There is a \$35 charge for the first 30-minute conference. Any fees thereafter are set by the particular attorney.)

(3) Community Legal Service: 305 S. 2nd Ave. P.O. Box 21538, Phoenix, AZ 85036-1538 (Phone: (602) 258-3434). (Composed of Legal Aid Society and volunteer lawyers. The availability of service depends on your income level.)

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(4) Family Law Assistance Program: (Phone: (602) 506-7948). Located on the 6th Floor of the Central Court Building, 201 W. Jefferson Street, Phoenix. (A program sponsored by the Volunteer Lawyers Program and Community Legal Service. The ½ hour consultation is free to eligible clients or a \$35.00 fee for those who don't meet eligibility requirements.)

(5) Modest Means Project: (Phone (866) 637-5341). (A program sponsored by the State Bar of Arizona and the Arizona Foundation for Legal Services and Education, and other non-profits. The Arizona Modest Means Project provides low-cost legal assistance to people who cannot afford the expertise of attorneys' at the standard rates, but who cannot qualify for free legal services due to income qualification or other restrictions. The Project serves those whose income is less than or equal to 250% of the federal poverty guidelines.)