

CHILD CUSTODY, SUPPORT and PARENTING TIME (VISITATION)

4

Part 4 THE COURT ORDER

(Instructions Only)

SELF-SERVICE CENTER
ESTABLISH CUSTODY, SUPPORT AND PARENTING TIME
(VISITATION)

PETITIONER OR RESPONDENT

PART 4 -- THE COURT ORDER
(INSTRUCTIONS ONLY)

This packet contains instructions to go to the court hearing for an order that establishes child custody, parenting time, support, but not paternity. The documents should be in the following order:

Order	File Number	Title	# pages
1	DRCV8it	Table of instructions in this packet	1
2	DRCV81i	Instructions on completing " Order Establishing Child Custody, Parenting Time , Support "	3
3	DRCVG11h	" Parenting Time Guidelines " (Visitation)	6
4	DRCVG12h	" Joint Custody Guidelines "	2
5	DRS12h	Helpful Information to complete the " Parent's Worksheet for Child Support "	1
6	DRS12i	Instructions to complete " Parent's Worksheet for Child Support "	8

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.

SELF-SERVICE CENTER INSTRUCTIONS

HOW TO FILL OUT THE ORDER FOR YOUR CHILD CUSTODY, PARENTING TIME and CHILD SUPPORT or CUSTODY AND PARENTING TIME CASE

IMPORTANT NOTICE: DO NOT COMPLETE THIS COURT ORDER UNTIL YOU GO TO THE DEFAULT HEARING, OR UNTIL YOU AND THE OTHER PARTY GO TO TRIAL, OR YOU BOTH AGREE TO THE ORDER.

A signed Order is important because it determines the rights and responsibilities of both you and the other party. If either party does not obey the Order, then the other party can ask the court for help in enforcing the terms of the Order.

This order is designed for parties who want to get a court order of custody and parenting time or custody, parenting time and support. You cannot use this form to establish paternity. Use this form only if you are the natural or adoptive parent of the minor child(ren) AND

- ✓ You already have a court order establishing paternity, **OR**
- ✓ You have a court order for child support.

If you want a court order for child custody and parenting time, the court will also want to review the current child support order. If there is no order, the court will establish child support in this case or, if the child support order needs to be changed, the court will do so in this case.

REMINDER:

1. When filling out any court forms, type or print with **black ink only!**
2. Your Order should repeat as closely as possible what you requested in your Petition, unless the other party has provided written consent to any changes. You cannot mark something different in the Order from what you asked for in the Petition, unless the change clearly benefits the other party. If you try to do this, the judge will not sign the Order. If you want to change your requests to the court, you must file an amended petition and serve that petition on the other party. It is a good idea to have your petition handy when you follow the instructions to fill out your Order.

The first part of the Judgment and Order--the Court Findings:

1. This states that the court has all information necessary to enter a Judgment and Order.
2. This states that this court is able to make the Orders relating to you and the other party.
3. This states that the court will make only the orders that are legally proper under the circumstances of your case.
4. Print or type your full name and the Respondent's name in the spaces provided, then put the name of the minor children for whom custody/parenting time/support is established and their dates of birth.

5. The Court will fill in 5,6, and 7.
6. If you are asking for supervised or no parenting time for the other party, you must have a very good reason. Write that reason in here.
7. If you or the other party has been convicted of a drug or alcohol crime within the last 12 months, the court must make sure that the custody and/or parenting time order or agreement is in the best interests of the minor child(ren).

THE SECOND PART OF THE JUDGMENT AND ORDER— THE COURT ORDERS:

1. **CHILD CUSTODY AND PARENTING TIME. MARK THE BOX FOR EITHER SOLE OR JOINT CUSTODY.** The custody box you mark should be the same as you did in your Complaint/Petition, unless you and the other party have signed a ***“Joint Custody Agreement”*** which will be attached to the Order.
 - A) For sole custody of the minor child(ren), mark who is to have sole custody. Then mark only one of the three types of parenting time: reasonable, supervised, or no parenting time. If parenting time is supervised, mark who will be paying for costs of supervision. Be sure to attach the ***“Parenting Plan.”***
 - B) If you are requesting Joint Custody, you should not have marked the first box, but should mark the Joint Custody box only. Remember, you will have to attach a copy of the ***“Joint Custody Agreement”*** signed by both parents, which **must** be approved by the court at the hearing if you desire Joint Custody. The Plan will be included as part of the Court Order.
2. **CHILD SUPPORT:** Mark first who is to pay the child support and then who the support is to be paid to. **NOTE: If there is a previous child support Order still in effect FROM A COURT IN ANOTHER STATE OR COUNTY, DO NOT MARK THIS BOX.**
3. **MEDICAL AND DENTAL INSURANCE:** Mark who will be responsible for medical and dental insurance, based on the request made in your Petition.
4. **FINANCIAL INFORMATION:** both parents must exchange ongoing financial information every 2 years.
5. **LIMITATION ON JURISDICTION:** This indicates that the Court only has jurisdiction to order a party to make payments if that party has been personally served. This means that if you served your spouse by publication, you may not be able to get child support, health insurance or reimbursement for medical and other expenses related to the child's birth unless you find and serve the other party. You will be able to get the custody and parenting time orders without personal service.

6. **OTHER MATTERS:** If there are other things you have asked for in the Petition that have not already been covered in the Judgment and Order. Be specific and be sure you use the same, or similar language to that used in your Petition.

JUDGE'S SIGNATURE, AND COPY FOR OTHER PARTY: You do not have a valid court order until the judge signs and dates the original order, which will occur at or after the default hearing or at the trial on the case. Be sure to get a certified copy of the signed order for your records. Also, if the other party does not have a copy, mail a copy of the signed and dated order to him or her.

Do not copy
or file this page

SELF-SERVICE CENTER

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY PARENTING TIME GUIDELINES

1. PURPOSE

These Guidelines are designed to provide assistance to the parents in the resolution of issues relating to parenting time and to provide assistance to the court in formulating access orders when the parents are unable to reach an agreement. The underlying purpose of any such agreement or order is to provide for the best interest of each minor child after giving full consideration to the facts and issues that are relevant to each family.

2. USES AND LIMITATIONS

These Guidelines are designed to be used by parents, their attorneys, family counselors and the Conciliation Services of the Court. Effective use of these Guidelines requires that each parent review the Guidelines from beginning to end prior to reaching any conclusion as to the appropriate resolution of each case. These Guidelines will have limited benefit unless each parent reviews the Guidelines fully. After the Guidelines have been reviewed, the parents should develop a child care plan that will be in the best interest of their own minor child(ren). To use these Guidelines properly, the parties are encouraged to seek the assistance of Conciliation Services. Conciliation Services are available in the form of either counseling or mediation of custody issues.

To facilitate negotiation by parties, a proposed plan of parenting time should be exchanged between the parents whenever the custodial arrangement is at issue. The custodial plans should be as detailed as reasonably possible, while at the same time allowing flexibility for changes, both by the parents and by the minor child(ren) if sufficiently mature.

The parents should meet annually or as needed to schedule the coming year. The use of a calendar for scheduling purposes is highly recommended. The parents' work schedules and the minor child(ren)'s school and extracurricular activities need to be considered when developing such a plan. This is especially true for those parents who do not enjoy a traditional work week. The plan should assign responsibility for transportation, cleaning (both clothes and child(ren)), homework and meals. While parenting time should be an enjoyable and enriching experience to both parents and minor child(ren), it is an obligation and responsibility for each parent as well as a right and a privilege. Both parents must also have a good faith commitment to developing and carrying out a parenting time plan. Arizona law requires that the court, "shall determine custody," in every custody order and in every modification of a custody order. While a court may enter an order regarding parenting time without the direct use of the word "custody," the order must, at some point, designate one parent as the custodial parent or must designate specific periods of time that each parent is the custodial parent.

3. ASSUMPTIONS

These Guidelines are based on the premise that:

- A. Both parents are fit.
- B. Both parents desire to have an ongoing relationship with each minor child.
- C. Both parents are able to carry out the childcare plan.
- D. Any negotiated solution with meaningful input from the parents and, where applicable, the minor child(ren), is preferred to a court imposed solution.
- E. It is usually in the minor child(ren)'s best interest for each parent to have frequent, meaningful and continuing access to the minor child(ren).

- F. That the minor child(ren) need(s) reliability, predictability and consistency on the part of each parent.
- G. That frequent, meaningful and continuing access to each parent offers the minor child(ren) a sense of significance--"I am a person, I am important and I count."
- H. That the minor child(ren) need(s) continuous access, direct experience and openness of communication with each parent and an absence of involvement in the mutual blaming of the parents.

4. GENERAL RULES

Experience has dictated a number of common sense guidelines that should be followed in every case. Some of these guidelines are also supported by law. Except as otherwise ordered by the court:

- A. Both parents are entitled to access to records and information on the medical care of the minor child(ren) directly from the health care provider as well as from the other parent. Each parent should notify the other promptly of any significant medical treatment.
- B. Both parents are entitled to access to all school records of the minor child(ren) directly from the school as well as from the other parent. School reports should be photocopied promptly after receipt and supplied to the other parent. Both parents should be notified promptly of all child-related activities which encourage or allow parental participation.
- C. Both parents are reminded that parenting time and child support, while they may be emotionally connected, are separate legal issues. Arizona law provides that parental access may not be denied due to the failure to pay child support. It also provides that child support may not be withheld due to the failure of a parent to allow access.
- D. Parents should share with each other their residence and work addresses and phone numbers.
- E. Each parent should encourage the child(ren) to initiate telephone and/or mail contact with the other parent on a regular basis.
- F. The parents should not discuss their marital problems with the minor child(ren). They should not try to turn the minor child(ren) against the other parent by discussing with the minor child(ren) the shortcomings of the other parent.
- G. The parents should not attempt to buy the favor of the minor child(ren) with presents, special treatment, special privileges or promises.
- H. Parents should not make their minor child(ren) choose between the two parents.
- I. Parents should not question the minor child(ren) regarding the activities of the other parent.
- J. Parents should not make promises that cannot be kept.
- K. Parents should not fight with the other parent in the presence of the minor child(ren).
- L. Parents should be prompt with appointments with the minor child(ren). It is unfair to keep a child waiting, and worse, to disappoint the minor child(ren) by not showing up at all. When unforeseen circumstances prevent compliance within approximately 15 minutes of the scheduled time of exchange, immediate notification should be given, if possible, and appropriate alternative arrangements should be made. Alternative arrangements may include delayed scheduling, make-up access, or skipped access. For those occasional circumstances when a parent cannot meet the prearranged schedule, that parent should

be responsible for the reasonable expenses incurred for child care, unless otherwise mutually agreed upon by both parents.

- M. Parents should coordinate plans regarding bedtime, discipline, homework schedule and other household rules.

5. FACTORS FOR BASIC AND OPTIONAL ACCESS

The plan for basic and optional access is designed to allow the parents, and the court if necessary, to select the proper child care plan depending upon the family circumstances. Basic access is designed to be just that, a minimum level of access which would apply to a large number of families without further modification. For families considering the optional access, consideration of the following factors are important:

- A. The geographic location of each parent;
- B. Each parent's willingness and ability to perform the child care duties associated with the minor child(ren), relative to the minor child(ren)'s stage of development such as feeding, changing, bathing, preparing the minor child(ren) for school, taking responsibility for the child(ren)'s homework, etc.;
- C. Each parent's ability to care for the minor child(ren)'s needs (historical involvement alone is not the critical focus; rather, a parent's willingness and ability to learn the necessary skills should be a determining consideration);
- D. The lack of hostility between the parents;
- E. The ability of both parents' work schedules and the minor child(ren)'s schedule to accommodate extended access;
- F. The minor child(ren)'s age(s) and strength of attachment to each parent;
- G. The minor child(ren)'s relationship with his/her friends; and
- H. The regular and consistent access that has been maintained by the visiting parent under the basic access plan along with a desire to increase the time commitment.

Arizona law establishes certain criteria to be met prior to the entry of an order for joint custody. Optional access which approaches an award of joint custody requires compliance with the statutory joint custody criteria.

6. PARENTING TIME

The following guidelines provide various programs for parenting time plans.

A. Infant up to Age Six Months

1. **Basic Access:** Ideally, access should be brief but frequent throughout the week. For those parents whose schedules permit, access is recommended three times a week at two hours each for the early months. As the child progresses to the age of six months, an additional four hours should be added during the day on the weekend. For those parents unable to have the frequent access, which is recommended, the alternative would be a four-hour access on the weekend.

2. **Optional Access:** Optional access includes one or more of the following: One access each week following birth and progressing to a total of three to four access times per week at four hours each with a weekend overnight suggested.

B. Six Months to Three Years

1. **Basic Access:** Provided regular access between parents and child(ren) has been maintained, access from six to twelve months should include the day of Saturday, and starting from twelve months to three years, access should progress up to alternate weekends (Saturday a.m. to Sunday p.m.) and one mid-week (not overnight).
2. **Optional Access:** Optional access includes one or more of the following: extending the weekend so that it begins on either Friday or Thursday; allowing additional weekday access; allowing a mid-week overnight access.

C. Three Years to Five Years

1. **Basic Access:** Alternating weekends; one mid-week (overnight optional) in alternate weeks. Holidays should be either shared or alternated.
2. **Optional Access:** Optional access includes one or more of the following: begin the weekend on Thursday; end the weekend on Monday or Tuesday; split or alternate the week; one to two mid-week overnights in alternating weeks.

D. Six Years to Twelve Years

1. **Basic Access:** Alternating weekends; one mid-week (overnight optional). Holidays should be either shared or alternated.
2. **Optional Access:** Optional access includes one or more of the following: begin the weekend on Thursday; end the weekend on Monday or Tuesday; split or alternate the week; one to two mid-week overnights in alternating weeks; add a third weekend per month.
3. **Comment:** As the child(ren) reach junior high, increasing consideration should be given to the child(ren)'s activities; a less structured and more flexible schedule is recommended. Regardless of how unstructured or flexible the schedule is, access must still occur on a regular basis.

E. Thirteen Years and Older

1. **Basic Access:** Alternating weekends; one mid-week (overnight optional). Holidays should be either shared or alternated.
2. **Optional Access:** Additional access as may be arranged between both parents and minor child(ren).
3. **Comment:** At this age, parents should make individual arrangements for each child regardless of the formal custody arrangements. All schedules, time-sharing, vacation schedules and holidays must remain flexible to accommodate the activities and interest of each child. Direct discussions are encouraged between parents and the child(ren) to formalize the parenting time plan for this age range. The basic access plan described above for this age range is simply a "minimum" plan for those families without any other agreement.

F. Child Care

When one parent will be absent from the home for an extended period of time, the minor child(ren) should spend the period of absence with the other parent, assuming such plan is appropriate for the minor child(ren). This also assumes that geographic location of both parents, the minor child(ren)'s age(s) and outside activities and the parent's work schedules all accommodate the arrangement.

The period of absence which triggers the exchange will vary depending upon the circumstances of the parties. As the hostility level between the parents is reduced, the period triggering the exchange is reduced. This allows additional access between parent and minor child(ren) and has additional advantage of eliminating the expense for extended care providers.

G. Holidays

Holidays are to be alternated or shared between the parents. The minor child(ren) should be with mother on Mother's Day and with father on Father's Day.

H. Extended Access/Vacation

Infants and children up to school age should be permitted to have extended access to the other parent on an increasing time basis. It is important to note that for children up to three years of age, the child(ren) should not be deprived of contact with the primary parent for more than one week at a time. For children ages three years to school age, the child(ren) ordinarily should not be deprived of access to the other parent for more than two consecutive weeks. For children six years and older, the basic vacation access should be in the range of two to four weeks with optional access extending up to ten weeks or so. For children in junior high and high school, parents should consider the comments in sections D and E above.

Each parent is entitled to two uninterrupted weeks for out-of-town travel. Except for the two weeks of out-of-town travel, the parent exercising the vacation access time is to allow the other parent the equivalent parenting time that the vacationing parent enjoys during the remainder of the year. The minor child(ren) should return from vacation at least one week prior to the start of school.

7. PARENT/CHILD ACCESS-LONG DISTANCE

Children under the age of five should not travel alone unless appropriate travel arrangements have been made. Access, including overnights, should be given when a parent is traveling to the community in which the child(ren) lives, provided a minimum of 48 hours notice is given to the other parent. If the parent and child(ren) travel to the other parent's community, similar access should be arranged. During periods of long distance access, access shall be given the other parent.

A. Pre-Kindergarten Age

Access should be provided during the summer and at other times with consideration given to access periods of two to six weeks.

B. Summer Access-School-Age Child

Summer access of four to ten weeks is suggested with consideration for the child(ren)'s employment, organized activities and other outside activities. Consideration should also be given to such factors as the amount of time that the child(ren) has been apart from the other parent, the facilities for the child(ren) available to the other parent who will have summer access, arrangements that are made for the child(ren)'s care during the summer access, as well as the need for establishing and/or maintaining a relationship with the parent who has summer access.

C. **School Year Access-School-Age Child**

School year access is suggested, provided it coincides with the child(ren)'s school holiday times.

D. **Additional Access**

Additional access during the school year is recommended, in particular, on the extended weekends (three-day weekends), provided that the additional access is logistically possible based upon the distance, available transportation, schedule of the children and the parties, and the lack of interference with the child's ongoing schooling.

8. **FACTORS FOR LIMITATIONS**

There are some families that cannot justify basic access, and reference should then be made to **ARS 25-403** and other applicable laws.

9. **DEFINITIONS**

In the absence of an agreement of the parties or an order of the court, the following terms shall have the meanings set forth below:

- A. **Day:** Up to eight consecutive hours;
- B. **Weekend:** From 5:30 p.m. Friday to 6:00 p.m. Sunday;
- C. **Mid-Week (Not Overnight):** From 5:30 p.m. to 8:00 p.m. In the absence of an agreement as to the day, this shall be on Wednesday;
- D. **Mid-Week (Overnight):** From 5:30 p.m. to 8:00 a.m. In the absence of an agreement as to the day, this shall be Wednesday night;
- E. **Holidays:** This typically includes Thanksgiving, Christmas and Spring break. It also includes such other holidays or days of special observance as per the agreement of the parties or order of the court;
- F. **Long Distance:** Either the court or the parties may define long distance after considering the distance between the parties, the time necessary for travel, the convenience and expense of travel, the availability of resources and other alternatives.

SELF-SERVICE CENTER
JOINT CUSTODY GUIDELINES

A.R.S. § 25-402 defines custody as follows:

1. **"Joint Custody"** means joint legal custody or joint physical custody, or both.
2. **"Joint Legal Custody"** means the condition under which both parents share legal custody and neither parent's rights are superior except with respect to specified decisions as set forth by the court or the parents in the final judgment or order.
3. **"Joint Physical Custody"** means the condition under which the physical residence of the minor child(ren) is shared by the parents in a manner that assures that the minor child(ren) has/have substantially equal time and contact with both parents.
4. **"Sole Custody"** means the condition under which one person has legal custody.
5. **"Parenting Time"** means the condition under which a parent has the right to have the minor child(ren) physically placed with the parent and the right and responsibility to make, during that placement, routine daily decisions regarding the minor child(ren)'s care consistent with the major decisions made by the person having legal custody.

The written joint custody proposal pays attention to the cooperative sharing of physical care responsibilities; it is a blend of specific information with generalized plans of action. It should reflect what the parents are currently doing or what they actually plan to do. It should reflect a commitment to the minor child(ren)'s needs as predominant. The sharing of physical care responsibilities should not avoid or cover up disagreement by the parents on one or more issues.

NOTE: In order for the court to approve a joint custody agreement, ARS 25-403 requires the court to make the following findings:

- a. The best interests of the minor child(ren) are served;
- b. Each parent's rights and responsibilities for personal care of the minor child(ren) and for decisions in the areas of education, health care, and religious training are designated;
- c. A schedule of the physical residence of the minor child(ren), including holidays and school vacations is included;
- d. The plan includes a procedure for periodic review;
- e. The plan includes a procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved, which may include the use of Conciliation Services or private counseling; and
- f. The parties understand that joint custody does not necessarily mean equal parenting time.

PARENTS PLEASE NOTE: Per **A.R.S 25-403.09**, an award of joint custody does not diminish the responsibility of either parent to provide for the support of the child(ren).

The following represent items that should be included in the Joint Custody Proposal:

1. **The geographical location of the parents:** Where do parents live relative to one another? What are their addresses? Permanent or temporary?

2. **Arrangements regarding the residential requirements of the minor child(ren):** How much time will the minor child(ren) spend with each parent? Be as specific as possible, including days and times.
3. **Arrangements for holidays and vacations:** What are your plans for summer vacation and school breaks? List specific details including dates and times.
4. **Arrangements for education:** How will decisions be made for educational matters? For example, if preschool age, what school will the minor child(ren) attend? If private school, who pays what?
5. **Additional transportation arrangements:** Will any additional transportation arrangements be needed? If so, what will be the responsibilities of each parent?
6. **Determinations regarding minor child(ren)'s health care:** For example, how will medical decisions be made? Who will provide insurance? How are non-insured expenses paid? Who decides on seeking non-emergency treatment? Is there a dental plan? If not, who will pay what?
7. **Arrangements regarding extraordinary expenses:** For example, what financial arrangements are made for the minor child(ren) (such as each sharing extraordinary expenditures and the parent with whom the minor child(ren) resides bearing the ordinary ones during the minor child(ren)'s residency)? A fixed amount per month?
8. **Arrangements for minor child(ren)'s religious training, if any:** For example, how will decisions be made for religious training? What, if any, are the plans for religious training?
9. **Any other factors:** What other arrangements (such as music lessons, sports/activity fees, camp or Scouts) are needed?

The following items shall be included in the written Joint Custody Proposal:

- A. If major changes arise, such as moving or remarriage, and the present child care arrangements are no longer feasible, the parents shall agree to renegotiate the terms of the plan with the aid of a Conciliation Services counselor or independent mediator prior to any court actions being considered.
- B. A procedure for periodic review of the joint custody plan (e.g., parents agree to review the terms of the agreement every _____).
- C. A statement that parents understand that joint custody does not necessarily mean equal parenting time.

Self-Service Center (SSC)

HOW TO COMPLETE A PARENTS WORKSHEET FOR CHILD SUPPORT

Use the **FREE** online child support calculator at: <http://ecourt.maricopa.gov> to produce the **Parents Worksheet for Child Support** that **MUST** be turned in along with your other court papers.

Using the online calculator is FREE (access to the Internet and a printer required). If you do not have access to the Internet and/or a printer, you may use the computers at all Superior Court Self-Service Center locations for free and print out the Parents Worksheet produced by the online calculator as well. There is a small, per-page charge for printing.

- Go to: <http://ecourt.maricopa.gov>
- Click “**Child Support Calculator**” on right side of the web page.
- Fill in the information requested and print out the **Worksheet**.

Advantages of Using the Online Child Support Calculator

- The online calculator is free.
- The online calculator does the math for you
- The online calculator produces a neater, more readable worksheet.
- The online calculator produces a more accurate child support calculation, **AND**
- **You don't have to go through 37 pages of Guidelines and Instructions**

If you want to perform the calculations yourself, you will need an additional 39 pages of guidelines, instructions, and the Parents Worksheet itself. These are available for separate purchase from the SSC as part of the “**How to Calculate Child Support**” packet, or may be downloaded for free from:

http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/Forms/FamilyCourt/fc_drs1.asp

You may also attend the free “*How to Complete Papers to Modify Child Support*” workshop described in the flyer that appears at the beginning of this packet.

You may also call 602-506-3762 for an appointment for assistance (in English or Spanish) at the Phoenix courthouse. Ask for the “Calculations Department”. There is a FEE for this service.

WHEN YOU HAVE COMPLETED ALL NEEDED FORMS, GO TO THE “PROCEDURES” PAGE AND FOLLOW THE STEPS LISTED THERE.

PARENT'S WORKSHEET INSTRUCTIONS

This worksheet provides the information the court needs to determine child support amounts in accordance with Arizona's Child Support Guidelines. You may get a copy of the Guidelines from the Self-Service Center or on the Internet at <http://www.superiorcourt.maricopa.gov/sscDocs/pdf/drs10h.pdf>

COMPLETE THIS WORKSHEET IF:

- You are a party to a court action to establish child support **or** to modify an existing order for child support.

Need help with calculations? Use the free Online Child Support Calculator at the Superior Court's website at <http://ecourt.maricopa.gov> to perform the calculations for you. Click "Child Support Calculator and Worksheet" (on the right side of the page). You may print and use the worksheet produced by the calculator in place of the form included in this packet.

You may also call 602-506-3762 for an appointment for assistance (in English or Spanish) at the Phoenix courthouse location. Ask for the "Calculations Department". There is a fee for this service.

TO COMPLETE THIS WORKSHEET YOU WILL NEED TO KNOW:

- Your case number.
- Your monthly gross income and that of the other parent.
- The monthly cost of medical insurance for the minor children who are the subject of this action.
- Monthly childcare amounts paid to others.
- The number of days the minor child(ren) spend with the non-custodial parent.
- Monthly obligations of yourself and the other parent for child support or court-ordered spousal maintenance/support.

FOLLOW THESE INSTRUCTIONS WHICH ARE NUMBERED TO MATCH THE IDENTIFYING NUMBERS IN PARENTHESES ON THE FORM. TYPE OR PRINT NEATLY USING BLACK INK. The number *in brackets* after the instructions tells you where to look in the **Guidelines** for this item, for example, [Guidelines 5].

BASIC INFORMATION

- (1) Type or print the information requested at top left for the person who is filing this form. Check the appropriate box to indicate whether you are the Petitioner or Respondent in this case, and also whether you are represented by an attorney. (The spaces marked "for "Attorney Name", "Bar No.", etc, are used **only** if an attorney is preparing this form.)
- (2) Type or print the name of the county in which this worksheet is being filed. (This may already be printed on the form.)
- (3) Type or print the name of the persons shown as the Petitioner and the Respondent on the original petition to establish support or on the Order that established support.
- (4) Type or print your case number and the ATLAS number. If you do not have a case number, leave this item blank. If you do not have an ATLAS number, leave this item blank.

- (5) Enter the number of minor children from this relationship for whom support is being sought in this court action.
- (6) Check the box to indicate which parent has "primary custody". If not stated directly in a Court Order, who does(do) the minor children) live with most of the time?
- (7) Check the box to indicate which parent is completing this form.
- (8) Where did you get the figures you are supplying for the other party? Check the box to indicate whether those numbers are Actual, Estimated or Attributed. [See Guidelines 5.E.] Examples of ESTIMATED income: He was promoted to supervisor and I know that position pays more; she has the same job as my sister, who works at the same place and makes this amount. Example of ATTRIBUTED income: My ex-wife was a secretary earning \$1500/month. Now she has remarried and is staying home as a homemaker.

MONTHLY GROSS INCOME

-
- Terms such as "gross income" and "adjusted gross income" as used here do not have the same meaning as when they are used for tax purposes.
 - "Gross Income" is not your "take home pay", it is the higher amount shown before any deductions are taken out of your check.
 - If you are converting a weekly "gross income" figure to a "monthly gross income" figure, multiply the weekly amount by 4.33 (52 weeks divided by 12 months = 4.33 average weeks in a month).
-

- (9) Type or print the total amount of your Gross Income each month. Gross income means the amount before taxes and other deductions are taken out. For income from self-employment, rent, royalties, proprietorship of a business, joint ownership of a partnership or closely held corporation, gross income means gross receipts minus ordinary and necessary expenses required to produce income. What you include as "ordinary and necessary expenses" may be adjusted by the court, if deemed inappropriate for determining gross income for child support. Ordinary and necessary expenses include one-half of the self-employment tax actually paid.

Gross Income includes monies from:

- | | |
|--|--|
| <ul style="list-style-type: none"> • Salaries • Bonuses • Worker's Compensation Benefits • Wages • Dividends • Disability Insurance (including Social Security disability) • Annuities • Royalties • Commissions • Capital Gains • Interest | <ul style="list-style-type: none"> • Self-employment • Severance Pay • Unemployment Insurance Benefits • Income from a Business • Pensions • Rental Income • Prizes • Social Security Benefits • Trust Income • Recurring Gifts • Spousal Maintenance (alimony) (Item 11) |
|--|--|

Gross Income **does not include** benefits from public assistance programs such as Temporary Assistance for Needy Families (TANF), Supplemental Social Security Income (SSI), Food Stamps, and General Assistance (GA); and, it **does not include** child support payments received.

Also type or print the total monthly gross income for the other parent, to the best of your knowledge. If a parent is unemployed or underemployed, you may ask the court to attribute income to that parent by entering the amount of what you think that parent would be earning if he or she worked at full earning capacity. The court shall presume, in the absence of contrary testimony, that a non-custodial parent is capable of full-time employment at least at the federal adult minimum wage. [Guidelines 5.E.] This

presumption **does not** apply to non-custodial parents under the age of eighteen who are attending high school. If gross income is attributed to the parent receiving support, appropriate childcare expenses may also be attributed at Item 18.

If you are completing this Parent's Worksheet as part of a modification proceeding and your income is different from the court's most recent findings, you must attach documentation to verify your current income. The documentation should include: your most recent tax return, W-2, or 1099 forms and your most recent paycheck stub showing year-to-date information. If these are not available, provide other documentation such as a statement of earnings from your employer showing year-to-date income.

If you are completing this Parent's Worksheet as part of a modification proceeding and the income you show for the other party is different from that listed on the court's most recent findings regarding income of that parent, you must attach documentation of the amount or mark the box in Item 8 to show that the income amount is estimated or attributed and explain the basis for the amount shown.

ADJUSTMENTS TO MONTHLY GROSS INCOME

- (10-11) Type or print the total monthly amount of court-ordered spousal maintenance/alimony you and/or the other parent actually **pay to** a former spouse **or receive from** a former spouse. Also, the amount that is paid or received or *will be* paid or received in this court case each month. Spousal maintenance/alimony paid is a deduction from gross income. Spousal maintenance/alimony received is an addition to gross income. [Guidelines 2.C. and 6.A.]
- (12) Type or print the total amount of court-ordered child support you and/or the other parent actually pay [Guidelines 6.B.] each month for children of other relationships, And/Or, if you and/or the other parent are the custodial parent of minor child(ren) of other relationships, based on a "simplified application of the Guidelines", determine an adjustment to enter based on the amount of court-ordered child support you "contribute". [Guidelines 6.C.] Court-ordered *arrearage* payments are not included in either case.

EXAMPLE (copied directly from the Guidelines):

A parent having gross monthly income of \$2,000 supports a natural or adopted minor child who is not the subject of the child support case before the court and for whom no child support order exists. To use the Simplified Application of the Guidelines, locate \$2,000 in the Combined Adjusted Gross Income column of the Schedule. Select the amount in the column for one child, \$420. The parent's income may be reduced up to \$420, resulting in an Adjusted Gross Income of \$1,580.

- (13) You may ask the court to consider the financial obligation you have to support other natural or adopted minor children for whom there is no court order requiring you to pay support. If you choose to do this, the adjustment amount you may request is determined by a "simplified application of the guidelines". On the Schedule of Basic Child Support Obligations, find the amount that is closest to the adjusted gross income amount of the parent requesting an adjustment. Go to the column for the number of children in question. Enter the amount shown there in Item 13. [Guidelines 6.D.]
- (14) **Adjusted Gross Income.** For each parent, add or subtract the numbers in Items 10 through 13 from the number in Item 9. Write the results for each parent on the line in Item 14. This is the Adjusted Monthly Gross Income for each parent. [Guidelines 7]

COMBINED ADJUSTED MONTHLY GROSS INCOME

- (15) Add the two numbers in Item 14 together (the one for the father and the one for the mother). This total is the Combined Adjusted Monthly Gross Income.

BASIC CHILD SUPPORT OBLIGATION You **MUST** view the "Schedule of Basic Child Support Obligations" in the Guidelines (pages 20-29) to answer (16). See instruction DRS12h in this packet for options or view or download for free at: <http://www.superiorcourt.maricopa.gov/sscDocs/pdf/drs10h.pdf>

- (16) On the **Schedule of Basic Child Support Obligations** locate the amount that is closest to the Combined Adjusted Monthly Gross Income listed in Item 15. Go to the column for the number of minor children listed in

Item 5. This amount is your Basic Child Support Obligation; enter this amount for Item 16. [Guidelines 8]

PLUS COSTS FOR NECESSARY EXPENSES

Place in the column for the parent paying the expenses.

(17) Type or print the monthly dollar amount of that portion of the insurance premium that is or will be paid for court-ordered medical, dental and/or vision care insurance for the minor child(ren) who is/are the subject(s) of this order. [Guidelines 9.A.]

(18) If the parent with primary physical custody is working or if you have attributed income to that parent in Item 9, type or print the monthly cost of work-related child care that parent pays. If these costs vary throughout the year, add the amounts for each month together and divide by 12 to annualize the cost. [Guidelines 9.B.1.] (See Guidelines for rules and chart concerning income).

If the non-custodial parent pays for work-related childcare during periods of physical custody, the amount paid by that parent may also be included here (each month's amount added together and divided by 12 to annualize the cost)..

(19) Type or print the monthly costs of reasonable and necessary expenses for special or private schools and special educational activities. These expenses must be agreed upon by both parents or ordered by the court. [Guidelines 9.B.2.]

(20) If any of the children for whom support is being ordered are gifted or handicapped and have special needs that are not recognized elsewhere, the additional monthly cost of meeting those needs should be entered here. [Guidelines 9.B.3.]

(21) **MINOR CHILDREN 12 AND OVER.** If there are no minor children 12 or over, enter "0" or "N/A" and SKIP to Item 22. Average expenditures for minor children age 12 or older are approximately 10% higher than those for younger children, therefore the Guidelines call for an adjustment of up to a maximum of 10% to account for these higher costs. If support is being determined for minor children 12 or older, in the first blank, enter the number of minor children 12 or older. In the next blank enter how many percent (one, to a maximum of ten percent) you think the amount of child support should be adjusted (increased) due to the child or children being 12 or older.

If all minor children are 12 or over:

- Multiply the dollar amount from (16), the Basic Child Support Obligation, by the (up to 10) percent increase, which results in the monthly dollar amount of increase.
- Enter this amount for Item 21. The highest possible increase would be 10% of the basic child support obligation. [Guidelines 9.B.4.]

If at least one, but not all minor children are 12 or older:

- Divide the basic support obligation (Item 16) by the total number of children.
- Multiply that figure by the number of minor children 12 or over.
- Then multiply the result by the adjustment percentage (up to 10%), and enter this amount for Item 21. [Guidelines 9.B.4.]

EXAMPLE A: All minor children 12 or older, Basic Child Support Obligation \$300, and 10% Adjustment:

Multiply Basic Child Support Obligation by % Adjustment: $\$300 \times .10 = \30.00

EXAMPLE B: Three children, Two 12 or older, Basic Child Support Obligation \$300, 10% Adjustment:

Divide Basic Child Support Obligation by total number of children: $\$300 / 3 = \100

Multiply answer by the number of children 12 and older: $\$100 \times 2 = \200

Multiply result by the Adjustment Percentage: $\$200 \times .10 = \20.00

(22) Add the amounts from Items 17, 18, 19, 20 and 21, including both the amounts for you and the amounts for the other parent. Enter the total amount on the line in Item 22.

TOTAL CHILD SUPPORT OBLIGATION

- (23) Add the amounts from Items 16 and 22. Enter the total amount on the line in Item 23. This is the Total Child Support Obligation amount.

EACH PARENT'S PERCENTAGE (%) OF COMBINED INCOME [Guidelines 10]

- (24) For each parent, **divide** the amount written in Item 14 (Adjusted Gross Income) by the amount written in Item 15 (Combined Adjusted Gross Income). This will probably give you a decimal point answer less than 100%. However, if one parent earns all of the income for the family, this number will be 100%.

EXAMPLE: Item 14 = \$600
 Item 15 = \$1000 \$600 divided by \$1,000 = .60 or 60%

EACH PARENT'S SHARE OF THE TOTAL CHILD SUPPORT OBLIGATION

- (25) For each parent, multiply the number in Item 23 by the number for that parent in Item 24. This equals the dollar amount of each parent's share of the total child support obligation.

EXAMPLE: Item 23 = \$189
 Item 24 = 60% \$189 x .60 = \$113.40

ADJUSTMENT FOR COSTS ASSOCIATED WITH PARENTING TIME (VISITATION) (for NON-Custodial Parent)

- (26) If time with each parent is essentially equal, *neither* party receives a parenting time adjustment and you may SKIP to Item 27. [Guidelines 12]

Based on the information below, check the box to indicate whether "Parenting Time Table A" or "Parenting Time Table B" applies to the situation regarding the parent who does not have PRIMARY custody, that is, the parent that the children do NOT live with – or live with the LEAST amount of time.

To adjust for costs associated with parenting time, first determine the total number of parenting time days indicated in a court order or parenting plan or by the expectation or past practice of the parents. Using the definitions below, add together each block of parenting time to arrive at the total number of parenting time days *per year*. Only the time spent by a child with the non-custodial parent is considered. Time that the child is in school or in childcare is not considered.

For purposes of calculating parenting time/visitation days:

- A. A period of 12 hours or more counts as one day.
- B. A period of 6 to 11 hours counts as a half-day.
- C. A period of 3 to 5 hours counts as a quarter day.
- D. Periods of less than 3 hours may count as a quarter day if, during those hours, the non-custodial parent pays for routine expenses of the child, such as meals.

"**Parenting Time Table A**" assumes that as the number of visitation days approaches equal time sharing (143 days and above), certain costs usually incurred only in the custodial household are assumed to be substantially or equally shared by both parents. These costs are for items such as the child's clothing and personal care items, entertainment, and reading materials.

Parenting Time Table B: If, however, the assumption that such costs are duplicated and shared nearly equally by both parents, is proved *incorrect*, use "**Parenting Time Table B**" to calculate the visitation adjustment for this range of days (and check the box for "Table B" for item (26)).

PARENTING TIME TABLE A			
Number of Visitation Days	Adjustment Percentage	Number of Visitation Days	Adjustment Percentage
0 - 3	0	116 - 129	.195
4 - 20	.012	130 - 142	.253
21 - 38	.031	143 - 152	.307
39 - 57	.050	153 - 162	.362
58 - 72	.085	163 - 172	.422
73 - 87	.105	173 - 182	.486
88 - 115	.161		

PARENTING TIME TABLE B	
Number of Visitation Days	Adjustment Percentage
143 - 152	.275
153 - 162	.293
163 - 172	.312
173 - 182	.331

(27)

- For *your* entry for Item (27), add up the total parenting time days for the non-custodial parent.
- Determine whether Table A or Table B applies.
- Look at the appropriate table (“A” or “B”) and find the “Percentage Adjustment” that applies to the number of parenting time days.
- Multiply that percentage by the amount listed for Item (16)

EXAMPLE:

If the total amount of parenting time for the NON-CUSTODIAL parent amounts to 75 days and Table A applies, and the amount listed for Item (16), the Basic Child Support Obligation, is \$1000: Look at Table A to see in where “75” fits in. “75” falls between 73 and 87 days, and the Adjustment Percentage listed for that range of numbers is .105. You would then take the dollar amount listed for Item (16), and multiply it by that percentage.

In this example that would be:

Amount from Item (16)	\$1000
<u>x Adjustment Percent from Table</u>	<u>x .105</u>
Answer for Item (27)	105.00 or \$105.00

This is the amount you would enter as your answer for Item (27) for either the Father *or* the Mother (ONLY), whichever parent the children **don't** live with the majority of the time.

MEDICAL INSURANCE PREMIUM ADJUSTMENT

(28) If the parent who will be ordered to make the child support payment is the same parent who will pay the minor children's health, dental and/or vision care insurance premiums, enter the amount from Item 17 here.

NON-CUSTODIAL CHILD CARE ADJUSTMENT

(29) If the parent who will be ordered to make the child support payments pays for work-related child-care during periods of visitation, enter the amount from Item 18.

EXTRA EDUCATION ADJUSTMENT

(30) If the parent who will be ordered to make the child support payment is the same parent who will pay the children's reasonable and necessary expenses for attending private or special schools, enter the amount from Item 19 here.

EXTRAORDINARY/SPECIAL NEEDS CHILD

(31) If the parent who will be ordered to make the child support payment is the same parent who will pay the special needs of gifted or handicapped child(ren), enter the amount from Item 20 here.

ADJUSTMENTS SUBTOTAL

(32) For the non-custodial parent, add the amounts entered in Items 27, 28, 29, 30 and 31. Enter the total in Item 32.

PRELIMINARY CHILD SUPPORT AMOUNT

(33) For non-custodial parent: Subtract the amount in Item 32 from Item 25.
For custodial parent: Write in the amount from Item 25 for that parent.

SELF SUPPORT RESERVE TEST for Parent Who Will Pay Support

- (34) To calculate the amount to enter in the column for this item:
- Enter *the paying parent's* adjusted gross income from Item 14.
 - Subtract \$775 (the self-support reserve amount).
 - Enter the remainder in the appropriate column for either the Father or the Mother, for Item 34. [Guidelines 15]

If the resulting amount is less than the preliminary child support amount, the court may reduce the current child support order to the resulting amount after first considering the financial impact the reduction would have on the custodial household. The test applies only to the current support obligation, but does not prohibit an additional amount to be ordered to reduce an obligor's (the person obligated to pay) arrears. Absent a deviation, the preliminary child support amount or the result of the self-support reserve test is the amount of the child support to be ordered in Item 35 [Guidelines 15]

Payor's Adjusted Gross Income from Item 14: _____

SUBTRACT the Self Support Reserve Test Amount of \$775: **- \$ 775.00** _____

Enter the number remaining as your answer for Item 34: _____

(35) Who pays and how much? Check the appropriate box to indicate which parent should be ordered to pay child support. If the amount shown in Item 33 is *less than* the amount shown in Item 34, write in the amount shown for Item 33. **OR**, if the amount shown in 33 is *greater than* the amount from 34, you may write in the amount from 34 if you believe child support should be ordered for the smaller amount.

RESPONSIBILITY FOR VISITATION-RELATED TRAVEL EXPENSES

(36) For this Item, list the percentage you think each parent should pay toward the travel/transportation costs for expenses involving travel of more than 100 miles, one-way. The court will decide how to allocate the expense, but you may use the percentages listed in Item 24 for each parent's share of combined income as a guide. The allocation of expense does not change the amount of the support ordered in Item 35. [Guidelines 18]

RESPONSIBILITY FOR MEDICAL EXPENSES NOT PAID BY INSURANCE

(37) For this Item, list the percentage you think each parent should pay toward uninsured medical, dental and/or vision care expenses for the minor children. The court will decide how to allocate the expense, but you may use the percentages listed in Item 24 for each parent's share of combined income as a guide. [Guidelines 9.A.]

WHEN YOU HAVE COMPLETED THIS WORKSHEET:

If you have completed this worksheet to **establish** a child support obligation:

- Make a copy of the worksheet for your records;
- Make a copy to send or deliver to the other party and/or the state prior to the hearing;
- Take the original to court at the time of your hearing; and
- Take financial documentation to provide proof of the numbers you have given.

If you have completed this worksheet to **modify** a child support obligation:

- Attach any documentation required;
- Make a copy of the worksheet for your records;
- Make a copy of the worksheet to serve on the other party and/or the state; and
- Attach the original worksheet to the Request for Modification of Child Support and file it with the Clerk of Superior Court.

NOTE: DEVIATION FROM THE GUIDELINES AMOUNT

If you believe the amount of child support shown by this worksheet is too low or too high, the Court has the power to deviate from the guidelines (order support in a different amount), if an order would be unjust or inappropriate. A deviation can only be ordered if the court makes appropriate findings based upon evidence presented by either party or agreement of the parties. [Guidelines 20]