

SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO FILL OUT PATERNITY, LEGAL DECISION MAKING (CUSTODY), PARENTING TIME, AND CHILD SUPPORT PAPERS

WHEN TO USE THIS PACKET:

- Use this packet if you want to get a court order for paternity, legal decision making (custody), parenting time, and child support and you do not already have an order. If you want a court order for legal decision making (custody) and parenting time, and you have a support order, the court will also review the current child support order. If the child support order needs to be changed, the court will do so. If there is no support order, the court will establish child support along with paternity, legal decision making (custody) and parenting time.
- If you have a paternity order or the father's name is already on the birth certificate of all children for whom the court order is requested but you do not have a legal decision making (custody) order, you may use the separate forms to establish legal decision making (custody), parenting time and child support (when paternity has *already* been established) instead.
- **IMPORTANT NOTICE ABOUT WHEN YOU CAN BRING A LEGAL DECISION MAKING (CUSTODY) CASE IN THE SUPERIOR COURT IN ARIZONA:** Generally, the child or children must have resided in Arizona for at least 6 months, or since birth if younger than 6 months old. Arizona must be the minor child(ren)'s primary place of residence before you file. If you have questions regarding this requirement, see a lawyer before filing.
- **IMPORTANT NOTICE ABOUT WHEN YOU CAN SUE ANOTHER PERSON IN ARIZONA FOR PATERNITY OR CHILD SUPPORT:** You can sue another person in Arizona to establish, enforce, or change a support order, or establish paternity, if ONE of the following statements is true about the other person:
 - The person is a resident of Arizona; OR
 - You serve the person with the court papers in Arizona. (See the Self-Service Center packet on "Service" if you have any questions.); OR
 - The person agrees to have the case heard in Arizona and files written papers in the court case; OR
 - The person lived with the minor child in Arizona at some time; OR
 - The person lived in this state and provided pre-birth expenses or support for the child; OR
 - The minor child lives in this state because of the acts or directions of that person; OR
 - The person had sexual intercourse in this state and the minor child may have been conceived; OR
 - The person signed an affidavit acknowledging paternity that was filed in this state; OR
 - The person signed an affidavit acknowledging paternity, OR
 - The person did any other acts that substantially connect the person with this state (see a lawyer to help you decide this).

DOMESTIC VIOLENCE:

Domestic violence can be part of any relationship. Domestic violence includes physical violence directed against you or your children, such as hitting, slapping, pushing, or kicking. Domestic violence includes threats of physical violence made against you and your children, or regular verbal abuse used to control you. Court documents request your address and phone number. If you are a victim of domestic violence, or if you do not want your address known to protect yourself or your minor children from further violence, **you must file a Petition for an Order of Protection and ask that your address not be disclosed on court papers. With that order, you do not need to put your address and phone number on your court papers.** If possible, get a P.O. Box or use another address on these papers. If you have no other address or phone where you can be reached when you file your court papers, write "protected" in the space where you are asked for this information. You must tell the Clerk of the Court an address and phone number as soon as possible.

FAMILY COURT/SENSITIVE DATA COVER SHEET IN CASES WITH MINOR CHILDREN. (All Forms: TYPE OR PRINT IN BLACK INK)

- Write in the information requested about petitioner, respondent, and any children under the age of 18.
- **DO NOT INCLUDE MAILING ADDRESS ON THIS FORM IF REQUESTING ADDRESS PROTECTION.**
- **Case Type: Mark the box that matches the legal procedure for which you are filing the documents in this packet: [x] Paternity.**
- **Interpreter: Check “yes” or “no” to indicate whether an interpreter is needed. If “yes”, write in what language(s).**
- **No additional copies needed. Do NOT deliver (“serve”) this document to the other party.**

SUMMONS:

Fill in the following information where requested: Your name; address (if not protected); city, state and zip code; telephone number; ATLAS NUMBER (if you have one); name of Petitioner (your name); and name of Respondent (the other party's name).

PETITION FOR PATERNITY with LEGAL DECISION MAKING (CUSTODY), PARENTING TIME, AND CHILD SUPPORT:

Use this form if you want to get a court order for paternity, along with orders for legal decision making (custody), parenting time and child support.

- Make sure your form states “**PETITION FOR PATERNITY, LEGAL DECISION (custody), PARENTING TIME AND CHILD SUPPORT**” in the upper right-hand part of the first page.
- In the top left corner of the first page, fill out: YOUR name; address (if not protected); city, state and zipcode; telephone number; and your ATLAS number (if applicable).
- **Fill in YOUR name in the space that says "Name of Petitioner."** Remember, you will be the PETITIONER through the whole case. In the space that says "Name of Respondent," fill in the name of the other party, who will be the RESPONDENT for the rest of your case. Leave “Case Number” blank. The Clerk will fill in the case number when you file your court papers.

NOTE: IF YOU HAVE AN EXISTING FAMILY COURT CASE IN MARICOPA COUNTY AGAINST THE SAME PARTY, USE YOUR EXISTING CASE NUMBER. IF YOU DO NOT KNOW YOUR EXISTING CASE NUMBER, ASK THE CLERK BEFORE YOU FILE YOUR PETITION.

General information:

1. 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 paternity order.
2. Fill in the name of the other party, his or her address, and date of birth. This is basic information about the other party, the RESPONDENT, and his or her relationship to the minor children for whom you want the paternity order.
3. Check one or more boxes about why you can pursue your court case against the other party in Arizona.
4. Fill in information about all the children for whom you want this paternity order, with legal decision making (custody), parenting time, and child support. The same persons should be the mother and the father for all the minor children for whom you want this paternity order. If you think the minor children have different fathers or mothers, you need to file a separate lawsuit against that person.

Statements about paternity:

5. Why do you think the person is the father of these minor children? Check whichever box describes your situation.
 - **AFFIDAVIT:** Check this box if both you and the other party signed an Affidavit of Paternity stating that Petitioner or Respondent is the father of the minor child(ren).
 - **BIRTH CERTIFICATE:** Check this box and print the father's name here if the father is named on each minor child's birth certificate. Attach a certified copy of the birth

certificate(s) to the complaint – **or if a photocopy, be prepared to present the certified copy in court.**

- **BLOOD TEST:** Check this box if paternity has been established through a DNA blood test of the mother, father and minor child(ren). Print the name of the person found to be the father. Attach a copy of the blood test result and/or resulting court order to the complaint.
 - **PARTIES LIVING TOGETHER:** Check this box if the people you say are the father and mother were living together and having sex during the 10 months before the birth of the minor child(ren).
 - **SEXUAL INTERCOURSE:** Check this box if the parties were not living together but had sex at the date the child was conceived, and to your knowledge the mother did not have sex with anyone else at that time.
 - **OTHER:** Check this box if there is another reason paternity is correct.
6. Tell the court whether the mother was married at the time or within 10 months before time the minor children who are the subject of your request for court order were born or conceived. **If she was, you must add that HUSBAND to the court case, even if you say that the husband was not the father of the minor child(ren).**

Other information about the minor children: If you are aware of court cases about the minor children, you need to tell the court. Attach a copy of any order about legal decision making (custody), parenting time, or child support to the **Petition (IF the order is NOT from the Superior Court in Maricopa County.**

7. Fill out where the minor children from this action have been living **for the past 5 years.** If any children are under age 5, put the information about where they have been living since birth. Write each minor child's name; the address where the minor child lived; the dates the minor child lived at each address; whom the minor child lived with; and the relationship of that person to the child. While you may not remember the dates and addresses, you must fill this information out as completely as possible.
8. The Court **MUST** know if there have been other cases involving legal decision making (custody), parenting time or child support of the minor children in this case, even if you were not a party. If there are no other legal decision making (custody) or parenting time cases, or you don't know of any, check the second box and GO ON. If you have been involved in any way with this type of Court case, check the first box and give the requested information. Tell the Court what happened and what is going on in the other case(s) .
9. You must tell the Court if you participated as a party or witness in any court case involving issues **other than legal decision making (custody) or parenting time** of the minor child(ren). If your answer is "no," check the second box and GO ON. If there **is** another case, check the first box and give as much information as possible. This information could affect you or your minor children's rights in this case.
10. If you know of another person **other than the other party** to this case who has physical custody (has the child or children living with him or her) or who is claiming legal decision making or visitation rights to any of the minor children, check the first box and supply the requested information. If you know of such a person, you must include him or her as a respondent in this court case. If not, check the second box and GO ON.
11. This section tells the Court what legal decision making (custody) arrangement **you** want. Please check the box that describes what you want the Court to order. If you check the box for "Joint Legal Decision Making (custody)", please explain your reasons in the space provided.

Other statements to the Court:

12. **MEDICAL EXPENSES:** If you were required to pay for expenses related to the birth of your child, such as hospital and doctor bills, you can check this box to request the father to pay some or all of these expenses.

13. **OTHER EXPENSES:** This tells the Court that the parties should pay for bills not covered by insurance in an amount equal to their respective incomes.
14. **DOMESTIC VIOLENCE:** This tells the Court if there was domestic violence in the relationship, and relates to a request for joint legal decision making (custody), if you intend to ask for joint legal decision making (custody). If you are not sure what this means, see the paragraph on **DOMESTIC VIOLENCE** on the first page of these instructions. Check the box that best describes your situation. If domestic violence has not occurred, GO ON.
15. **VENUE:** Generally, if either one of the parents or the minor children are residents of Maricopa County, the case can be taken care of here.
16. **DRUG CONVICTION WITHIN LAST TWELVE MONTHS:** This tells the Court whether you have been convicted of a drug or alcohol offense within the last twelve months.

Requests to the court for paternity, legal decision making (custody), parenting time and child support: This requests that the Court make Orders relating to issues such as paternity, legal decision making (custody), parenting time and support.

- A. **PATERNITY:** Check this box and put the father's **full name** on the line provided to tell the Court you want a ruling as to the father's identity.
- B. **BIRTH CERTIFICATE:** Write the father's full name as it should appear on the child's birth certificate.
- C. **CHILD(REN)'S LAST NAME:** Check this box only if you want the minor child(ren)'s last name changed. Write in the name you want (mother's or father's).
- D. **LEGAL DECISION MAKING (custody) OF MINOR CHILDREN AND PARENTING TIME.**
 1. **SOLE LEGAL DECISION MAKING (custody):** If you want sole legal decision making (custody), check the boxes that apply, including the parenting time you are asking for. Tell the court whether you want legal decision making (custody) of the minor children to go to you (the Petitioner); or the other party (the Respondent).

PARENTING TIME: Check one box only. You can ask that the non-custodial parent (the parent having physical custody of the child less than 50% of the time) have one of the following types of parenting time:

 - A. **Reasonable parenting time.** This suggests an amount of parenting time appropriate to the age of the child. The Court offers suggested amounts of parenting time, but the amount can vary by agreement of both parents. If both parents agree, complete the Parenting Plan before you go to the Judge for your final order.
 - B. **Supervised or no parenting time to the non-custodial parent.** You may request supervised or no parenting time if the non-custodial parent cannot adequately care for the minor children or cannot do so without another person present. You may request this if the person not having legal decision making (custody) abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for a child without another person present. Supervised or no parenting time is not intended to punish the parent, but to protect the minor child(ren). You must write in why you say the parenting time should be supervised or no parenting time allowed.
 - i. **Supervised visitation:** Describe how supervised parenting time should work.
 - ii. **No parenting time to the non-custodial parent.** Check this option only if the non-custodial parent has seriously harmed, abused, or otherwise is a serious danger to the minor child's physical and emotional health, or if there is a criminal Court Order stating there is to be no contact between the child and the non-

custodial parent. This is used as a last resort to protect the child.

2. **JOINT LEGAL DECISION MAKING (CUSTODY):** If you are asking for joint legal decision making (custody), you will need to file a Joint Legal Decision Making (custody) Agreement signed by both parents which will be given to the judge for court approval later in the process. The Joint Legal Decision Making (custody) Agreement is part of the "Parenting Plan" contained in Packet 4, "The Court Order".
- E. **CHILD SUPPORT:** Check which party should pay child support. (The box you check should match what is on your completed Child Support Worksheet.)
- F. **MOTHER'S EXPENSES:** Check this box indicating if Respondent should be required to pay for expenses relating to the birth of the child.
- G. **HEALTH, MEDICAL, DENTAL INSURANCE AND HEALTH CARE EXPENSES:** Check which party should be responsible for health, medical and dental insurance.
- H. **TESTING AND COSTS:** This section asks that if the other party contests this matter that you want the Court to order cooperation with any blood or tissue tests necessary to establish paternity. It also asks the Court to award you costs and fees if the other party contests this matter by filing a Response.
- I. **OTHER ORDERS:** Write the additional orders you are requesting the Court to make that were not covered in your Petition.

UNDER PENALTY OF PERJURY: Sign this form in front of a deputy clerk of court (at the filing counter) or a Notary Public. By doing so, you declaring to the Court under penalty of prosecution for perjury that everything contained in your Petition is true.

NOTICE REGARDING THE PARENT INFORMATION PROGRAM (PIP)

This is an important document. You and the other parent must attend and complete a class in the Parent Information Program. The purpose of the Parent Information Program is to give parents information about the impacts that divorce, changes in the family unit, and/or court involvement have on children involved in a divorce, paternity, or other family court case. This Notice applies to all parents who file an action for divorce or legal separation, or any family court proceeding, in which a party has requested that the court determine legal decision making (custody) or parenting time on or after January 1, 1997, and to all other domestic relations cases if ordered by the Court.

Read this notice. Do what it says, and serve this notice on the other party.

OTHER IMPORTANT PAPERS IN THIS PACKET

Before you get an order from the judge you must complete the court papers on what you want the judge to order about paternity, legal decision making (custody), parenting time and child support. The court papers you need, with guidelines and/or instructions, are included in this packet. The judge uses these court forms, and those prepared by the other party when it is time to sign the order about paternity, legal decision making (custody), visitation, and support. You can complete these papers now, and serve or provide copies to the other party. Or, you can complete the papers before the final court hearing date and provide copies to the other party.

Regarding the "Child Support Worksheet", also known as "the Parents Worksheet", refer to the separate "How to Calculate Child Support" packet and the Arizona Child Support Guidelines to complete that form, or you may substitute a printout of the worksheet produced by the Superior Court's free *online* Child Support Calculator at: <http://superiorcourt.maricopa.gov/ezcourtforms>