PATERNITY

For Petitioner and Respondent

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3

STIPULATION TO FILE CONSENT DECREE

TO GET A PATERNITY JUDGMENT/ORDER WHEN BOTH PARTIES AGREE

Part 3: Forms and Instructions

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DRP7 – 5056 -0213

SELF-SERVICE CENTER

PATERNITY DECREE
BY CONSENT (AGREEMENT) OF BOTH PARTIES

CHECKLIST

You may use these forms if . . .

- ✓ You or the other party filed a **Petition to Establish Paternity**, **Legal Decision Making** (Custody), **Parenting Time, and Child Support**, **AND**

- ✓ You and other party agree on **all** the terms of a proposed court order (a "Consent Decree"), including:
  1. **Paternity** (who the father is),
  2. **Custody** (now called "Legal Decision Making" in Arizona),
  3. **Parenting Time** (visitation), and
  4. **Child Support**.

- ✓ You and the other parent will provide your notarized signatures on the agreement ("stipulation") to indicate your agreement on all terms;

- ✓ You and the other parent have attended or will attend the **Parent Information Program** (**PIP**) before you file the Consent Decree;

✖ **DO NOT USE THESE FORMS IF:**

- ✖ You disagree on **ANY** terms the proposed court order ("the consent decree").

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Self-Service Center website at www.superiorcourt.maricopa.gov/SSC

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PATERNITY
DECREE BY CONSENT (AGREEMENT) OF THE PARTIES

This packet contains information, court forms and instructions about how to get a court order for paternity, legal decision making (custody), parenting time (visitation), and child support by consent (or "stipulation") when both parties agree on all terms of the court order. The documents are in the following order:

Order	File Number	Title	# pages
1	DRP7k	Checklist: *You may use this packet if . . .*	1
2	DRP7t	Index (this page)	1
3	DRP71i	Instructions: How to fill out the Stipulation (Agreement) to file a Consent Paternity Judgment/Order	3
4	DRP71f	***"Stipulation (Agreement) to file a Consent Paternity Judgment/Order"***	5
5	DRP71p	Procedures: How to Get Paternity Judgment/Order by Consent	2

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INSTRUCTIONS: HOW TO FILL OUT THE STIPULATION (AGREEMENT) TO FILE A CONSENT PATERNITY JUDGMENT/ORDER

Use these instructions only if you and the other party have agreed to a Paternity Judgment/Order and have agreed to file and sign a Consent Paternity Judgment/Order

INSTRUCTIONS FOR FILLING OUT THE STIPULATION (AGREEMENT):

(The section number in front of each paragraph below is the same as the section number on the Stipulation (Agreement). For example: Read section (A) below. Then, turn to section (A) on the Stipulation (Agreement). The section letter can be found at the end of each paragraph. Each section below will help you fill out each section of the Stipulation (Agreement).

SECTION: **Type or write in black ink only.**

(A) **INFORMATION ABOUT THE PETITIONER:** Write in the Petitioner's name, current address, city, state, zip code, and telephone number. If you have an ATLAS number, write in the number. (The person who filed the Petition for Paternity is the Petitioner.) If a lawyer represents the Petitioner, write in the Petitioner's lawyer's name, bar number, address, city, state, zip code, and telephone number instead of the Petitioner's name and so forth. Check the box to tell the court whether you are representing yourself or a lawyer represents you.

(B) **INFORMATION ABOUT THE RESPONDENT:** Write in the Respondent's name, current address, city, state, zip code, and telephone number. (The person who was served with the paternity papers is the Respondent.) If a lawyer represents the Respondent, write in the Respondent's lawyer's name, bar number, address, city, state, zip code, and telephone number instead of the Respondent's name and so forth. Check the box to tell the court whether the Respondent is representing him or herself or is represented by a lawyer.

(C) **NAMES:** Write in the Name of the Petitioner and the Respondent in the space provided.

(D) **CASE NUMBER**. Write in your court case number.

Each party must put his or her initials in the space provided for every statement that is true. If a statement does not apply to your case, write "N/A" for "not applicable" in the space for your initials. **If any statement is not *true*, you may not be able to get a *CONSENT* Paternity Judgment/Order, and may have to proceed to trial (and follow trial preparation procedures) instead.**
Each time you initial a statement you are indicating to the court that you have read that statement and the information in that statement is TRUE. When you sign your name at the end of the document you are stating to the court that all the information contained in the document is true to the best of your knowledge and belief, under penalty of perjury. This means that if you knowingly supply false information, you could be punished by the court. If you do not understand any of the statements or need help with other trial procedures, you should see a lawyer for help before signing this paper.

(D) **AGREE AND UNDERSTAND.** This section tells the judge or commissioner:

1. That both parties have read the Stipulation (Agreement) and the Consent Paternity Judgment/Order, AND
2. That both parties understand and agree with the Stipulation (Agreement) and the Consent Paternity Judgment/Order, AND

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3. That both parties want the judge or commissioner to sign the Consent Paternity Judgment/Order.
4. Make sure that there are no blanks, except for the date and signature line for the judge/commissioner to sign. If the statement does not apply to your case, write in "N/A."

(F) **TIME FRAME.** Write in the day the Respondent was served with the court papers.

(G) **PAYMENT OF COURT FEES.** This section tells the judge or commissioner that both parties have either paid the court fees and/or costs or have received an initial **Order of Deferral**. **You must provide either a copy of the receipt showing that you paid the court fees and/or costs, or you must provide a copy of the Order of Deferral. Both parties must do this.**

(H) **SELF-ADHESIVE, REMOVABLE TABS OR MARKERS.** This section tells the court that you have put self-adhesive, removable tabs or markers on the pages(s) of the original and two (2) copies of the Paternity Judgment/Order where the judge or commissioner dates and signs the Judgment/Order. *Make sure you use easily removable tabs.* Do not use paper clips or tape.

(I) **ORIGINAL DOCUMENTS AND COPIES**. Make sure you give the judge/commissioner the documents requested. Check the box to show each documment that you are giving the judge/commissioner.

(J) **APPEARANCE BY RESPONDENT.** This section tells the judge or commissioner that by signing the Stipulation (Agreement), the Respondent or Defendant has "appeared" in this case and is submitting to the jurisdiction of the Court.

(K) **RIGHT TO TRIAL IS WAIVED.** This section tells the judge or commissioner that both parties do not want a trial and are waiving any right they may have to a trial.

(L) **NO DURESS OR COERCION. COMPLETE AGREEMENT.** **This section tells the judge or commissioner that both parties want to sign this Stipulation (Agreement) and that no one is making them sign this paper.** It **also** tells the Judge or Commissioner that your agreement is contained in the Stipulation (Agreement), Paternity Judgment/Order, and any attachments, and that you have not made any agreement that is not contained in these documents.

(M) **LEGAL ADVICE.** This section tells the judge or commissioner that both parties understand that they have a right to hire a lawyer for legal advice or to represent them in this matter. The Self-Service Center has a list of lawyers you may hire to help on a task-by-task basis rather than to handle the entire matter. If you choose a lawyer from the list, the lawyer will discuss with you the fee arrangement.

(N) **JUDICIAL DISCRETION.** This section tells the judge or commissioner that both parties understand that the judge or commissioner will review the court papers and can decide whether to sign the documents.

(O) **PARENTS OF THE MINOR CHILD(REN).** Write in the name of the mother of the minor child(ren), and the name of the father of the minor child(ren). **This section tells the court that both parties agree to whom the mother and father of the minor child(ren) is/are.**

(P) **CUSTODY, PARENTING TIME AND CHILD SUPPORT.** Initial the paragraphs and then check one box only. **This section tells the judge or commissioner that both parties believe that the custody, parenting time and child support arrangements are in the best interest of your**

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minor child(ren). This section also tells the judge or commissioner whether you have asked to deviate from the child support guidelines. **If you ask the judge to deviate from the child support guidelines, you must tell the judge why.**

(Q) **DOMESTIC VIOLENCE**. **This section only applies if you are asking for joint custody.** If you are not asking for joint custody, write in "n/a" for not applicable. If you are asking for joint custody, check box "A" or box "B." If you checked box "B," you must tell the judge why joint custody is in the best interest of the children, even though domestic violence has occurred.

(R) **PARENT INFORMATION PROGRAM.** This section tells the judge or commissioner that both parties have completed the **Parent Information Program** (PIP) class ***before*** filing the Consent Paternity Judgment/Order. This requirement concerns parents who filed for paternity on or after January 1, 1997 or whom a judge or commissioner has ordered to take the class. Remember to attach a copy of both **Certificates of Completion** to the Stipulation. In the event, the Respondent cannot or refuses to attend the class, you can write in the reasons why the Respondent cannot or refuses to attend the class.

(S) **DOCUMENTS INVOLVING MINOR CHILDREN.** This section tells the judge or commissioner that you have attached the documents regarding the minor children that the judge or commissioner needs to sign your paternity judgment/order. Don't forget to do this.

(T) **SIGNATURE OF PETITIONER/SIGNATURE OF RESPONDENT.** This section tells the judge or commissioner that the Stipulation (Agreement) is true and correct to the best of your knowledge and information. Both parties must sign the Stipulation (Agreement) in front of a Notary Public or Deputy Clerk of Court. (The Notary Public or Clerk will need photo identification from to notarize or verify your signature.)

(U) **SIGNATURE OF EACH LAWYER.** If a lawyer represents either party, the lawyer must also sign the document.

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Petitioner's Name or Lawyer's Name: (A)_____
Address:_____
City, State, Zip Code:_____
Telephone:_____
ATLAS Number:_____
Lawyer's Bar Number:_____
Representing ☐ Self, without a Lawyer or Attorney for ☐ Petitioner OR ☐ Respondent

Respondent's Name or Lawyer's Name: (B) _____
Address:_____
City, State, Zip Code:_____
Telephone:_____
ATLAS Number:_____
Lawyer's Bar Number:_____
Representing ☐ Self, without a Lawyer or Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

_____**(C)**
Petitioner's Name

Case Number _____ **(D)**

STIPULATION TO FILE CONSENT PATERNITY JUDGMENT/ORDER

_____
Respondent's Name

STATE OF ARIZONA)
County of Maricopa) ss.

INSTRUCTIONS: This document has a separate instruction sheet. The letters following the paragraphs match the letters in the instruction sheet. Each party must put his or her initials in the space provided for every statement that is true**. If any statement is not true, you cannot file a Consent Paternity Judgment/Order, and you should see a lawyer for help. If the statement does not apply to your case, write "N/A" for "not applicable" in the space for your initials.**

Petitioner's Initials	Respondent's Initials		
_____	_____	**1.**	**AGREE AND UNDERSTAND.** I have read this Stipulation and the Paternity Judgment/Order. I understand and agree with what is written in both documents, including that a Paternity Judgment/Order should be entered in my case. I have made sure that we have filled out the entire document and that there are no blanks, except for the blank date and signature line for the Judge or Commissioner ("Judicial Officer") to sign. **(E)**

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_____ _____ **2. TIME FRAME.** Respondent was served on _____. (Petitioner or Respondent must write in the date that the Respondent was served with the court papers or signed the Acceptance or Waiver of Service.) **(F)**

_____ _____ **3. PAYMENT OF COURT FEES.** I have paid the court fees. I am submitting a **copy of my receipt** to prove payment. (**Both** the Petitioner and the Respondent must provide a copy of his or her receipt.) **OR** I have received an initial Order Deferring my fees and/or costs and I have enclosed a copy of that Order. **(G)**

_____ _____ **4. SELF-ADHESIVE, REMOVABLE TABS OR MARKERS.** I have put self-adhesive, removable tabs or markers on the page(s) of the original and two 2) copies of the Paternity Judgment/Order where the Judicial Officer dates and signs the Judgment/Order. (I have used easily removable tabs. I have not used paper clips or tape.) **(H)**

_____ _____ **5. ORIGINAL DOCUMENT AND COPIES.** I am giving the Judicial Officer the following items: (Check each box to show that you have done each item.) **(I)**

- ☐ **Original Stipulation to File** Consent Paternity Judgment/ Order, signed and notarized by you and the other party;
- ☐ **Original and 2 copies of Paternity Judgment/Order**, signed and notarized by you and the other party;
- ☐ **Two pre-addressed, postage paid envelopes** (9"x 14"): Address one envelope to yourself. Address one envelope to the other party. (The court will mail to you and other party a signed copy of the Judgment/Order.)
- ☐ **A copy of the receipt(s) and/or Order(s) of deferral** that show that both parties have paid the court fees or have had the court fees deferred.

_____ _____ **6. APPEARANCE BY RESPONDENT.** The Respondent states that by signing this Stipulation, the Respondent has made a formal appearance and is submitting to the jurisdiction of this Court. **(J)**

_____ _____ **7. RIGHT TO TRIAL IS WAIVED.** I understand that by signing this Stipulation and signing the Judgment/Order, I am waiving my right to a trial before a judge. **(K)**

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Petitioner's Initials	Respondent's Initials	
_____	_____	**8. NO DURESS OR COERCION. COMPLETE AGREEMENT.** I am not under any force, threats, duress, coercion, or undue influence from anyone, including the other party, to sign this Stipulation. The Paternity Judgment/Order with attachments, if any, that I have signed is our full agreement. I have not agreed to something different from what is stated in writing in the Judgment/Order. **(L)**
_____	_____	**9. LEGAL ADVICE.** I understand that even if I am representing myself without a lawyer, I have the right to be represented by a lawyer. I have the right to call a lawyer and get legal advice before I sign this Stipulation and the Paternity Judgment/Order. **(M)**
_____	_____	**10. JUDICIAL DISCRETION.** I understand that the judge/ commissioner will review all the papers and decide in his or her discretion whether to sign the Paternity Judgment/Order or not. I understand that it takes at least thirty (**30**) days from the day that I submit the Judgment/Order for the Judicial Officer to sign the papers and return a copy to me. **(N)**
_____	_____	**11. PARENTS OF THE MINOR CHILD(REN). I agree that _____ is the mother of the minor child(ren), and _____ is the father of the minor child(ren). (O)**
_____	_____	**12. CUSTODY, PARENTING TIME AND CHILD SUPPORT.** The arrangement for custody, parenting time and child support are in the best interests of the minor child(ren). **(P)** ☐ **Child Support has been calculated without any deviation from the guidelines**. **OR** ☐ **Child Support has been calculated and the parties agree and request a deviation from the guidelines for the following reasons:** (Explain why the judge should allow you to deviate from the child support guidelines. Use additional paper if necessary.)

_____

_____

_____

_____

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Petitioner's Initials **Respondent's Initials**

Case No._____

_____ _____

13. DOMESTIC VIOLENCE. **If** you are asking for joint legal decision making (joint custody) of the child(ren), you must check box "A" or box "B" and tell the judicial officer whether there has been domestic violence. **(Q)**

A. ☐ Domestic violence **has not** occurred, OR

B. ☐ Domestic violence **has** occurred, but the domestic violence has not been significant. Explain why joint custody is in the best interest of the minor child(ren) even though domestic violence has occurred: (Use additional paper if necessary.)

_____

_____

_____

_____

_____ _____

14. PARENT INFORMATION PROGRAM. I have completed the **Parent Information Program** class and have filed the Certificate of Completion with the Clerk of the Court. **Copies of the Petitioner's and the Respondent's Certificates of Completion are enclosed**. **(R)**

State law requires that **both** the Petitioner and Respondent must attend the class and file the original **Certificate of Completion** with the Clerk of the Court before the judge will sign the Decree/ Judgment/Order. The court understands that there are, in rare instances, times when the Respondent cannot attend the class. If the Respondent will not or has not completed the class, tell the judge why in the space below.

_____

_____

_____

Keep in mind that the judge can still require both parties to attend the class before the judge will sign the Decree/Judgment/Order. You should also know that any party who refuses to attend the class, may be denied the right to seek modification and/or enforcement of the Decree/Judgment/Order until completion of the class.

_____ _____

15. DOCUMENTS INVOLVING THE MINOR CHILDREN. You must give the Judicial Officer the following items. **(S)** Check the box next to each item to tell the Judicial Officer that you are giving the Judicial Officer the following documents:

☐ Child support has already been ordered by this court. There is no need to change the child support order at this time. A copy of the child support order is attached. (Attach one copy of the signed order.)

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Case No. _____

(If you check the box(es) below, you need to provide an **original and 2 copies** of the following:*

- ☐ **Child Support Worksheet** signed and notarized by both parties.
- ☐ **Child Support Order**. (*Not necessary **if** the Paternity Judgment/Order provides for the final amount, and the date child support payments begin.)
- ☐ **Judgment Data Sheet**.
- ☐ If you have asked the court for joint or shared custody of the minor children, you must give the Judicial Officer an Original and 2 copies of a **Parenting Plan signed by both parties** that includes a statement that you and the other party agree to joint custody of the minor children.

UNDER OATH OR BY AFFIRMATION (SIGNATURES OF BOTH PARTIES) (T)

Everything stated by me in this Stipulation is true and correct to the best of my knowledge, information and belief.

_____ _____
Petitioner's Signature Date

Sworn to/Affirmed before me this date: _____

_____ _____
Seal/My Commission expires: Deputy Clerk or Notary Public

_____ _____
Respondent's Signature Date

Sworn to/Affirmed before me this date: _____

_____ _____
Seal/My Commission expires: Deputy Clerk or Notary Public

SIGNATURE OF EACH LAWYER (if applicable): (U)

Approved by Petitioner's Lawyer: _____

Date: _____

Approved by Respondent's Lawyer: _____

Date: _____

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SELF-SERVICE CENTER

PROCEDURES: HOW TO GET A PATERNITY JUDGMENT/ORDER BY CONSENT

REQUIREMENTS: To get a Paternity Judgment/Order by Consent (Agreement), both parties must be or do the following things:

- **PAPERWORK and SIGNATURES.** Both parties (and their lawyers if lawyers represent them) must sign the ***Stipulation to File the Consent Paternity Judgment/Order***, and sign at the bottom of the ***Paternity Judgment/Order*** to show that both parties have read, approved and agreed to the Paternity Judgment/Order. You must also file all other required paperwork. **The Paternity Judgment/Order and the other paperwork you will need are in Self-Service Center Packet No. 4: Paternity: The Court Order.**

- **PARENT INFORMATION PROGRAM.** Both parties must attend the **Parent Information Program** (**PIP** class) and file a **Certificate of Completion** with the Clerk of the Court.

- **FEES:** There are fees for filing petitions, responses, requests, motions, objections, and various forms with the Court. Cash, AMEX/VISA/MasterCard debit or credit cards, money order, or personal check **made payable to the "Clerk of Superior Court"** are acceptable forms of payment.
  A list of current fees is available from the Self-Service Center and from the Clerk of Clerk of Court's website at: http://clerkofcourt.maricopa.gov/fees.asp

  WARNING: If this is a joint-filing by both parties as in a "stipulation" or "agreement", and it is the first time one of the respondent or his or her attorney has "appeared", that is, filed papers in this case, a substantial "appearance fee" (also known as a "filing", "response" or "answer" fee) *will be due from that party* at the time of filing.

  If you cannot afford the filing or response/answer fee, you may request a ***deferral*** (payment plan) when you file your papers with the Clerk of the Court. **Deferral Applications** are available at no charge from the Self-Service Center.

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PROCEDURE:

- **READ AND COMPLETE** all paperwork as instructed.
- **MAIL OR TAKE THE STIPULATION, PATERNITY JUDGMENT/ORDER AND OTHER PAPERWORK TO FAMILY COURT ADMINISTRATION**: Mail or take your papers to Family Court Administration at the court where you filed your Petition for Paternity. Court Administration business hours are Monday through Friday, **8:00 a.m. to 5:00 p.m.** at:
  - **101 W. Jefferson, 1st Floor, Phoenix, Arizona 85003; OR,**
  - **222 E. Javelina, 2nd Floor, Mesa, Arizona 85210.**
  - **14264 West Tierra Buena Lane, Surprise, Arizona 85374**
  - **18380 North 40th Street, Phoenix, AZ 85032**

- **ORIGINAL AND COPIES OF PAPERS: You must mail or take the following documents to Family Court Administration:**

  - **The original and two copies of the Stipulation to File the Consent Paternity Judgment/Order signed by both parties, (and lawyers, if lawyers represent the parties).**
  - **The original and two copies of the Paternity Judgment/Order signed by both parties**

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(and lawyers, if lawyers represent the parties).

- **Two copies of each receipt to prove payment of the filing fees by both the Petitioner and the Respondent; OR, the two copies of the initial Order of Deferral.**
- **Two stamped 9" x 12" envelopes.** Address one envelope to the Petitioner or his or her attorney. Address the other envelope to the Respondent or his or her attorney. Provide the current addresses on both envelopes, including zip code. **Make sure you put enough postage on the envelopes.**
- **The original and 2 copies of the completed Joint Parenting Plan signed by both parties, AND**
- **The original and 2 copies of the Joint Legal Decision Making (Joint Custody) Agreement signed by parties *if the parties are asking for joint custody*,** AND
- The **original and 2 copies of the completed *Parent's Child Support Worksheet***, AND
- The **original and 2 copies of the completed *Child Support Order***, AND
- The **original and 2 copies of the completed *Current Employer Information Sheet***, AND

- **WHAT THE JUDGE/COMMISSIONER WILL DO:** The judicial officer will decide by reading the ***Stipulation and the Paternity Judgment/Order*** whether to schedule a hearing or to sign the Judgment/Order. It is within his or her discretion to do either. If a hearing is scheduled, both parties will need to appear in court at the scheduled time to answer any questions the judge might have. A party who is unable to appear in person may request to "appear" by phone for good reason.

- **WAIT FOR THE PAPERWORK:** Both parties or their attorneys should receive a signed Paternity Judgment/Order *or a Rejection Notice* in the mail from the Court in about four weeks from the date you submitted the paperwork. If you do not receive paperwork within that time, you can call Family Court Administration *at* (602) **506-1561**.

- **IF YOUR STIPULATION FOR A CONSENT PATERNITY JUDGMENT/ORDER IS ACCEPTED:** You will not have to see the judge. The judge will sign the original Paternity Judgment/Order and have it filed with the Clerk of the Court. The Court will send a copy of the signed Paternity Judgment/Order to each party using the envelopes you provided. This is your notification that Paternity has been established.

- **IF YOUR STIPULATION FOR A CONSENT DECREE IS REJECTED:** The Court will send you a REJECTION/CORRECTION NOTICE informing you of the mistakes with the documents. Follow the instructions on the Notice if the mistakes can be corrected. If the mistakes cannot be corrected, you should see a lawyer for help.

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