VOLUNTARY ACKNOWLEDGMENT OF PATERNITY - MOTHER MARRIED (BUT THE LEGAL HUSBAND IS NOT THE FATHER)

INSTRUCTIONS: How to Complete All Forms

TO COMPLETE THESE FORMS YOU WILL NEED: the notarized or witnessed signatures of **both** the biological father and mother ***and*** the **"*Affidavit of the Legally Presumed Father*"** as well. You will also need a lab report if you checked "Genetic Testing" in item **(8)** on the "***Acknowledgment***".

YOU NEED TO KNOW: "Legally Presumed Father". By Arizona law (A.R.S. §25-814(A)), if the mother is legally married when the minor child(ren) is/are born or at any time in the ten months before, the man who is her legal husband of that time is ***legally*** **presumed** to be the father, even if he **is not** the actual biological father of the minor child(ren). No one else's claim to be the father will be recognized by the Court **unless** the **"legally presumed father"** gives his notarized permission. When these forms refer to **"legally presumed father"**, it means the mother's legal husband when the minor child(ren) was/were born or conceived.

1st Form: "FAMILY COURT/SENSITIVE DATA COVERSHEET IN CASES WITH CHILDREN" (All Forms: TYPE OR PRINT IN BLACK INK)

Information about the Petitioner, the person filing these papers: Write in the information requested in the space provided. If you do not have a cell phone or email address, leave those spaces blank. If your address and telephone numbers are protected, write **"Protected"**; you do not need to fill in this information. However, you must let the Clerk of the Court know how to reach you. If a lawyer represents you, the Petitioner, you must also write in the lawyer's name and bar number.

Information about the Respondent, the other biological parent: Write in the information requested for the Respondent. If some of the information requested does not apply, leave those spaces blank, otherwise fill in all spaces for which you know or can find the requested information.

Minor Children Involved: List the name(s), and date(s) of birth for any minor child(ren) involved in this specific case.

Case Type: Check only one box that matches the legal procedure for which you are filing the documents in this packet: **[x] Paternity.**

2nd Form: "*VOLUNTARY ACKNOWLEDGMENT OF PATERNITY with AFFIDAVIT OF LEGALLY PRESUMED FATHER*"

Match each numbered instruction to the same numbered item on the Acknowledgment and Affidavit.

(1) At top, left: Fill in the name, address, and phone number of the person filing the form.

(2) List the name of the parent who is filing this document on the line for "Petitioner" and the name of the other parent on the line for "Respondent".

(3) Leave this item blank. The Court will provide the case number.

(4) Fill in the ATLAS number IF one has been assigned; if none, leave blank.

(5) List the name(s) of the minor child(ren) for whom you want to the Court to issue an "Order of Paternity" on the lines marked (a), (b), and (c). Below the names write in the birthdates and place of birth in the same "abc" order. If you need to list more minor children, write in "Continued on next page." Attach that page and label it: "Parents Request Order of Paternity for:" and list the minor child(ren)'s names (as (d), (e), (f). etc. as appropriate), and then their dates of birth, and places of birth as in (5) on the first page.

(6) Fill in the information requested for the mother of the minor child(ren).

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(7) Fill in the information requested for the biological father of the minor children including where the father was born (city, state, and country).

(8) Mark the one box for either "Affidavit" or "Genetic Testing" as described below, that states the basis of your request for the Court to establish paternity by the person named as the natural father on the Acknowledgment.

- **Affidavit of Acknowledgment** -- Mark this box if **both** parents are signing this acknowledgment of paternity to tell the Court that you both agree that the man named as father on the Acknowledgment IS the father, **OR**
- **Genetic Testing** -- Mark this box if both parents agree to be bound by the results of genetic testing and you have a copy of the test results showing that the individual named as the father has not been excluded as the biological father.

(9) Optional: IF you want the Court to order Vital Records to change the minor child(ren)'s name(s) on the birth certificate(s) (to give them the father's last name (or otherwise), list the *new name*(s) on the lines provided. List the minor children in the same (a),(b),(c) order as in (5) on the first page. If you need more lines to list additional minor children, write in "Continued on next page," attach that page and label it "Parents request for name change" and list the minor children in the same (d),(e),(f) order previously done for any "extra" children.

Signing and filing this affidavit will permanently affect your legal rights and responsibilities relating to the minor children named in the *Voluntary Acknowledgment of Paternity*. You may want to consult a lawyer before signing this document.

(10) **SIGNATURES:** The biological mother AND father must both sign the form in front of a Notary Public, Clerk of the Court, *or* a witness over the age of 18 and not related to either parent. By signing this form, you are telling the Court, under penalty of law, that the information on the form is true and correct to the best of your knowledge.

(11) **"AFFIDAVIT OF LEGALLY PRESUMED FATHER" – (REQUIRED).** Type or print the name of the **"legally presumed father"** who was married to the mother of the minor children when the minor children were born or at any time throughout the ten months prior to birth. **The "legally presumed father" must sign in front of a Notary Public or Clerk of the Superior Court** consenting to the acknowledgment of paternity filed.

3RD Form: ORDER OF PATERNITY (A.R.S. §25-814)

FOLLOW THESE INSTRUCTIONS WHICH ARE NUMBERED TO MATCH THE IDENTIFYING NUMBERS ON THE FORM. TYPE OR PRINT NEATLY USING BLACK INK.

(1) Write in the name of the parent filing the form.
(2) Write in the name of the other parent on the line below.
(3) Leave this line blank. The Clerk's Office will supply the case number.
(4) Fill in the ATLAS number IF one has been assigned; if none, leave blank.
(5) For each child, fill in the name, date of birth, place of birth, as listed in Item 5 of the Acknowledgment.
(6) Fill in the name and other requested information for the natural mother as listed in Item 6 of the ***"Voluntary Acknowledgment of Paternity".***
(7) Fill in the name, date of birth, and place of birth of the natural father.
(8) Write in the full name of the father as it appears on his birth certificate, or if he has changed his name legally, check the box and write his current legal name.
(9) If you want to change the legal name(s) of the minor child(ren) because of this paternity order, enter the new name(s) exactly as you want them to appear on the amended birth certificate(s).

STOP! Leave the rest of the form blank. Court staff will fill in the rest of the form.

AFTER YOU HAVE COMPLETED ALL FORMS: Go to the "PROCEDURES" page at the end of this packet.

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