SELF-SERVICE CENTER

HOW TO FILL OUT PAPERS FOR CUSTODY and/or CHILD SUPPORT and PARENTING TIME

WHEN TO USE THIS PACKET:

Use this packet if you want to get a court order for child custody and/or child support and parenting time. **YOU CANNOT USE THIS PACKET TO ESTABLISH PATERNITY.** USE THIS FORM **ONLY** if you are the natural or adoptive parent of the child(ren), **AND**

- You already have a court order establishing paternity, OR
- You have a court order for child support, OR
- You have established paternity by filing an affidavit of paternity through the Hospital Paternity Program (A.R.S. § 25-812, § 36-334) or other method permitted by law after July of 1996.

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 or if the order needs to be changed, the court will sign a child support in your case.

IF YOU HAVE A COURT ORDER FOR PATERNITY OR CHILD SUPPORT FROM ANOTHER STATE OR ANOTHER COUNTY IN ARIZONA

If you have a court order involving the child(ren) from this case from a different state, or from a different county in Arizona, you should:

- Get a **certified copy** of the paternity or child support order from the other state or county, **AND**
- Give the **certified copy** to the Clerk of Court when you file your court papers**, AND**
- The Clerk of the Court will file the order and assign a case number to your case in Arizona.

IMPORTANT NOTICE ABOUT WHEN YOU CAN BRING A CHILD CUSTODY CASE IN THE SUPERIOR COURT IN ARIZONA: Generally, you should have resided (lived) in Arizona with the child(ren) for at least 6 months, **OR** Arizona must be the child(ren)'s primary place of residence before you file, **OR** if the child is less than 6 months old, the child must have resided (lived) in Arizona since his/her birth. 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 the defendant/respondent in Arizona to establish, enforce, or change a support order, or establish paternity, if ONE of the following statements is true about the defendant/respondent:

- The other party is a resident of Arizona; **OR**
- You serve the other party with the court papers in Arizona. (See the Self-Service Center packet on service if you have any questions.); **OR**
- The other party agrees to have the case heard here and files written papers in the court case; **OR**
- The other party lived with the child in this state; **OR**
- The other party lived in this state and provided pre-birth expenses or support for the child; OR
- The child lives in this state because of the acts or directions of the other party; **OR**
- The person had sexual intercourse in this state and the child may have been conceived in this state; **OR**
- The other party signed an affidavit acknowledging paternity; **OR**
- The other party did any other acts that substantially connect the person with this state (see a lawyer to help you decide).

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DOMESTIC VIOLENCE

Domestic violence can be part of any relationship. Domestic violence includes physical violence such as hitting, slapping, pushing or kicking, directed against you and/or your children **AND/OR** it can also include regular verbal abuse and/or threats of physical violence made against you and/or your children, as a method 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 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 this 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 valid address on these papers. If you have no other address or phone number where you can be reached, write "protected" on the forms where asked for this information. You must, as soon as possible, tell the Clerk of the Court an address and phone number where you can be reached.

CASE NUMBER

Use the Case Number on all your court papers. This is the number you were given in the paternity or child support case you had in Maricopa County. Or, if your paternity or child support case was from another county or another state, use the number the Clerk of the Court gave you when you filed the certified copy of your other court case in Maricopa County (see instructions above).

FAMILY COURT / SENSITIVE DATA COVER SHEET
(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 only one box that matches the legal procedure for which you are filing the documents in this packet: [x] Dissolution (Divorce).**
- **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 serve this document on the other party.

Location: If you are filing your documents in downtown Phoenix, check the Downtown Phoenix box; if you are filing your documents in the Northeast facility, check the Northeast box. If you are filing your documents in Mesa, check the Mesa box. If you are filing your papers in Surprise, check the Surprise box.

SUMMONS

Fill in the following information: Your name; address (if not protected); city, state and zip code; telephone number; ATLAS NUMBER; name of Petitioner (your name); and name of Respondent (the opposing party's name). You will have an ATLAS number **ONLY** if you receive or have received AFDC or other government benefits for the child(ren) for whom you want to establish custody and/or parenting time.

PETITION

A. Make sure your form states PETITION FOR CHILD CUSTODY, PARENTING TIME AND CHILD SUPPORT, OR PETITION FOR CHILD CUSTODY AND PARENTING TIME in the upper right-hand part of the first page. Decide what you want a court order for. Here are your choices:

1. CUSTODY, PARENTING TIME, AND CHILD SUPPORT: Check this box if you have a court order for paternity but not for custody, parenting time and child support, OR if you have a court order for child support but need to change it because of what you are asking the court to do with custody.

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2. CUSTODY AND PARENTING TIME: Check this box if you have a court order for child support and do not think your requested changes to custody and/or parenting time will change the child support order. **WARNING: The Judge may change the child support order even if you do not ask for this.**

B. In the top left corner of the first page, fill out the following: YOUR name; address (if not protected); city, state and zip code; telephone number; and your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security.

C. Fill in the space that says "Name of Petitioner" and "Name of Respondent." You will be the PETITIONER if your paternity or child support order was from another county or another state, and this is the first time you are filing a court case in Maricopa County. Otherwise, complete the caption the same way it was in the paternity or child support case in Maricopa County.

WARNING: IF YOU HAVE AN EXISTING CASE IN MARICOPA COUNTY AGAINST THE SAME PARTY, DO NOT GET A NEW DR/FC/FN CASE NUMBER WHEN FILING YOUR CASE! USE YOUR EXISTING DR/FC/FN CASE NUMBER. IF YOU DO NOT KNOW YOUR EXISTING CASE NUMBER, ASK THE CLERK FOR YOUR EXISTING NUMBER BEFORE YOU FILE YOUR COMPLAINT / PETITION.

D. **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 child(ren) for whom you want the custody and/or parenting time 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.

3. Decide why you can pursue a court case against the Respondent in Arizona. Check the boxes that apply.

4. Fill in information about all the children for whom you want custody/parenting time. The same persons should be the mother and the father for all the children for whom you want this order. If you think the children have different fathers or mothers, you need to sue that person.

E. **Statements about paternity AND child support:** Tell the court what your current situation is:

5. **How was paternity established in your case?** Check the box that describes how paternity was established. If none of these apply, or if only the last box applies (indicating the parties were married when the child(ren) was/were born, conceived or adopted, **STOP!** Do not proceed with these forms unless advised to do so by an attorney. Paternity must already be established to use these forms; if the parties were married, custody and visitation can generally only be decided as part of an action for divorce or separation.

6. **What is your current situation as to child support?** Check the box that describes your case.

ORDER DOES NOT NEED TO BE CHANGED: Check here if you think that the child support order you have does not need to be changed because of the custody order you want**. WARNING: The judge can decide whether to change the child support order even if you do not want this.**

ORDER NEEDS TO BE CHANGED: Check here if the child support order you have needs to be changed.

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NO CHILD SUPPORT ORDER: If you have a paternity order only, without a child support order, the judge will make an order on the issues of custody, parenting time, and child support.

F. **Other information about the children:** If you are aware of court cases about the children, you need to tell the court. Attach a copy of any order about custody, parenting time, or child support to the petition, unless the order is from the Superior Court in Maricopa County.

7. Fill out where the children in this case have been living **for the past 5 years.** If any children are under age 5, simply put the information about where they have been living since birth. Write each child's name; the address where the child lived; the dates the child lived at each address; whom the child lived with; and, the relationship of that person to the child. While you may not remember exact dates and address, fill this information out as completely as possible.

8. You must tell the court if you participated as a party or witness in any court case involving issues OTHER THAN custody or parenting time of the child(ren). If your answer is **"no,"** check the first box and GO ON. If there is another case, check the second box and give as much information as possible. This information could affect you or your child(ren)'s rights.

9. The court **MUST** know if there have been other cases involving custody, parenting time or child support of the child(ren) of this case, even if you were not a party. If there are no other custody or parenting time cases, or you do not know of any, check the first box and GO ON. If you have been involved in any way with this type of court case, check the second box and give the requested information. Tell the court what happened and what is going on in the other case(s).

10. If you do not know of another person OTHER THAN THE OTHER PARTY who has physical custody of the child(ren) or is claiming custody or parenting time rights to any of the children, check the first box and GO ON. If you know of such a person, put the child's name and the person who believes they have a custody or parenting time claim. You must also include the person as a respondent in this court case.

G. **Other statements to the court:**

11. **OTHER EXPENSES:** This asks for a fair division of all expenses about the children.

12. **DOMESTIC VIOLENCE:** This tells the court if there was domestic violence in the relationship, and relates to a request for joint 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 there has been **no** domestic violence, **GO ON.**

13. **VENUE:** This tells the court that one parent or the child(ren) lives in Maricopa County, so the court can decide your case.

H. **Requests to the court for custody, parenting time and/or child support. This section of the Complaint/Petition formally requests that the court make Orders relating to issues such as custody, parenting time and support.**

1. **CUSTODY OF CHILD(REN) AND PARENTING TIME.**

A. **SOLE CUSTODY:** If you want sole custody, check the boxes that apply, including the parenting time you are asking for. Tell the court whether you want custody of the child(ren) to go to you or the other party.

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

1. **Reasonable Parenting time.** This suggests an amount of parenting time appropriate to the age of the child(ren). The court offers suggested amounts of parenting time, but the amount can vary by agreement of both parents. If you and the other party agree, complete the Parenting Plan before you go to the judge for your final order.
2. **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 child(ren) or cannot do so without another person present. You may request this if the person not having custody abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for the child(ren) without another person present. Remember, supervised or no parenting time is not intended to punish the parent, but to protect the child. You must tell the court in the space provided why you say the parenting time should be supervised or no parenting time allowed.
3. **Supervised Parenting time:** Describe how you think supervised parenting time should be handled.
4. **No Parenting time to the Non-Custodial Parent.** You should check this option only if the non-custodial parent has seriously harmed, abused, or otherwise is a serious danger to the child(ren)'s physical and emotional health, or if there is a criminal Court Order stating there is to be no contact between the child(ren) and the non-custodial parent. This is used only as a last resort to protect the child(ren).

B. **JOINT CUSTODY:** If you are asking for joint custody, you must file a Joint Custody Agreement that is signed by both parents and approved by the court later in the process. The Joint Custody Agreement is part of the Parenting Plan contained in packet 4, "The Court Order."

2. **CHILD SUPPORT:** Check which party should pay child support. (The box you check should match what you asked for in the petition).

3. **HEALTH, MEDICAL, DENTAL INSURANCE AND HEALTH CARE EXPENSES:** Check which party should be responsible for health, medical and dental insurance.

4. **OTHER ORDERS:** Check this box only if you have made other requests to the court. If you check this box, write the additional orders you are requesting the court to make that were not covered elsewhere in your Petition.

I. **DECLARATION OF PETITIONER:** Sign the form. By doing so you are telling the court that everything contained in your Petition is true under penalty of perjury..

NOTICE REGARDING THE PARENT INFORMATION PROGRAM

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 impact that divorce, the changes in the family unit, and/or court involvement have on children involved in a divorce, paternity, or custody case. This Notice applies to all parents who file an action for dissolution of marriage or legal separation, or any paternity proceeding, in which a party has requested that the court determine custody or parenting time on or after January 1, 1997, and to all other domestic relations cases if ordered by the court.

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Make sure you read this notice, do what it says, and serve this notice on the other party.

OTHER IMPORTANT PAPERS IN THIS PACKET

Before you can get an order from the judge, you must complete the court papers on what you want the judge to order about child custody, parenting time, and child support. The court papers you need, with guidelines and/or instructions, are included in this packet. These court forms, and those prepared by the other party, are what the judge will use when it is time to sign the order about custody, parenting time, and support. You can complete the papers about custody, parenting time and support now, and serve or provide copies to the other party; OR, you can complete the papers before the final court hearing date and give or mail them to the other party. The Family Support Center of the Clerk of the Court will help you with Child Support calculations for the Worksheet.

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