

SELF-SERVICE CENTER

INSTRUCTIONS FOR FILLING OUT THE “PETITION TO MODIFY CHILD CUSTODY, PARENTING TIME and CHILD SUPPORT”

IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE: All court documents request your address and phone number. If you are a victim of domestic violence, are in a domestic violence shelter, or if you do **not** want your address known to protect yourself or your minor children from further violence, you must file for an “**Order of Protection**” and ask that your address **not** be disclosed on court papers. With that Order, just write “protected” when asked for this information and update the Clerk of the Court with an address and phone number as soon as possible.

Use this form **only** if you already have a court order concerning child custody. You will want to have a copy of your Order in front of you as you fill out these papers.

A. PLEASE TYPE OR PRINT WITH BLACK INK ONLY!

In the top left corner of the first page, provide the information requested about **YOU**. If your address is protected by court order, write “**protected**” in the space for address and make sure the Court has a means of contacting you on file.

- B.** Fill in the top section where it says Name of Petitioner, Name of Respondent, AND Case Number, exactly as it appears on your original Maricopa County court case where custody was originally ordered.

GENERAL INFORMATION:

- 1. Information about Me:** Fill in your name, address (if not protected) and how you are related to the minor children.
- 2. Information about the Other Party:** Fill in the other party’s name, address (if not protected) including city, state and zip code and how the other party is related to the minor child(ren).
- 3. Information about the children for whom I want the custody/parenting time order changed:** Provide the information requested on all the children under 18 years of age for whom you are seeking to make a change in child custody, parenting time and child support.
- 4. Affidavit regarding Minor Children.** If the minor children have resided in Arizona since the entry of the last Arizona Custody Order check the first box. If not, you must attach an Affidavit regarding Minor Children and check the second box. The Affidavit regarding Minor Children form is in the forms packet.
- 5. Information about the Order I want to change.** Write in the date the Judge signed the Order, the name of the court (“Superior” or “District”, etc.), the name of the county, and the name of the state where the order was signed.
What your Order now says: This is where you tell the judge exactly what part of your decree/order you want to change. You should find your current decree/order, read it carefully several times and then decide what parts you want to change. Find the part you don’t agree with and then **COPY IT WORD FOR WORD** into the space provided.

6. **Domestic Violence.** Check the box to indicate whether “significant” domestic violence has occurred. If “yes” (it has), explain to the Court. Joint Custody cannot be awarded if there has been “significant” domestic violence (A.R.S. 25-403.03).
7. **Why the Decree/Order should be changed:** This is where you briefly explain to the judge why you think a change of your decree/order is necessary for the best interest of the minor child(ren). If you need more room, you can use extra sheets of paper and attach it to this Petition.
8. **MEDIATION/ADR (Alternative Dispute Resolution):** Answer the questions regarding any requirement in your existing court order that you and the other party pursue mediation or some form of ADR before filing for modification through the court. If your Order requires you to pursue mediation or some form of ADR, explain what steps you have taken to comply with that requirement, if any.

REQUESTS I MAKE TO THE COURT: This is where you explain to the judge what you want your decree/order on custody to say.

A. CUSTODY AND PARENTING TIME:

JOINT CUSTODY: If you are asking for joint custody, check this box, and write in the names of the minor children in the space provided. If you check this box, complete the “*Parenting Plan*” before you go to the judge for your final order. The “*Parenting Plan*” is in the (#3) “Orders” packet.

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 minor children to go to you or the other party.

PARENTING TIME: Mark one box only. You can ask that the non-custodial parent (the parent having physical custody of the minor children 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.
2. **Reasonable Parenting Time by agreement of both parents**-- Complete the “*Parenting Plan*” before you go to the judge for your *final* order. The “*Parenting Plan*” is in the “Orders” packet.

Refer to “**Planning for Parenting Time: Arizona’s Guide for Parents Living Apart**” to help make your new parenting plan. The **Guide** is available for purchase at all Superior Court Self-Service Center locations, **or** may be viewed online and downloaded for **free** from the state courts’ web page at: <http://goo.gl/46aAw> (en espanol: <http://goo.gl/okE9V>)

3. **Supervised Parenting time to the Non-Custodial Parent.** You should request supervised parenting time if the non-custodial parent cannot adequately care for the minor children 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 minor child(ren) without another adult present. Remember, supervised parenting time is not intended to punish the parent, but to protect the minor child(ren). You must write the reasons why parenting time should be supervised.

4. **No Parenting time to the Non-Custodial Parent.** You should mark this box **only** if the non-custodial parent has seriously harmed, abused, or otherwise is a serious danger to the minor children's physical and emotional health, or if there is a criminal court order stating there is to be no contact between the minor children and the non-custodial parent. This is a last resort to protect the minor children.

NOTE: Even if you do not want to change the child support amount, the judge will still review all the financial information to determine if child support should be changed.

- B. CHILD SUPPORT:** Mark the box to indicate which party will pay child support. Fill in the amount from item **35** of the completed **"Parent's Worksheet for Child Support"** included in the "Forms" packet, **OR** if you are requesting an amount different from the *Worksheet* amount (**a deviation**), enter *that* amount. Check one of the boxes to indicate whether you are requesting the amount calculated on the *Worksheet* – or to **deviate** from that amount based on other factors. You may also use the FREE Online Child Support Calculator to produce the **Parents Worksheet**. Click on "Child Support Calculator and Worksheet", on right side of the page at: superiorcourt.maricopa.gov/ezcourtforms to begin. See the instruction document **DRS12h** in this packet for more information.

You may also be required to present an **Affidavit of Financial Information** (drosc13f) (**AFI**) especially if requesting to deviate from the amount listed on the Parent's *Worksheet*, and may need to refer to the **"Arizona Child Support Guidelines"** (drs10h) as well. These documents are available at the Self-Service Center and online at <http://goo.gl/IX52r> in the family court section.

- C. MEDICAL, DENTAL, VISION CARE INSURANCE PAYMENTS AND EXPENSES:** Mark which party should be responsible for health, medical, dental, and vision care insurance and other related expenses. Then write in what percentage mother should pay and what percentage father should pay of those expenses not covered by insurance. The total percentage must be **100%**.
- D. FEDERAL INCOME TAX DEDUCTION.** Tell the court whether mother or father should claim the minor children as income tax deductions every year or every other year.
- E. OTHER ORDERS:** Fill in this information only if you have made other requests to the court. Write the specific additional orders you are requesting the court to make that were not covered elsewhere in your Petition. Use extra pages if necessary.
- F. OATH OR AFFIRMATION AND VERIFICATION:** This document must be signed in front of a Deputy Clerk of Court or Notary. By signing the Petition under Oath or Affirmation, you are stating , under penalty of perjury, that the information is true and correct.

WHAT NEXT? Read and follow the instructions in the document called **"Procedures: What to do After You Have Completed the Petition to Change Child Custody, Parenting Time and Support"**.