

SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO FILE YOUR “AGREEMENT TO MODIFY LEGAL DECISION MAKING (CUSTODY), PARENTING TIME VISITATION AND CHILD SUPPORT”

STEP 1 Determine whether this court has the authority to hear your case. Either party or children of the parties must live in Maricopa County to file for modification in this county:

A. If the court Order you want to change is from Maricopa County, Arizona:

- Use your copy of the Order, or get a copy of the Order from Court Records located at 601 West Jackson, Phoenix, AZ. You will need a copy of the Order to fill out the paperwork.

If the court Order you want to change is from another county in Arizona:

- Get a **certified copy** of the Order you want to change from the other county, **AND**
- Bring the certified copy with you when you come to the Clerk of the Court to file your court papers, **AND**
- Give the certified copy of the Order to the Clerk before filing any additional paperwork, **AND**
- The Clerk will file the Order and assign a case number to your new case.

If the court order you want to change is from a state other than Arizona:

- Talk to a lawyer who can tell you what requirements are necessary for you to file for modification in Arizona.

STEP 2 Important definitions to help you in your decision to change custody.

- **“Sole Custody”** means the condition under which **one person** has legal custody.
- **“Parenting time”** means the condition under which a parent has the right to have a minor child physically placed with the parent and the right and responsibility to make, during that placement, routine daily decisions regarding the minor child’s care consistent with the major decisions made by the person having legal custody.
- **“Joint Custody”** means joint legal custody or joint physical custody, or both.
- **“Joint Legal Custody”** means the condition under which both parents share legal custody and neither parent’s rights are superior except with respect to specified decisions as set forth by the court or the parents in the final judgment or order.
- **“Joint Physical Custody”** means the condition under which the physical residence of the minor child is shared by the parents in a manner that assures that the minor child has substantially equal time and contact with both parents.

STEP 3 Complete the forms in this packet if both parties AGREE to ask the court to modify or change an existing court Order for child custody, parenting time and child support.

- Have in front of you a copy of the current **“Parenting Plan”** (if you have one), **“Child Custody Order,”** the **“Child Support Order,”** and any **“Order of Assignment”** you have. You will need to look at these documents to complete all the paperwork now.
- **IMPORTANT:** If you want to modify custody, you must also consider whether it will be necessary to modify child support and/or parenting time. You will need all the documents that are required to modify the child support order and the parenting time order.
- Use the **“Parenting Time Guidelines”** to help you make your new **“Custody and Parenting time Parenting Plan.”**
- Use the **“Child Support Guidelines”** and the **“Parent’s Worksheet”** to help you understand whether, in light of the proposed new custody arrangement, the child support payments need to be changed. If you are changing custody and therefore changing child support, you might need to stop a current assignment order, and have a new **“Order of Assignment”** issued, depending on which parent will now pay support. These forms are available at the Self Service Center and online at the Self Service Center website.
- Remember that the court must do what is in the best interests of the minor children. Even if both parties agree to child custody, parenting time and support, the judge will look over all the papers and decide what Order to make.

STEP 4 Complete the “Agreement (or “Stipulation”) to Modify the Prior Court Order Regarding Custody, Parenting time and Support.”

PRINT CLEARLY AND USE BLACK INK WHEN COMPLETING FORMS

- In the top left corner of the first page, fill out information requested about you and the Respondent. Check the box to say whether you are representing yourself or are represented by an attorney.
- Fill in the section that says Name of Petitioner and Name of Respondent, exactly as it appears on your original Divorce, Paternity, or Child Custody papers. If your original case was a paternity case, remember that the Plaintiff is now called the Petitioner and the Defendant is now called the Respondent. If this is the first court case you are filing in Maricopa County, write in your name as Petitioner and the other party as Respondent.
- Fill in your case number on the line next to Case Number using your original case number from your Divorce, Paternity, or Child Custody papers. If your court order was from another county, make sure you follow the steps above. Use the new case number the Clerk of the Court assigns you.
- Read paragraph 1 (one). Make sure this statement is true.
- Read paragraph 2 (two). Write in the date the judge signed the Order you want to change, and then write in the name of the judge who signed the Order you want to change. Follow the instructions in paragraph two about attaching a copy of the Order.

- Read paragraph 3 (three). Make sure this statement is true.
- **ALL Parties Must Sign this Agreement.** That means:
 1. **BOTH parents must sign** in front of a Clerk at the Filing Counter *or a Notary*, **and**
 2. **If the State of Arizona (DES / DCSE) is involved, a representative of the Arizona Attorney General’s office, DCSE, must ALSO sign before** you turn in the papers.

STEP 5 Complete the “Order Modifying Custody, Parenting time and Child Support.”

- In the top left corner of the first page, fill out the following: your name; address; city, state, zip code; telephone number; your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security, your attorney’s bar number, if you are represented by an attorney, and then check the box to say whether you are representing yourself or are represented by an attorney. If you are represented by an attorney, write your name in the space provided. Then do the same for the Respondent or other party.
- Fill in the section that says Name of Petitioner and Name of Respondent, exactly as it appears on your original Divorce, Paternity, or Child Custody papers. If your original case was a Paternity, remember that the Plaintiff is now called the Petitioner and the Defendant is now called the Respondent. If this is the first court case you are filing in Maricopa County, write in your name as Petitioner and the other party as Respondent.
- Fill in your case number on the line next to Case Number using your original case number from your Divorce, Paternity, or Child Custody papers. If your court order was from another county, make sure you follow the steps above. Use the new case number the Clerk of the Court assigns you.

THE COURT FINDS:

Paragraph 3 (three). Write in the name of the children, their birth dates and ages.

Paragraph 5 (five). Check this box if this statement is true and you are asking for joint custody. If you are asking for joint custody and the statement is not true, you cannot ask for joint custody.

THE COURT ORDERS:

Paragraph 1 (one): Write in the date the custody Order you want to change was signed by the judge.

Paragraph A: Custody and Parenting time. Check the box to say whether joint custody or sole custody is awarded. If Sole Custody is awarded, write in the names of the children in the space provided to say whether mother or father has sole custody.

Paragraph B: Child Support. Check the box to say whether mother or father will pay child support, and then write in the amount of child support that person will pay each month. If you both agree there should be a deviation in child support, write in why there should be a deviation in the space provided.

Paragraph C: Medical and Dental Insurance, Payments and Expenses. Check the box to say whether mother or father will provide insurance. Then write in what percentage mother will pay of the uninsured medical and dental expenses.

Paragraph D: Tax Deductions. Write in the name of the children that mother will claim a tax deduction and then say whether it is every year or every other year. Do the same thing for father.

Paragraph F: Other Orders. If there are other orders you both agree that you want the court to make related to your case, write in the other orders.

If the judge approves your Stipulation, he or she will date and sign the Order. Leave this space blank.

You and the other party must sign the Order in front of a Notary Public. If you are represented by an attorney, the attorney must sign the Order. If the Attorney General is involved in your case because of child support issues, the Attorney General must also sign the Order.

STEP 6 Complete the other necessary documents that support your decision to change custody, parenting time and support.

- **“Parenting Plan.”** Use the **“Parenting Time Guidelines”** to help you complete this form.

Hints to help you complete the Parenting Plan.

1. State your parenting time arrangements as clearly as possible. For example, **Alternating weekends from after work on Friday, at 6:00 p.m. until Sunday at 6:00 p.m.**
2. Avoid vague or unclear statements such as “will share, will divide, or will decide later.” These statements may result in future disputes related to different interpretations. Although flexibility and mutual agreement is encouraged, the document must be specific to be legally enforceable.

“Child Support Worksheet.” See the Child Support Guidelines to help you complete this form. If you want to modify or change custody, you must also consider whether it will be necessary to modify or change child support. Attached are the documents that are required to modify or change the child support order. Because you and the other party Agreeing to change custody, **BOTH OF YOU MUST SIGN** the Worksheet. **IF YOU DO NOT AGREE, YOU CANNOT USE THIS PACKET.** See the Self-Service Packet on Custody, Parenting time and Child Support, To Change an Existing Court Order.

The Clerk of Superior Court can help you complete the forms, if you have an appointment. To schedule an appointment, contact **Family Support Services** at **602-506-3762**. The Support Services unit is located at the Central Court Building, 201 West Jefferson, 1st floor, Phoenix, Arizona.

If you schedule an appointment, please bring the following things to your appointment:

- A copy of **“Child Support Order”** you want to modify or change.
- Monthly gross income for both parties
- Amount of monthly child support paid for in another case for both parties
- Amount of monthly spousal maintenance/support paid for in this case or in another case for both parties
- Monthly medical insurance premium paid for minor child(ren) in this case for both parties
- Monthly childcare costs for minor child(ren) in this case for both parties
- Extra education expenses for minor child(ren) in this case (i.e. private school tuition) for both parties

- Cost of meeting needs for gifted or handicapped minor child(ren) in this case for both parties

CURRENT EMPLOYER OR OTHER PAYOR INFORMATION SHEET (CEI)

This document is required whenever child support is ordered.

ORDER STOPPING ORDER OF ASSIGNMENT (and MARICOPA COUNTY SUPPORT ORDERS) Include this document if this modification results in a change in a parent who is currently ordered to pay child support no longer having to pay.

Match the numbered instructions below with the matching numbers on the form.

- (1) Fill in the name of the person shown as the petitioner on the original "**Order of Assignment.**"
- (2) Fill in the name of the person shown as the respondent on the original "**Order of Assignment.**"
- (3) Fill in the case number ATLAS Number (if any) that appears on the original "**Order of Assignment.**"
- (4) Fill in the name of the person who is ordered to make payments (the Obligor).

STOP! Do NOT fill out the rest of *this* form. A Judicial Officer or court staff will complete the rest of the page. Go to the next form.

**** (Second) CURRENT EMPLOYER or OTHER PAYOR INFORMATION SHEET**

If this modification results in a change in which parent makes child support payments, include a second **CEI** for the parent who will **now** make payments.

Fill in the information requested on this short form, which asks only for:

- Case Number,
- ATLAS Number (if one has been assigned to this case),
- Name of the payor, the person who has been making payments,
- Name and payroll address, fax and phone numbers for the payor's current employer OR other payor (the one(s) named in the Order of Assignment),
- Name and payroll address, fax and phone numbers for the payor's previous employer OR other payor.