

INSTRUCTIONS: HOW TO FILE YOUR AGREEMENT TO MODIFY PARENTING TIME (VISITATION) or PARENTING TIME AND CHILD SUPPORT

STEP 1 Determine whether this court has the authority to hear your case. Either party or the minor children 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:**
- You will need a copy of the Order to fill out the paperwork.
Use your copy of the Order, or get a copy of the Order from Court Records.
- B. 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.
- C. 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 Decide whether you need to change parenting time and child support or just parenting time. In making your decision, you should know that the number of parenting time days the non-custodial parent has may affect the amount of child support he/she must pay.

- You will need to complete a new “**Child Support Worksheet**” based on the proposed new parenting time schedule.
- The **Worksheet** will indicate whether child support would change, based on the Arizona Child Support Guidelines.
- If the **Worksheet** does **not** show there would be a change under the Guidelines **and** the parties have **not** agreed to a change in child support, there is no need to complete the “**Current Employer Information**” sheet (CEI) or the “**Order Stopping Income Withholding Order**” which are included in the separate “Forms” packet, unless requested by the Court.

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 parenting time or parenting time and child support.

- Have in front of you a copy of the current parenting plan (if you have one), “**Parenting Time Order**”, the “**Child Support Order**,” and any “**Income Withholding Order**.” You will need to look at these documents to complete all the paperwork now.
- Refer to “**Planning for Parenting Time: Arizona’s Guide for Parents Living Apart**” to help make your new parenting plan. See **Step 6** on next page for more information.
- Complete a new “**Parents’ Worksheet for Child Support**” to help you understand whether, in light of the proposed new parenting time arrangement, the Arizona Child Support Guidelines indicate that the amount of child support should be changed.

Note that you are free to agree to an amount that differs from the amount indicated by the Worksheet, subject to approval of the Court, which is required to act "in the best interests of the children".

Use the **FREE** online child support calculator at the Superior Court Website to produce the **Parents Worksheet for Child Support**. See the document DRS12h, in this packet for more information, *including information on alternatives to using the online calculator*.

STEP 4 Complete the "Stipulation (Agreement) to Modify the Prior Court Order Regarding Parenting Time or Parenting Time and Child Support."

- In the top left corner of the first page, write in all information requested about the Petitioner and the Respondent. Both parties stay "Petitioner" or "Respondent" as on the Court Order you are agreeing to modify. If the Court Order you want to modify was issued outside Maricopa County and this is the first time you have filed to modify that order in Maricopa County, write in the names of the Petitioner and the Respondent as listed on the papers given to you by the Clerk of Superior Court when you registered or transferred the case to this county. Write in your Maricopa County case number.
- Check the box to say whether you want to change parenting time or parenting time **and** child support.
- 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 Parenting Time and/or Child Support."

- Write in all information requested about the Petitioner and the Respondent, the case number, etc. as on the "**Agreement to Modify.**"
- THE COURT FINDS:** Paragraph 3 (three). Write in the name(s) of the minor child(ren), their birth date(s) and their age(s).
- THE COURT ORDERS:**

Paragraph 1: Write in the date the Court Order you want to change was signed by the Judge.

Paragraph A: Parenting Time. Make sure you and the other party fill out, sign and attach a Parenting Plan.

Paragraph B: Child Support. If you are asking to have child support changed, check the box in front of "Child Support." Then 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 the amount of child support should be different ("deviate") from the amount indicated by the **Child Support Worksheet**, write in **WHY** in the space provided. You will also need to complete and submit a child support worksheet when deviating.

Paragraph C: Medical, Dental, Vision Care Insurance, Payments and Expenses. If you are asking for a change in which parent provides insurance, check the box to indicate whether mother or father will provide medical, dental, and/or vision care insurance. Then write in what percentage each parent will pay of the uninsured expenses.

Paragraph D: Tax Deductions. If you are asking for a change in which parent gets to claim the federal income tax deduction for one or more of the children, fill in the information necessary to indicate the desired change here.

Paragraph E: Mediation. Unless ordered otherwise by the Court, you will be required to attempt some means of alternative dispute resolution (ADR) or mediation before filing to request the Court modify this Order (unless you are filing a request to modify by agreement, a joint stipulation signed by all parties).

Paragraph F: Other Orders. If there are other matters you both agree on that you want the Court to make an Order in your case, write these in the space provided.

Judge/Commissioner's Signature and Court Date: Leave this space blank.

- You and the other party must sign the Order in front of a Clerk of the Superior Court or a Notary Public. If either party is represented by an attorney, the attorney must sign as well. **If the State of Arizona is involved in your case because of child support issues, a representative of the Attorney General (DCSE) must also sign** (both the Agreement and the Order).

STEP 6: Complete the other necessary documents:

- Parenting Plan.**

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 court web page at: <http://azcourts.gov/Portals/31/ParentingTime/PPWguidelines.pdf>

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.** Use the FREE Online Child Support Calculator to produce the **Parents Worksheet for Child Support** that must accompany this *Agreement*. Click on "Child Support Calculator and Worksheet", on right side of the page at the Superior Court's EZForms Webpage. See the instruction document **DRS12h** in this packet for more information, *including information on alternatives* to using the online calculator.

OTHER FORMS YOU MAY NEED

Current Employer Information Sheet (CEI) (may include sources of money other than employer)

Complete a **CEI** for the parent who is paying child support under the current court order.

If this agreement changes which *parent* pays child support, include a **CEI** for both parents.

Order Stopping Income Withholding Order

IF the agreement results in the parent who is currently paying NO LONGER having to pay, include an "**Order Stopping Income Withholding Order**" to be sent to that parent's employer.

WHEN YOU HAVE COMPLETED ALL NEEDED FORMS, GO TO THE "PROCEDURES" PAGE AND FOLLOW THE STEPS LISTED THERE.