

## Instructions: How to fill out paternity, legal decision-making (legal custody), parenting time, and child support forms

When to use this packet:

- Use this packet if you want to get a court order for paternity, legal decision-making (legal custody), parenting time, and child support and you do not already have an order. If there is no support order, the court will establish child support along with paternity, legal decision-making (legal custody) and parenting time.
- If you have a paternity order or the father's name is already on the birth certificate of all children for whom the court order is requested but you do not have a legal decision-making order, you will need to use the packet to establish legal decision-making, parenting time and child support (when paternity has already been established) instead.
- Important notice about when you can bring a legal decision-making case in the Superior Court in Arizona: Generally, the child or children must have resided in Arizona for at least 6 months, or since birth if younger than 6 months old. Arizona must be the minor child(ren)'s primary place of residence before you file. 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 another person in Arizona to establish, enforce, or change a support order, or establish paternity, if one of the following statements is true about the other person:
  - The person is a resident of Arizona; or
  - You serve the person with the court papers in Arizona. (See the Law Library Resource Center packet on "Service" if you have any questions.); or
  - The person agrees to have the case heard in Arizona and files written papers in the court case; or
  - The person lived with the minor child in Arizona at some time; or
  - The person lived in this state and provided pre-birth expenses or support for the child; or
  - The minor child lives in this state because of the acts or directions of that person; or
  - The person had sexual intercourse in this state and the minor child may have been conceived; or
  - The person signed an affidavit acknowledging paternity that was filed in this state; or
  - The person signed an affidavit acknowledging paternity, or
  - The person did any other acts that substantially connect the person with this state (see a lawyer to help you decide this).

(All forms: type or print in **black** ink)

*Family Department Sensitive Data/Cover Sheet*

- Write in the information requested about Petitioner, Respondent, and any children under the age of 18.
- Case Type: Mark the box that matches the legal procedure for which you are filing the documents in this packet: [x] Paternity.
- 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 deliver (“serve”) this document to the other party.

*Summons and Preliminary Injunction*

Fill in the following information where requested: Your name; address; city, state and zip code; telephone number; ATLAS number (if you have one); name of Petitioner; and name of Respondent.

Tell the Court whether you represent yourself or are represented by an attorney. Do not fill out the rest of the forms except on Page 2 of the Preliminary Injunction; fill out the descriptions of both parties. The Clerk of Superior Court will complete it later.

*Petition for court Order for Paternity and legal decision-making (legal custody), parenting time, and child support*

Use this form if you want to get a court order for paternity, along with orders for legal decision-making, parenting time, child support, or vital records.

- In the top left corner of the first page, fill out: your name; address (if not protected); city, state and zip code; telephone number; and your ATLAS number (if applicable).
- In the space that says, “Name of Petitioner,” fill in your name. You will be the Petitioner though the whole case. In the space that says, “Name of Respondent,” fill in the name of the other party, who will be the Respondent for the rest of your case. Leave “Case Number” blank. The Clerk of Superior Court will fill in the case number when you file your court papers.

General information:

1. Fill in your name, address, and date of birth. This is basic information about you, and your relationship to the children listed in this Petition.
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, and his or her relationship to the minor children listed in this Petition.
3. This box should be checked if it is true that you are starting this lawsuit in Arizona because either you, the other party, or the minor children live in Mohave County.
4. Check one or more boxes about why you can pursue your court case against the other party in Arizona.

Statements about Paternity:

5. Why do you think the person is the father of these minor children? Check whichever box describes your situation.
  - Affidavit: Check this box if both you and the other party signed an Affidavit of Paternity stating that one of the parties in this case is the father of the minor child(ren).
  - Birth Certificate: Check this box and print the father's name here if the father is named on each minor child's birth certificate. Attach a certified copy of the birth certificate(s) to the complaint – or if a photocopy, be prepared to present the certified copy in court.
  - Blood Test: Check this box if paternity has been established through a DNA blood test of the mother, father and minor child(ren). Check the party found to be the father. Attach a copy of the blood test result and/or resulting court order to the complaint.
  - Parties Living Together: Check this box if the parties were living together and having sex during the 10 months before the birth of the minor child(ren).
  - Sexual intercourse: Check this box if the parties were not living together but had sex at the date the child was conceived, and to your knowledge the mother did not have sex with anyone else at that time.
  - Other: Check this box if there is another reason paternity is correct. Explain.
6. Tell the court whether the mother was married at the time or within 10 months before time the minor children who are the subject of your request for court order were born or conceived. If she was, you must add the mother's spouse to the court case, even if you say that mother's spouse was not a parent of the minor child(ren).

7. Fill out where the minor children from this action have been living for the past 5 years. If any children are under age 5, put the information about where they have been living since birth. Write each minor child's name; the address where the minor child lived; the dates the minor child lived at each address; whom the minor child lived with; and the relationship of that person to the child. While you may not remember the dates and addresses, you must fill this information out as completely as possible.
8. The Court must know if there have been other cases involving legal decision-making (legal custody), parenting time or child support of the minor children in this case, even if you were not a party. If there are no other legal decision-making (legal custody) or parenting time cases, or you don't know of any, check the second box and go on. If you have been involved in any way with this type of Court case, check the first box and give the requested information. Tell the Court what happened and what is going on in the other case(s).
9. You must tell the Court if you have information regarding any court case involving issues other than legal decision-making (legal custody) or parenting time of the minor child(ren). If your answer is “no,” check the second box and go on. If there is another case, check the first box and give as much information as possible. This information could affect you or your minor children's rights in this case.
10. If you know of another person other than the other party to this case who has physical custody (has the child or children living with him or her) or who is claiming legal decision-making or parenting time rights to any of the minor children, check the first box and supply the requested information. If you know of such a person, you must include him or her as a party in this court case. If not, check the second box and go on.
11. Child Support: Check which party should pay child support. Indicate whether you would like past child support to be paid using a retroactive calculation and which parent should pay.

Other statements to the Court:

12. Medical Expenses: If you were required to pay for expenses related to the birth of your child, such as hospital and doctor bills, you can check this box to request the father to pay some or all of these expenses.
13. Other expenses: This tells the Court that the parties should pay for bills not covered by insurance in an amount equal to their respective incomes.
14. Parent Information Program: This tells the Court if you have already completed the Parenting Information Program.

15. **Domestic Violence:** This tells the Court if there was domestic violence in the relationship and relates to a request for joint legal decision-making (joint legal custody), if you intend to ask for joint legal decision-making. Check the box that best describes your situation. If domestic violence has not occurred, go on.
16. **Drug Conviction within last twelve months:** This tells the Court whether you or the other Party have been convicted of a drug or alcohol offense within the last twelve months.

Requests to the court for paternity, legal decision-making (legal custody), parenting time and child support: This requests that the Court make Orders relating to issues such as paternity, legal decision-making (legal custody), parenting time and child support.

- A. **Paternity:** Put the father's full name on the line provided to tell the Court you want a ruling as to the father's identity.
- B. **Birth Certificate:** Check Box
- C. **Name Change:** Check this if you want the minor child(ren)'s last name changed. Check box and write in the full name for each child.
- D.
  1. **Legal Decision-Making (Custody):** Check box if you want orders for Legal Decision-Making. If you are asking for joint legal decision-making (joint legal custody), you will need to sign the Joint Legal Decision-making (joint legal custody) Agreement which is part of the Parenting Plan. Or Mark the option for sole legal decision-making (sole legal custody) if you are asking that one parent be responsible for the legal decision-making of the children.
  2. **Primary Residence:** Check one box only. Mark the box for the Party you want the minor children to live with more than 50% of the time.
  3. **Parenting Time:** Check one box only. You can ask that the non-custodial parent (the parent having physical custody of the child less than 50% of the time) have one of the following types of parenting time:

Reasonable parenting time. This suggests an amount of parenting time appropriate to the age of the child as set forth in the Parenting Plan, filed with the Petition.

Supervised or no parenting time.

- You may request supervised or no parenting time if Party A or Party B cannot adequately care for the minor children or cannot do so without another person present.
- You may request this if the other party abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for a child without another person present.

- Supervised or no parenting time is not intended to punish the parent, but to protect the minor child(ren).
- You must write in why you say the parenting time should be supervised or no parenting time allowed.

No parenting time.

- Check this option only if either Party has seriously harmed, abused, or otherwise is a serious danger to the minor child's physical and emotional health, or if there is a criminal Court Order stating there is to be no contact between the child and either Party A or Party B.
- This is used as a last resort to protect the child.

- E. Child Support: Check which party should pay child support. (The box you check should match what is on your completed Child Support Worksheet.) Check the next box if you want the Court to order past support and check which party should pay past support.
- F. Mother's Expenses: Check this box indicating if the other party should be required to pay for expenses relating to the birth of the child.
- G. Health, Medical, Dental Insurance and Health Care Expenses: Check which party should be responsible for health, medical and dental insurance.
- H. Testing and Costs: This section asks that, if the other party contests paternity, you want the Court to order cooperation with any blood or tissue tests necessary to establish paternity. It also asks the Court to award you costs and fees if the other party contests paternity.
- I. Tax Exemption: It is your responsibility to understand the information regarding tax exemption and how the Affordable Care Act can impact one or both parties if they are required to provide medical insurance.
- J. Other Orders: Write the additional orders you are requesting the Court to make that were not covered in your Petition.

Under Penalty of Perjury: Sign this form in front of a Deputy Clerk of Superior Court (at the filing counter) or a Notary Public. By doing so, you declaring to the Court under penalty of prosecution for perjury that everything contained in your Petition is true.

### *Order and Notice to Attend Parent Education 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 impacts that divorce, changes in the family unit, and/or court involvement have on children involved in a divorce, paternity, or other family court case.

#### *Parenting Plan:*

- Fill out the Parenting Plan to let the Court know details about what you want for legal decision-making authority and parenting time. It is important to be specific when filling out the Parenting Plan. You may refer to the “Planning for Parenting Time: Arizona’s Guide for Parents Living Apart” to help make your parenting plan. The Guide is available for purchase at all Superior Court Law Library Resource Center locations or may be viewed online and downloaded for free from the State Courts’ webpage.

#### *Child Support Worksheet*

Use the free online Child Support Calculator: <https://superiorcourt.maricopa.gov/llrc/child-support-calculator/>

To complete the child support worksheet you will need to know:

- Your monthly gross income and that of the other parent.
- The monthly cost of medical insurance for the minor children who are the subject of this action.
- Monthly childcare amounts paid to others.
- The number of days the minor child(ren) spend with the non-primary residential (custodial) parent.
- Monthly obligations of yourself and the other parent for child support or court-ordered spousal maintenance/ support

After completing the child support worksheet, print out the child support worksheet and file it with your Petition.