

# INSTRUCTIONS: HOW TO FILL OUT PATERNITY, CUSTODY, CHILD SUPPORT and PARENTING TIME PAPERS

## WHEN TO USE THIS PACKET:

- Use this packet if you want to get a court order for paternity, custody, parenting time, and child support and you do not already have an order. If you want a court order for child custody and parenting time, and you have a support order, the court will also review the current child support order. If the child support order needs to be changed, the court will do so. If there is no support order, the court will establish child support along with paternity, custody and parenting time.
- If you have a paternity order but do not have a custody order, use the forms to establish child custody.
- **IMPORTANT NOTICE ABOUT WHEN YOU CAN BRING A CHILD CUSTODY CASE IN THE SUPERIOR COURT IN ARIZONA:** Generally, you should have resided in Arizona with the minor children for at least 6 months, or Arizona must be the minor 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 in Arizona since his or 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 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 other party is a resident of Arizona; **OR**
  - You serve the other party with the court papers in Arizona; **OR**
  - The person agrees to have the case heard here 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 **minor** 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 a birth certificate that is 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).

## DOMESTIC VIOLENCE:

Domestic violence can be part of any relationship. Domestic violence includes physical violence against you or your children, such as hitting, slapping, pushing or kicking. Domestic violence includes threats of physical violence made against you and your children, or regular verbal abuse used 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 minor 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 when you file your court papers, write "protected" in the space where you are asked for this information. You must tell the Clerk of the Court an address and phone number where you can be reached as soon as possible.

**FAMILY COURT COVERSHEET: (Print or type in black ink.)**

**Case Type:** Mark only one box that matches the legal procedure for which you are filing the documents in this packet:  **PATERNITY.**

**Information about the Petitioner and the Respondent:** Write in the information requested in the space provided. If your address and telephone numbers are protected, write "protected" instead. You must however let the Clerk of the Court know how to reach you. If you are represented by a lawyer, also write in the lawyer's name and bar number.

**Interpreter:** Check "yes" or "no" to indicate whether an interpreter is needed. If "yes," write in what language(s).

**Minor Children Involved:** List the names and dates of birth for any minor children involved in this specific case.

Other Minor children: If there are other minor children of either the Petitioner or the Respondent or both not involved with this case, list their names on the lines provided.

**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 other party's name). You will have an ATLAS number **ONLY** if you receive or have received AFDC or other government benefits for the minor child(ren) for whom you want to establish paternity.

**PETITION FOR PATERNITY, AND CHILD CUSTODY, PARENTING TIME AND CHILD SUPPORT:**

**Use this form if you want to get a court order for paternity, along with custody, parenting time and child support.**

- Make sure your form states "**Petition for Paternity, Child Custody, Parenting Time and Child Support**" in the upper right-hand part of the first page.
- 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 you are receiving or have received AFDC from the Arizona Department of Economic Security.
- Fill in your name in the space that says "Name of Petitioner." Remember, you will be the petitioner through 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. The clerk, when you file your court papers, will fill in the case number.

**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 minor child(ren) for whom you want the paternity 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, and their relationship to the minor child(ren) for whom you want the paternity order.
3. Check one or more boxes about why you can pursue your court case against the other party in Arizona.
4. Fill in information about all the minor children for whom you want this paternity order, with custody, parenting time, and child support. The same persons should be the mother and the father for all the minor children for whom you want this paternity order. If you think the minor children have different fathers or mothers, you need to file a separate lawsuit against that person.

## 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 Petitioner or Respondent is the father of the minor child(ren). Attach a copy of the Affidavit to the paternity complaint.
  - **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.
  - **BLOOD TEST:** Check this box if paternity has been established through a DNA blood test of the mother, father and minor child(ren). Print the name of the person 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 people you say are the father and mother 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.
6. Tell the court whether the mother was married at the time or within 10 months before the minor child(ren) were born or conceived. If she was, you must add that husband to the court case, even if you say that the husband was not the father of the minor child(ren)

**Other information about the minor 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 Mohave 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, put the information about where they have been living since birth. Write each minor 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 minor 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 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 child(ren)'s rights.
9. The court MUST know if there have been other cases involving custody, parenting time or child support of the minor 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 to this case who has physical custody of the minor 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 minor 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.
11. This section tells the court what custody arrangement you want. Please check the box that describes what you want the court to order. If you check the Joint Custody box, please explain your reasons in the space provided.

**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. **DOMESTIC VIOLENCE:** This tells the court if there was domestic violence in the relationship, and relates to a request for joint custody, if you intend to ask 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 domestic violence has not occurred, **GO ON**.
15. **VENUE:** Generally, if either one of the parents or the minor children are residents of Mohave County, the case can be taken care of here.
16. **DRUG CONVICTION WITHIN LAST TWELVE MONTHS:** This tells the court whether you have been convicted of a drug or alcohol offense within the last twelve months.

**Requests to the court for paternity, custody, parenting time and child support: This requests that the court make Orders relating to issues such as paternity, custody, parenting time and support:**

17. **PATERNITY:** Check this box and put the father's full name on the line provided to tell the court you want a ruling as to the father's identity.
18. **BIRTH CERTIFICATE:** Write the father's full name as it would appear on the birth certificate.
19. **CHILD(REN) LAST NAME:** Check this box only if you want the minor child(ren)'s last name changed. Write in the name you want (mother's or father's).
20. **CUSTODY OF MINOR CHILDREN 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 minor child(ren) to go to you (the Petitioner); or the other party (the Respondent).

PARENTING TIME: (Check only one box.) You can ask that the non-custodial parent (the parent having physical custody of the minor 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 minor child(ren). The court offers suggested amounts of parenting time, but the amount can vary by agreement of both parents. If both parents 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 minor 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 minor child(ren) 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.
  - i. **Supervised Parenting Time.** Describe how supervised parenting time should work.

ii **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 minor child(ren)'s physical and emotional health, or if there is a criminal Court Order stating there is to be no contact between the minor 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 will need to file a Joint Custody Agreement signed by both parents which will be given to the judge for court approval.

21. **CHILD SUPPORT:** Check which party should pay child support. (The box you check should match what is on your completed Child Support Worksheet.)
22. **MOTHER'S EXPENSES:** Check this box indicating if Respondent should be required to pay for expenses relating to the birth of the child.
23. **HEALTH, MEDICAL, DENTAL INSURANCE AND HEALTH CARE EXPENSES:** Check which party should be responsible for health, medical and dental insurance.
24. **TESTING AND COSTS:** This section asks that if the other party contests this matter that 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 this matter by filing a Response.
25. **OTHER ORDERS:** Write the additional orders you are requesting the court to make that were not covered in your Petition.

#### **OATH AND VERIFICATION OF PETITIONER:**

Sign the form in front of a Notary Public or Clerk of the Court. By doing so you are telling the court that every-thing 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 minor 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.

**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 paternity, child custody, parenting time, and child support. The court papers you need, with guidelines and/or instructions, are included in this packet. The judge uses these court forms, and those prepared by the other party when it is time to sign the order about paternity, custody, parenting time, and support. You can complete the papers 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.

Go to <http://www.supreme.state.az.us/childsup> for help with your child support calculations for the Worksheet.