

B12

VOLUNTARY PATERNITY

1

To Get an Order for Paternity when BOTH PARENTS AGREE

Part 1: Completing and Filing
the Court Papers

Forms and Instructions

SELF-SERVICE CENTER

VOLUNTARY PATERNITY CHECKLIST

You may use the forms and instructions in this packet only if . . .

- ✓ You are the biological parents of the minor children (or child) born out of wedlock, which means
 - the mother was not married at the time of the birth, **AND**
 - the mother was not married at any time during the ten months immediately preceding the birth, **AND**
- ✓ You both **AGREE** on who the father is (or you agree to be bound by the test results from a certified laboratory), **AND**
- ✓ **You want a court order establishing paternity, AND**
 - You have one of the following:**
 - **Affidavit of Acknowledgment** – an agreement with the notarized or witnessed signatures of BOTH parents telling the Court that you both **AGREE** that the man named as father in the agreement and signing the papers as the father **IS** the biological father of the minor children named in the agreement (affidavit). **OR**
 - **Genetic (DNA) Testing** -- both parents agree to be bound by the results of genetic testing, and you have a copy of the test results showing that the individual named as the father has not been excluded as the natural father, **AND**
- ✓ You do **not** want a court order about parenting time, legal decision making for the minor children, and child support ***at this time.****

*If you file to establish where the children will live, parenting time, and child support, within **90** days of issuance of this order, there is no additional filing fee.

DO NOT USE THESE FORMS IF:

- ✓ There is already an Arizona child support order concerning the minor children in this case.
- ✓ **Anyone's** name is already listed as father on the birth certificate.

WARNING: Signing and filing these documents will permanently affect the legal rights and responsibilities of all parties involved. Consult a lawyer to assist you in making an informed, intelligent decision.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Self-Service Center website.

SELF-SERVICE CENTER

VOLUNTARY PATERNITY

A.R.S. § 25-812

PROCEDURES

WHEN YOU HAVE COMPLETED ALL FORMS:

- Make one copy of the **“Voluntary Acknowledgment of Paternity,”** and any necessary attachments (such as a lab report)*, **and make two (2) sets of copies of the “Order of Paternity”.**
- Separate your documents into two sets: one set of originals and one set of copies (2).
- The ORIGINAL set should include: (1) **“Family Court Cover Sheet,”** (1) **“Voluntary Acknowledgment,”** (1) **“Order of Paternity,”** AND the lab report (*if* you checked “Genetic Testing” in (8)).
- The COPIES should include: (1) **“Voluntary Acknowledgment”** (2) **“Order of Paternity,”** and (1) lab report.*
*if you checked the box for “Genetic Testing” in (8) on the **“Voluntary Acknowledgment”.**

NOTE: Presenting a certified copy of the current birth certificate(s) (if any) of the child(ren) AND of both parents (or other legal document showing the complete current legal names of the parents) will help ensure the correct information is entered.

- Take both sets of papers to the Office of the Clerk of the Superior Court at any of the four (4) Maricopa County courthouse locations:

Graham County Clerk of the Court
800 W. Main Street
Safford, Az 85546

FEES: A list of current fees is available from the Self Service Center and from the Clerk of Court’s website.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a deferral (payment plan) when you file your papers with the Clerk of the Court. Deferral Applications are available at no charge from the Self-Service Center.

Hand both sets (2) of your court papers to the Clerk along with the filing fee.

The Clerk will sign and file the original Paternity Order and return a signed and stamped copy to you. The Clerk will also forward a copy of the Order to the Arizona Department of Vital Records where they will enter the new information on the birth records and to the Attorney General’s office as well. “Certified” copies of the Order are available for an additional fee.

NOTE: After a Paternity Order is issued, either parent may file a request for Parenting Time (Visitation), Custody, or Support. IF that request is filed within 90 days after the Paternity Order is issued, and in the same county, there is no additional filing fee. (A.R.S. § 25-812(c)).

OBTAINING A COPY OF A NEW ARIZONA BIRTH CERTIFICATE:

Arizona birth certificates are maintained by the Office of Vital Records, Department of Health Services at:

The State Vital Records Office at 1818 W. Adams, Phoenix, AZ. 85007, is only available for mail-in service. Vital Records general telephone number is 602-364-1300. Please call for another walk-in location. A fee is required for a change to any birth certificate.

For detailed information, see the Vital Records web site.

If you want a copy of the **NEW** Arizona birth certificate, allow three to six weeks for the change to be processed. Then, contact the **Office of Vital Records (Telephone (602) 364-1300)**. They will prepare the new certificate upon all of the following:

- petition
- payment of a fee, and
- presentation of personal identification. (It is helpful to have a copy of the **Order of Paternity** with you.)

Records may also be ordered online.

For births since 1997, birth certificates may also be obtained from the Maricopa County Office of Vital Statistics at 1825 E Roosevelt Road, Phoenix. Call (602) 506-6805 for information.

VOLUNTARY ACKNOWLEDGMENT OF PATERNITY

INSTRUCTIONS: How to Complete All Forms

TO COMPLETE THESE FORMS YOU WILL NEED: the notarized or witnessed signatures of **both** the biological father and mother on the *Voluntary Acknowledgment* form. You will also need a lab report if you checked "Genetic Testing" in item **(8)** on the *Acknowledgment*.

1st Form: "FAMILY COURT COVERSHEET" (All Forms: TYPE OR PRINT IN BLACK INK)

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

Information about the Petitioner, the person filing these papers: Write in the information requested in the space provided. If you do not have a cell phone or email address, leave those spaces blank. If your address and telephone numbers are protected, write "**Protected**"; you do not need to fill in this information. However, you must let the Clerk of the Court know how to reach you. If a lawyer represents you, the Petitioner, you must also write in the lawyer's name and bar number.

Information about the Respondent, the other biological parent: Write in the information requested for the Respondent. If some of the information requested does not apply, leave those spaces blank, otherwise fill in all spaces for which you know or can find the requested information.

Minor Children Involved: List the name(s), date(s) of birth for any minor child(ren) involved in this specific case.

NIGHT AND/OR SATURDAY COURT: Leave blank. Does not apply to this situation as no hearing is required.

2nd Form: "VOLUNTARY ACKNOWLEDGMENT OF PATERNITY"

Match each numbered instruction to the same numbered item on the Acknowledgment and Affidavit.

- (1) At top, left: Fill in the name, address, and phone number of the person filing the form.
- (2) List the name of the parent who is filing this document on the line for "Petitioner" and the name of the other parent on the line for "Respondent".
- (3) Leave this item blank. The Court will provide the case number.
- (4) Fill in the ATLAS number IF one has been assigned; if none, leave blank.
- (5) List the name(s) of the child(ren) for whom you want to the Court to issue an "Order of Paternity" on the lines marked (a), (b), and (c). Below the names write in the birthdates and place of birth in the same "abc" order. If you need to list more children, write in "Continued on next page." Attach that page and label it: "Parents Request Order of Paternity for:" and list the children's names (as (d), (e), (f). etc. as appropriate), and then their dates of birth, and places of birth as in (5) on the first page.
- (6) Fill in the information requested for the mother of the minor children.
- (7) Fill in the information requested for the biological father of the minor children including where the father was born (city, state, and country).
- (8) Mark the one box for either "Affidavit" or "Genetic Testing" as described below, that states the basis of your request for the Court to establish paternity by the person named as the natural father on the Acknowledgment.
 - **Affidavit of Acknowledgment** -- Mark this box if **both** parents are signing this acknowledgment of paternity to tell the Court that you both agree that the man named as father on the Acknowledgment IS the father, **OR**

- **Genetic Testing** -- Mark this box if both parents agree to be bound by the results of genetic testing and you have a copy of the test results showing that the individual named as the father has not been excluded as the biological father.
- (9) Optional: IF you want the Court to order Vital Records to change the minor children's name(s) on the birth certificate(s) (to give them the father's last name (or otherwise), list the *new name(s)* on the lines provided. List the minor children in the same (a),(b),(c) order as in (5) on the first page. If you need more lines to list additional minor children, write in "Continued on next page," attach that page and label it "Parents request for name change" and list the minor children in the same (d),(e),(f) order previously done for any "extra" children.

Signing and filing this affidavit will permanently affect your legal rights and responsibilities relating to the children named in the *Voluntary Acknowledgment of Paternity*. You may want to consult a lawyer before signing this document.

- (10) **SIGNATURES:** The biological mother AND father must both sign the form in front of a Notary Public, Clerk of the Court, *or* a witness over the age of 18 and not related to either parent. By signing this form, you are telling the Court, under penalty of law, that the information on the form is true and correct to the best of your knowledge.

3RD Form: ORDER OF PATERNITY (A.R.S. §25-812)

FOLLOW THESE INSTRUCTIONS WHICH ARE NUMBERED TO MATCH THE IDENTIFYING NUMBERS ON THE FORM.

TYPE OR PRINT NEATLY USING BLACK INK.

- (1) Write in the name of the parent filing the form.
- (2) Write in the name of the other parent on the line below.
- (3) Leave this line blank. The Clerk's Office will supply the case number.
- (4) Fill in the ATLAS number IF one has been assigned; if none, leave blank.
- (5) For each minor child, fill in the name, date of birth, place of birth, as listed in Item 5 of the Acknowledgment.
- (6) Fill in the name and other requested information for the natural mother as listed in Item 6 of the "***Voluntary Acknowledgment of Paternity***".
- (7) Fill in the name, date of birth, and place of birth of the natural father.
- (8) Write in the full name of the father *as it appears on his birth certificate* **or** if he has changed his name legally, check the box and write his current legal name.
- (9) If you want to change the legal name(s) of the child(ren) because of this paternity order, enter the new name(s) exactly as you want them to appear on the amended birth certificate(s).

STOP! Leave the rest of the form blank. Court staff will fill in the rest of the form.

AFTER YOU HAVE COMPLETED ALL FORMS: Go to the "PROCEDURES" page at the end of this packet.

Person Filing: _____
 Address (if not protected): _____
 City, State, Zip Code: _____
 Telephone: _____
 Email Address: _____
 ATLAS Number: _____
 Lawyer's Bar Number: _____

FOR CLERK'S USE ONLY

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

 Petitioner Case No. _____

 Respondent ATLAS No. _____

**FAMILY COURT / SENSITIVE DATA
 COVERSHEET WITH CHILDREN
 (CONFIDENTIAL RECORD)**

Fill out. File with Clerk of Court. Social Security Numbers should appear on this form only and should be omitted from other court forms. Access Confidential pursuant to ARFLP 43(G)(1).

A. Personal Information:	Petitioner	Respondent
Name	_____	_____
Gender	<input type="checkbox"/> Male or <input type="checkbox"/> Female	<input type="checkbox"/> Male or <input type="checkbox"/> Female
Date of Birth (Month/Day/Year)	_____	_____
Social Security Number	_____	_____

**WARNING: DO NOT INCLUDE MAILING ADDRESS ON THIS FORM
 IF REQUESTING ADDRESS PROTECTION**

Mailing Address	_____	_____
City, State, Zip Code	_____	_____
Contact Phone	_____	_____
Email Address	_____	_____
Current Employer Name	_____	_____
Employer Address	_____	_____
Employer City, State, Zip Code	_____	_____
Employer Telephone Number	_____	_____
Employer Fax Number	_____	_____

B. Child(ren) Information:			
Child Name	Gender	Child Social Security Number	Child Date of Birth
_____	_____	_____	_____
_____	_____	_____	_____

C. Type of Case being filed - Check only one category.		Interpreter Needed:
<i>*Check only if no other category applies</i>		<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Dissolution (Divorce)	<input type="checkbox"/> Paternity	If yes, what language?
<input type="checkbox"/> Legal Separation	<input type="checkbox"/> *Legal Decision Maker (Custody)/Visitation	_____
<input type="checkbox"/> Annulment	<input type="checkbox"/> *Child Support	_____
<input type="checkbox"/> Order of Protection	<input type="checkbox"/> Other	_____

DO NOT COPY OR FILE THIS DOCUMENT. DO NOT SERVE THIS DOCUMENT TO THE OTHER PARTY.

Person Filing: _____
 Address (if not protected): _____
 City, State, Zip Code: _____
 Telephone: _____
 Email Address: _____
 ATLAS Number: _____
 Lawyer's Bar Number: _____

FOR CLERK'S USE ONLY

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

(2) _____
Person Filing (Petitioner)

(3) Case No. _____

(4) ATLAS No. _____
(if applicable)

Parent (Respondent)

VOLUNTARY ACKNOWLEDGMENT OF PATERNITY A.R.S. § 25-812

(5) The Clerk is requested to issue an Order establishing paternity for the following:
(List names as they appear on birth certificates, if any.)

	NAME(S):	First	Middle	(new) Last
(a)				
(b)				
(c)				

who were born on this date and at this location (below): (List in same order as above.)

	Month / Day / Year	City, State, Nation of Birth
(a)		
(b)		
(c)		

(6) Mother's Full Name _____

Maiden Name _____ Date of Birth _____

The natural mother of the minor children was not married at the time of birth or at any time during the ten months prior to birth. The natural father is:

(7) Father's Full Name _____

Date of Birth _____

Birthplace (City, State, Country) _____

Current Address _____

The parents request the Court to Order the Office of Vital Records to amend the birth certificate(s) to correct the name of the father.

(8) We base this request on: (Mark **only** one)

Affidavit of Acknowledgment, by which we agree and acknowledge the natural father named above.

OR

Genetic (DNA) Testing and Laboratory Affidavit: Attached is an affidavit from a certified laboratory indicating that the father named above has not been excluded as the natural father of the children and we agree to be bound by the results of the genetic test.

(9) **The parents request the Court to Order the Office of Vital Records to amend the birth certificate(s) to change the minor child(ren)'s name(s) TO:** (List in same order as (5)).

(Optional)(New Names)

	First	Middle	Last
(a)			
(b)			
(c)			

IMPORTANT NOTICE: READ THIS BEFORE YOU SIGN:

Arizona law requires that before voluntarily acknowledging paternity, you be given notice of the alternatives to, legal consequences of and the rights and responsibilities that result. You should know:

- No one is required to voluntarily acknowledge paternity.
- You have the right to seek legal advice before signing this document, and
- If you are unsure who the father is, an alternative is to have genetic (DNA) testing done.

After you submit this **Voluntary Acknowledgement of Paternity**, the Clerk of Court or authorized personnel will issue an Order legally establishing the natural father. This Order is the same as a judgment of the Superior Court. After the Order is issued both parents will have all the rights and responsibilities of parents required by Arizona law. The Order does not decide issues about child support, parenting time or authority for legal decision making. However the Order includes a statement of Arizona law that the parent with whom the minor child has resided for the greater part of the last six months shall have authority for legal decision making unless otherwise ordered by the Court.

Arizona law allows either parent to rescind the acknowledgment of paternity if certain requirements are met. See § 25-812(H) of the Arizona Revised Statutes for the requirements.

**This document can be notarized OR witnessed.
Witness must be at least 18 years of age and not related to either parent by blood or marriage.
Sign only in presence of Deputy Clerk of Court, Notary, or Witness.**

(10) Signature of Mother

Date

(10) Signature of Actual Father

Date

Printed Name of Mother

Date

Printed Name of Actual Father

Date

(IF NOT NOTARIZED OR VERIFIED BY DEPUTY CLERK OF COURT, WITNESSED BELOW)

VOLUNTARY ACKNOWLEDGMENT OF PATERNITY

(Not required if notarized or verified by a Clerk of the Superior Court on preceding page.)

Signature of Witness

Signature of Witness

Printed name of Witness

Printed name of Witness

Address of Witness

Address of Witness

City, State, Zip Code

City, State, Zip Code

Acknowledged before me this: _____

Acknowledged before me this: _____

Deputy Clerk or Notary
Seal/My commission expires:

Deputy Clerk or Notary
Seal/My commission expires:

Person Filing: _____
 Address (if not protected): _____
 City, State, Zip Code: _____
 Telephone: _____
 Email Address: _____
 ATLAS Number: _____
 Lawyer's Bar Number: _____

FOR CLERK'S USE ONLY

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

(1) _____
Person Filing (Petitioner)

(3) Case No. _____

(2) _____
Other Parent (Respondent)

(4) ATLAS No. _____

ORDER OF PATERNITY A.R.S. § 25-812

BASED ON THE REQUEST FILED, for the minor children whose names appear on birth certificates as:

	First	Middle	Last
(a)			
(b)			
(c)			

Who were born on this date and at this location (below): (List in same order as above)

	Month/ Day /Year	City, State, Nation of Birth
(a)		
(b)		
(c)		

(6) Mother's Full Name _____

Maiden Name _____

Date of Birth _____

THE COURT FINDS:

The mother was not legally married when the minor child(ren) were born or at any time during the 10 months prior to birth, and the parties agree that the natural father of the minor children is:

(7) Father's Full Name _____

Date of Birth _____

Birthplace (City, State, Country) _____

Current Address _____

IT IS ORDERED, that the natural father of the above named children is:

(8) (Father's LEGAL name (as listed on *his own* birth certificate, or current legal name)

First	Middle	Last

(9) For any minor children born in the State of the Arizona, the CLERK OF COURT SHALL FORWARD A COPY OF THIS ORDER TO THE OFFICE OF VITAL RECORDS, which is ordered to amend the birth certificate(s) as follows:

The natural father's name shall be entered as the father on the birth certificate(s).

The minor child(ren)'s name(s) shall be changed to: (List in same order as previous)

Name(s)	First	Middle	Last
(a)			
(b)			
(c)			

For any minor child(ren) born in a state *other than* Arizona, the agency that maintains birth records in that state is requested or ordered to amend its birth records to reflect the changes ordered above.

- This Order is a judgment of the Superior Court.
- Pursuant to A.R.S. § 25-803(D), the parent with whom the minor child has resided for the greater part of the last six months has authority for legal decision making concerning the minor child unless otherwise ordered by the Court.
- Pursuant to A.R.S. § 25-501, this Order of Paternity imposes a duty of support and also provides a basis for determining issues related to legal decision making and parenting time and affords the parents all rights and responsibilities provided by Arizona law (A.R.S. § 25-803(C)).

Dated: _____

Clerk of the Court, Judicial Officer, or Court Designee

For Court Use Only.

Copy mailed on: _____

To: Corrections Unit, Office of Vital Records IV-D Agency