B8

ESTABLISH

PATERNITY

WITH LEGAL DECISION MAKING (CUSTODY), PARENTING TIME, and CHILD SUPPORT (For Petitioner Only)

1

To Get The First Court Order

Part 1: Completing and Filing the Court Papers

(Forms and Instructions)

For Child Support and/or Spousal Maintenance
you may also need the following forms C17.

SELF-SERVICE CENTER

TO ESTABLISH PATERNITY, LEGAL DECISION-MAKING (custody), PARENTING TIME, and CHILD SUPPORT

CHECKLIST

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

- ✓ You want a court order that declares paternity, legal decision-making (custody), parenting time, and (optionally) support for minor children, **AND**
- ✓ Paternity has **not** already been legally established for ***at least one*** of the children to be named in the court order*, **AND**
- ✓ The same person is the father of all children to be included in the court order, AND
- ✓ The minor children have lived in Arizona for at least 6 months (or since birth if younger than 6 months) before you file the petition, or you talked to a lawyer who advised that you could pursue the case in Arizona at this time.

DO NOT USE THE FORMS and instructions in this packet if:

X Someone *other than* the person named as the father in this case is already listed as the father on the birth certificate for any child for whom you are asking for a court order in this case.

X Paternity has *already* been legally established by other means* for **all** children for whom you are seeking a court order in this matter.*

> * For children born after July 1996: If the father's name appears on the birth certificate as a result of the parents having signed an Affidavit of Paternity in the hospital at time of birth or afterwards, paternity has already been established for that child and you do not need to establish paternity through the court. A.R.S. § 25-812 (C).

If the father is listed on the birth certificate or paternity has otherwise already been legally established for **all** children for whom you want a court order, see the Self-Service Center packet to **Establish Legal Decision Making** (Custody), **Parenting Time and Support** to determine if it applies to your situation.

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.

INSTRUCTIONS: HOW TO FILL OUT PATERNITY, LEGAL DECISION MAKING (CUSTODY), PARENTING TIME, AND CHILD SUPPORT PAPERS

WHEN TO USE THIS PACKET:

- Use this packet if you want to get a court order for paternity, legal decision making (custody), parenting time, and child support and you do not already have an order. If you want a court order for legal decision making (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, legal decision making (custody) and parenting time.

- **If you <u>have</u> a paternity order <u>or</u> the father's name is already on the birth certificate of <u>all</u> children for whom the court order is requested but you do not have a legal decision making (custody) order, you may use the separate forms to establish legal decision making (custody), parenting time and child support (when paternity has *already* been established) <u>instead</u>.**

- **IMPORTANT NOTICE ABOUT WHEN YOU CAN BRING A LEGAL DECISION MAKING (CUSTODY) 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 Self-Service 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).

DOMESTIC VIOLENCE:

Domestic violence can be part of any relationship. Domestic violence includes physical violence directed 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 that 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 address on these papers. If you have no other address or phone 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 as soon as possible.

FAMILY COURT/SENSITIVE DATA COVER SHEET IN CASES WITH MINOR CHILDREN.

(All Forms: TYPE OR PRINT IN BLACK INK)

- **Write in the information requested about petitioner, respondent, and any children under the age of 18.**
- **DO NOT INCLUDE MAILING ADDRESS ON THIS FORM IF REQUESTING ADDRESS PROTECTION.**
- **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:

Fill in the following information where requested: Your name; address (if not protected); city, state and zip code; telephone number; ATLAS NUMBER (if you have one); name of Petitioner (your name); and name of Respondent (the other party's name).

PETITION FOR PATERNITY with LEGAL DECISION MAKING (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 (custody), parenting time and child support.

- Make sure your form states "**PETITION FOR PATERNITY, LEGAL DECISION (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 zipcode; telephone number; and your ATLAS number (if applicable).
- **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. Leave "Case Number" blank. The Clerk will fill in the case number when you file your court papers.

NOTE: IF YOU HAVE AN EXISTING FAMILY COURT CASE IN MARICOPA COUNTY AGAINST THE SAME PARTY, USE YOUR EXISTING CASE NUMBER. IF YOU DO NOT KNOW YOUR EXISTING CASE NUMBER, ASK THE CLERK BEFORE YOU FILE YOUR PETITION.

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 children 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 his or her relationship to the minor children 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 children for whom you want this paternity order, with legal decision making (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).
   - **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). 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 time the minor children who are the subject of your request for court order 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 minor children, you need to tell the court. Attach a copy of any order about legal decision making (custody), parenting time, or child support to the **Petition (IF** the order is **NOT** from the Superior Court in Maricopa County.

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 (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 (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 participated as a party or witness in any court case involving issues ***other than*** **legal decision making (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 visitation 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 respondent in this court case. If not, check the second box and GO ON.

11. This section tells the Court what legal decision making (custody) arrangement **you** want. Please check the box that describes what you want the Court to order. If you check the box for "Joint Legal Decision Making (custody)", 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 legal decision making (custody), if you intend to ask for joint legal decision making (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 Maricopa 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, legal decision making (custody), parenting time and child support: This requests that the Court make Orders relating to issues such as paternity, legal decision making (custody), parenting time and support.

A. **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.

B. **BIRTH CERTIFICATE: Write the father's full name as it should appear on the child's birth certificate.**

C. **CHILD(REN)'S 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).

D. **LEGAL DECISION MAKING (custody) OF MINOR CHILDREN AND PARENTING TIME.**

1. **SOLE LEGAL DECISION MAKING (custody):** If you want sole legal decision making (custody), check the boxes that apply, including the parenting time you are asking for. Tell the court whether you want legal decision making (custody) of the minor children to go to you (the Petitioner); or the other party (the Respondent).

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:

A. **Reasonable parenting time.** This suggests an amount of parenting time appropriate to the age of the child. 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.

B. **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 children or cannot do so without another person present. You may request this if the person not having legal decision making (custody) 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.

i. **Supervised visitation:** Describe how supervised parenting time should work.

ii. **No parenting time to the non-custodial parent.** Check this option only if the non-custodial parent 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 the non-custodial parent. This is used as a last resort to protect the child.

2. **JOINT LEGAL DECISION MAKING (CUSTODY):** If you are asking for joint legal decision making (custody), you will need to file a Joint Legal Decision Making (custody) Agreement signed by both parents which will be given to the judge for court approval later in the process. The Joint Legal Decision Making (custody) Agreement is part of the "Parenting Plan" contained in Packet 4, "The Court Order".

E. **CHILD SUPPORT:** Check which party should pay child support. (The box you check should match what is on your completed Child Support Worksheet.)

F. **MOTHER'S EXPENSES:** Check this box indicating if Respondent 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 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.

I. **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 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.

NOTICE REGARDING THE PARENT INFORMATION PROGRAM (PIP)

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. This Notice applies to all parents who file an action for divorce or legal separation, or any family court proceeding, in which a party has requested that the court determine legal decision making (custody) or parenting time on or after January 1, 1997, and to all other domestic relations cases if ordered by the Court.

Read this notice. Do what it says, <u>and</u> serve this notice on the other party.

OTHER IMPORTANT PAPERS IN THIS PACKET

Before you get an order from the judge you must complete the court papers on what you want the judge to order about paternity, legal decision making (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, legal decision making (custody), visitation, and support. You can complete these papers now, and serve or provide copies to the other party. Or, you can complete the papers before the final court hearing date and provide copies to the other party.

Regarding the "Child Support Worksheet", also known as "the Parents Worksheet", refer to the separate "How to Calculate Child Support" packet and the Arizona Child Support Guidelines to complete that form, or you may substitute a printout of the worksheet produced by the Superior Court's free *online* Child Support Calculator.

SELF-SERVICE CENTER

PROCEDURES: HOW TO FILE PAPERS WITH THE COURT FOR ESTABLISHMENT OF PATERNITY, LEGAL DECISION MAKING (Custody), PARENTING TIME, AND CHILD SUPPORT

STEP 1:

Complete the *"Family Court Cover Sheet"* and the *"Sensitive Data Sheet"*.
(Do not copy these 2 documents.)

Make 2 copies of the following documents *after* you have filled them out:

- ***"Summons"***
- ***"Order and Notice for the Parent Information Program"***

Make 2 copies of the *"Petition for Paternity, Legal Decision Making (Custody), Parenting Time, and Child Support"* after you have filled it out. (Referred to as "Petition" below)

STEP 2: SEPARATE YOUR DOCUMENTS INTO THREE (3) SETS:

SET 1 - <u>ORIGINALS</u> FOR CLERK OF COURT: • ***"Family Court Cover Sheet"*** • ***"Sensitive Data Sheet"*** • ***"Summons"*** • ***"Petition"*** • ***"Order and Notice for Parent Information Program"***	**SET 2 - <u>COPIES</u> FOR OTHER PARTY:** • ***"Summons"*** • ***"Petition"*** • ***"Order and Notice for Parent Information Program"***
SET 3 – <u>COPIES</u> FOR YOU: • ***"Summons"*** • ***" Petition"*** • ***"Order and Notice for Parent Information Program"***	

STEP 3: FILE THE PAPERS AT THE COURT:

GO TO: **THE COURT TO FILE YOUR PAPERS:** The court is open from 8:00 a.m. – 5:00 p.m., Monday-Friday. **You should go to the court at least two hours before it closes**. You may file your court papers at the following Superior Court locations:

Graham Clerk of the Superior Court
800 W. Main St.
Safford, AZ 85546

FILE: Go to the Clerk of the Court filing counter at the location where you will file your papers.

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.

If this is a joint-filing by both parties as in a "stipulation" or "agreement", and it is the first time one of the parties or his or her attorney has "appeared", that is, filed papers in this case, a separate substantial "**appearance fee**" (also known as a "response" or "answer" fee) *will be due from that party* at the time of filing.

PAPERS: Hand all three (3) sets of your court papers to the Clerk along with along with the correct filing fee.

MAKE SURE YOU GET THE FOLLOWING BACK FROM THE CLERK:

- **Your Set of <u>Copies</u>**
- **The Other Party's Set of <u>Copies</u>**

STEP 4:

SERVE THE PAPERS ON THE OTHER PARTY. Read the packet at the Self-Service Center called "Service of Court Papers" that applies to your situation. This will explain how to serve the other party. Remember to file your Affidavit, Waiver or Acceptance of Service as soon as the Respondent is served.

STEP 5:

WAIT. Depending on HOW and WHERE you served the papers on the other party (in-state, out of state, by publication, etc.), he or she has a certain number of days to file a RESPONSE to tell the Court that he or she disagrees with your facts, or objects to the Orders you want the Court to make. You should receive a copy of the Response and a notice about when and where you must appear for any Court procedure or hearing.

If NO RESPONSE is filed, you must file papers to tell the Court the other party DEFAULTED - that is, the other party agrees with your request - or at least did not file papers to disagree, so the Court should move forward. See the Self Service Center's "Default" packet and follow the timetable and procedures there to apply for your default court order.

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

_____
Respondent

Case No. _____

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	☐ Male or ☐ Female	☐ Male or ☐ 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.

**Check only if no other category applies*

Interpreter Needed: ☐ Yes ☐ No

If yes, what language?

☐	Dissolution (Divorce)	☐	Paternity
☐	Legal Separation	☐	*Legal Decision Maker (Custody)/Visitation
☐	Annulment	☐	*Child Support
☐	Order of Protection	☐	Other

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

For Clerk's Use Only

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

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

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

_____
Name of Petitioner

Case No.: _____

And

_____
Name of Respondent

SUMMONS

WARNING: This is an official document from the court that affects your rights. Read this carefully. If you do not understand it, contact a lawyer for help.

FROM THE STATE OF ARIZONA TO: _____
Name of Respondent

1. **A lawsuit has been filed against you. A copy of the lawsuit and other court papers are served on you with this *"Summons".***

2. **If you do not want a judgment or order taken against you without your input, you must file an *"Answer"* or a *"Response"* in writing with the court, and pay the filing fee. If you do not file an *"Answer"* or *"Response"* the other party may be given the relief requested in his/her Petition or Complaint. To file your *"Answer"* or *"Response"* take, or send, the *"Answer"* or *"Response"* to the:**

GRAHAM COUNTY CLERK OF THE COURT
800 W MAIN STREET
SAFFORD, AZ 85546

Mail a copy of your *"Response"* or *"Answer"* to the other party at the address listed on the top of this Summons.

3. **If this *"Summons"* and the other court papers were served on you by a registered process server or the Sheriff, within the State of Arizona, your *"Response"* or *"Answer"* must be filed within TWENTY (20) CALENDAR DAYS from the date you were served, not counting the day you were served. If this *"Summons"* and the other papers were served on you by a registered process server or the Sheriff outside the State of Arizona, your Response must be filed within THIRTY (30) CALENDAR DAYS from the date you were served, not counting the day you were served. Service by a registered process server or the Sheriff is complete when made. Service by Publication is complete thirty (30) days after the date of the first publication.**

4. **You can get a copy of the court papers filed in this case from the Petitioner at the address listed at the top of the preceding page, from the Clerk of the Superior Court's Customer Service Center at:**

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

5 **If this is an action for dissolution (divorce), legal separation or annulment, either or both spouses may file a *Petition for Conciliation* for the purpose of determining whether there is any mutual interest in preserving the marriage or for Mediation to attempt to settle disputes concerning legal decision-making (custody) and parenting time issues regarding minor children.**

6. **Requests for reasonable accommodation for persons with disabilities must be made to the office of the judge or commissioner assigned to the case, at least ten (10) judicial days before your scheduled court date.**

7. **Requests for an interpreter for persons with limited English proficiency must be made to the office of the judge or commissioner assigned to the case at least ten (10) judicial days in advance of your scheduled court date.**

SIGNED AND SEALED this date _____

Darlee Maylen, CLERK OF COURT

By_____
Deputy Clerk

For Clerk's Use Only

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

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

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

_____
Name of Petitioner

Case Number: _____

_____
Name of Respondent

PETITION FOR COURT ORDER FOR PATERNITY and (check box below if applicable)

☐ **LEGAL DECISION MAKING (CUSTODY)**

☐ **PARENTING TIME**

☐ **CHILD SUPPORT**

☐ **VITAL RECORDS** (Check this box if the Department of Vital Records is ordered to change the birth records of a child born in Arizona.)

A. STATEMENTS TO THE COURT

1. INFORMATION ABOUT ME, THE PETITIONER:

Name: _____

Address: _____

Date of Birth: _____

Occupation: _____

Relationship to children for whom I want the paternity order:

☐ **Mother**

☐ **Father (or may be the father)**

☐ **Other: (Explain)** _____

2. INFORMATION ABOUT OTHER PARTY, THE RESPONDENT:

Name: _____

Address: _____

Date of Birth: _____

Occupation: _____

Relationship to children for whom I want paternity order:

☐ **Mother**

☐ **Father (or may be the father)**

3. VENUE: (Check here if the following statement is true):

☐ **This is the proper court to bring this lawsuit under Arizona law because it is the county of residence of the Petitioner or of the Respondent or of the minor children.**

4. JURISDICTION: WHY I AM FILING THIS COURT CASE AGAINST THE OTHER PARTY IN ARIZONA: (Place a check mark in the boxes that are true.)

☐ The person is a resident of Arizona

☐ I believe that I will personally serve the person in Arizona (see packet on service to know about this.)

☐ The person agrees to have the case heard here and will file written papers in the court case;

☐ The person lived with the minor child in this state at some time;

☐ The person lived in this state and provided pre-birth expenses or support for the child;

☐ The minor child lives in this state as a result of the acts or directions of the person;

☐ The person had sexual intercourse in this state as a result of which the minor child may have been conceived;

☐ The person signed an affidavit acknowledging paternity that is filed in this state;

☐ The person did any other acts that substantially connect the person with this state (see a lawyer to help you determine this).

LIMITATION ON JURISDICTION: If Respondent is not personally served (served by publication) the Court cannot make a legal order regarding issues of child support, medical, dental, and vision care insurance and expenses for minor children.

☐ I (Petitioner) understand that if I want the Court to make a legal order regarding issues of child support, medical, dental, and vision care insurance and expenses for minor children, I must personally serve the Respondent.

B. STATEMENTS ABOUT PATERNITY:

5. WHY YOU THINK THE PERSON IS THE FATHER OF THE MINOR CHILD(REN):

(Check which box applies)

☐ **AFFIDAVIT:** Petitioner and Respondent signed an **Affidavit of Paternity** acknowledging that

☐ Petitioner or ☐ Respondent is the minor child(ren)'s natural father. A copy is attached.

☐ **BIRTH CERTIFICATE:** ☐ Petitioner or ☐ Respondent is named as the natural father on one or more minor child(ren)'s birth certificate(s). Copy (or copies) attached.

☐ **BLOOD TEST:** DNA Testing indicates ☐ Petitioner or ☐ Respondent is the minor child(ren)'s natural father. Report(s) of test results attached.

☐ **PARTIES LIVING TOGETHER:** Petitioner and Respondent were not married to each other at any time during the ten months before birth of the minor child(ren). However, the parties lived together during the period(s) when the minor child(ren) could have been conceived.

☐ **SEXUAL INTERCOURSE:** Petitioner and Respondent were not living together but had sexual intercourse at the probable date(s) of conception of the minor child(ren). The mother of the minor children did not have sexual intercourse with anyone else during the periods in which the minor child(ren) could have been conceived.

☐ **OTHER**: (explain) _____

_____

6. ABOUT MARRIAGE AND HUSBAND (if applicable, check one box.)

☐ Mother was not married at the time minor child(ren) were born or conceived or at least 10 months before minor child(ren) were born or conceived, OR

☐ Mother was married when minor child(ren) were born or conceived or at least 10 months before minor child(ren) were born or conceived, but husband is not father of minor child(ren). Husband is a party to this court case because of marriage.

C. INFORMATION ABOUT MINOR CHILDREN

7. CHILD(REN)'S residence:

A. Child's Name: _____	**Gender:** ☐ **Female** ☐ **Male**
Place of Birth: _____	**Date of Birth:** _____
Current Address: _____	
How long at this address: _____	**County:** _____
Lived with ☐ **Mother** ☐ **Father** ☐ **Other** (Name & Relation to Child):	
(If less than 5 years, provide 5 years previous address information for each child.)	
Previous Address: _____	
How long at this address:	**Lived with** ☐ **Mother** ☐ **Father** ☐ **Other:**
Previous Address:	
How long at this address:	**Lived with** ☐ **Mother** ☐ **Father** ☐ **Other:**

B. Child's Name: _____ **Gender:** ☐ **Female** ☐ **Male**

Place of Birth: _____ **Date of Birth:** _____

Current Address: _____

How long at this address: _____ **County:** _____

Lived with ☐ **Mother** ☐ **Father** ☐ **Other** (Name & Relation to Child):

(If less than 5 years, provide 5 years previous address information for each child.)

Previous Address: _____

How long at this address: **Lived with** ☐ **Mother** ☐ **Father** ☐ **Other:**

Previous Address:

How long at this address: **Lived with** ☐ **Mother** ☐ **Father** ☐ **Other:**

C. Child's Name: _____ **Gender:** ☐ **Female** ☐ **Male**

Place of Birth: _____ **Date of Birth:** _____

Current Address: _____

How long at this address: _____ **County:** _____

Lived with ☐ **Mother** ☐ **Father** ☐ **Other** (Name & Relation to Child):

(If less than 5 years, provide 5 years previous address information for each child.)

Previous Address: _____

How long at this address: **Lived with** ☐ **Mother** ☐ **Father** ☐ **Other:**

Previous Address:

How long at this address: **Lived with** ☐ **Mother** ☐ **Father** ☐ **Other:**

D. Child's Name: _____ **Gender:** ☐ **Female** ☐ **Male**

Place of Birth: _____ **Date of Birth:** _____

Current Address: _____

How long at this address: _____ **County:** _____

Lived with ☐ **Mother** ☐ **Father** ☐ **Other** (Name & Relation to Child):

(If less than 5 years, provide 5 years previous address information for each child.)

Previous Address: _____

How long at this address: **Lived with** ☐ **Mother** ☐ **Father** ☐ **Other:**

Previous Address:

How long at this address: **Lived with** ☐ **Mother** ☐ **Father** ☐ **Other:**

☐ Continues on attached page(s) made part of this document by reference.

8. COURT CASES INVOLVING PHYSICAL CUSTODY, LEGAL DECISION MAKING (LEGAL CUSTODY) OR PARENTING TIME, RELATED TO CHILDREN UNDER 18 YEARS OLD: (Check one box)

☐ **I HAVE** ☐ **I DO NOT HAVE** information about a court case or cases involving physical custody, legal decision making (legal custody), or parenting time relating to any of the minor children named above that is pending in this state or in any other state (If you **have such case information,** explain below, using extra pages if necessary. **IF NOT, GO ON**).

Name of each child: _____

Court State: _____ Court location (county/city): _____

Court case number: _____ Current case status: _____

Nature (type) of court proceeding: _____

Summary of any Court Order: _____

_____

_____

9. COURT CASES NOT INVOLVING PHYSICAL CUSTODY, LEGAL DECISION MAKING (LEGAL CUSTODY) OR PARENTING TIME RELATED TO THE CHILDREN UNDER 18 YEARS OLD: (check one box) ☐ **I HAVE** ☐ **I HAVE NOT** been a party or a witness in court in this state **or** any other state regarding something **other than** legal decision making (custody) or parenting time of any of the minor children named above (If you have, explain below, using extra pages if necessary. **IF NOT, GO ON**.)

Name of each child: _____

Court State: _____ Court location (county/city): _____

Court case number: _____ Current case status: _____

How the minor children are _____

_____

Summary of any Court _____

_____

_____

10. PHYSICAL CUSTODY, LEGAL DECISION MAKING (LEGAL CUSTODY) OR PARENTING TIME CLAIMS OF ANY PERSON: (check one box)

☐ **I KNOW** ☐ **I DO NOT KNOW** a person other than the Petitioner or the Respondent who has physical custody or who claims legal decision making (custody) or parenting time rights to any of the minor children named above. (If you do, explain below, using extra pages if necessary. **IF NOT, GO ON**).

Name of each child: _____

Name of Person with the claim: _____

Address of Person with the _____

Nature of the Claim: _____

_____

D. OTHER STATEMENTS TO THE COURT:

11. MEDICAL EXPENSES: ☐ There are OR ☐ There are no unreimbursed medical expenses incurred by the mother, resulting from the birth of the minor child(ren). If there are, these costs and expenses should be awarded to ☐ Petitioner OR ☐ Respondent according to law.

12. OTHER EXPENSES: The parties should be ordered to divide between them any uninsured medical, dental, or health expenses, reasonably incurred for the minor children, in proportion to their respective incomes.

13. PARENT INFORMATION PROGRAM (PIP)**:** is required for persons seeking legal decision making authority (custody) or parenting time.

☐ **I have** ☐ **I have not** (check one box) **already ATTENDED the Parenting Information Program.**

14. DOMESTIC VIOLENCE: (If you are asking for **joint** legal decision making (joint custody), check one.)

☐ Domestic Violence **has not** occurred between the parties. **OR**

☐ Domestic Violence **has** occurred **but it was committed by both parties or it is otherwise still in the best interests** of the minor child(ren) to grant joint or sole legal decision making (joint or sole custody) to a parent who has committed domestic violence *because:* (EXPLAIN)

_____

_____

_____

15. DRUG / ALCOHOL CONVICTION WITHIN LAST TWELVE MONTHS: (Check one box.)

☐ **Neither parent has been convicted** for a drug offense or driving under the influence of drugs or alcohol in the last twelve (12) months, **OR**

☐ **One or both parents have been convicted** for a drug offense or driving under the influence of drugs or alcohol in the last twelve (12) months.

☐ **Mother and/or** ☐ **Father was convicted, however**, the legal decision making (legal custody) and parenting time arrangement I am requesting appropriately protects the minor child(ren).

Explain how this arrangement appropriately protects the minor children. _____

_____

_____

16. TAX EXEMPTION: The parties will claim the children as income tax dependency exemptions on federal and state income tax returns as follows:

Parent entitled to claim		Name of minor child	in Tax Year
☐Mother	☐ Father	_____	_____
☐Mother	☐ Father	_____	_____
☐Mother	☐ Father	_____	_____
☐Mother	☐ Father	_____	_____
☐Mother	☐ Father	_____	_____

☐ **Pattern shall repeat for subsequent years.**

E. REQUESTS TO THE COURT:

1. PATERNITY: Order that (legal name of the father, as on his birth certificate, or his current *legal* name)

First Middle Last

_____

IS the natural father of the minor child(ren).

2. BIRTH CERTIFICATE:

☐ **Order that the name of the father listed in "A" above be added to each minor child's birth certificate;**

_____

3. NAME CHANGE: (check the box and fill in the blank if you want this):

☐ **Order each minor child's <u>last</u> name** (only) **be changed to:** _____

OR ☐ **Order as follows:** _____

_____

_____

4. PRIMARY RESIDENTIAL PARENT, PARENTING TIME, AND AUTHORITY FOR LEGAL DECISION MAKING (LEGAL CUSTODY):

a. PRIMARY RESIDENTIAL PARENT: Declare which parent's home shall be the main residence for each minor child:

☐ Declare **Mother's** home as the main residence for the following named children:

_____

☐ Declare **Father's** home as the main residence for the following named children:

_____

subject to parenting time, as follows:

b. PARENTING TIME: Award parenting time as follows:

☐ **Reasonable parenting time** rights to the non-primary residential parent, **OR**

☐ **Supervised parenting time** between the children and ☐ Mother **OR** ☐ Father, **OR**

☐ **No parenting time** rights to the ☐ Mother **OR** ☐ Father.

Supervised or no parenting time is in the best interests of the child(ren) because: *

_____

_____

_____

☐ Explanation continues on attached pages made part of this document by reference.

1. Name this person to supervise: _____
2. Order cost of supervised parenting time (if applicable) to be paid by:
   - ☐ Mother
   - ☐ Father
   - ☐ Shared equally by the parties
3. **Additionally restrict parenting time as follows:**

_____

_____

_____

c. LEGAL DECISION MAKING (child custody):
Award legal decision making concerning the child(ren) as follows:

☐ **AWARD SOLE LEGAL DECISION-MAKING (sole custody) to**: ☐ **Mother** ☐ **Father**

OR

☐ **AWARD JOINT LEGAL DECISION MAKING (joint custody) to BOTH PARENTS.**
Mother and Father will agree to act as joint legal decision makers concerning the minor child(ren) and will submit a Parenting Plan and Joint Legal Decision Making Agreement signed by the both parties. (For the court to order "joint" legal decision making, there must have been no "significant" domestic violence according to Arizona law, A.R.S. § 25-403.03)

(Check below if you are asking for a child support order or a change of child support in this case.)

5. CHILD SUPPORT: Order that child support shall be paid by (check one box) ☐ Mother **OR** ☐ Father; in a reasonable amount as determined by the Court under the Arizona Child Support Guidelines.

Support payments shall begin on the first day of the first month following the entry of the Paternity Decree/Order. These payments, and a fee for handling, shall be paid through the Support Payment Clearinghouse and collected by automatic Income Withholding Order. Further, that costs for past child support and care for child(ren) in the amount of **$**_____shall be paid by ☐ Mother **OR** ☐ Father in the amount of **$**_____ each month until paid in full. Payments shall be made as stated above.

6. MOTHER'S EXPENSES: Order that the father, who is ☐ Petitioner **OR** ☐ Respondent pay a reasonable amount to cover unreimbursed expenses incurred by the mother related to the birth of each child(ren).

7. MEDICAL, DENTAL and VISION CARE INSURANCE FOR MINOR CHILDREN:
Order that:

☐ **Mother** should be responsible for providing: ☐ medical ☐ dental ☐ vision care insurance.

☐ **Father** should be responsible for providing: ☐ medical ☐ dental ☐ vision care insurance.

☐ **Order that Petitioner and Respondent** pay for all reasonable unreimbursed medical, dental, vision care, and health-related expenses incurred for the minor child(ren) in proportion to their respective incomes as described on the Parents' Worksheet, which shall be submitted with the Judgment and Order.

8. TESTING and COSTS: Order that if paternity is contested, Petitioner and Respondent be ordered to submit to such blood and tissue tests as may be necessary by this Court to establish paternity, and that Respondent must pay all costs and expenses of this lawsuit, if he/she contests these proceedings, including costs of the blood tests, other genetic testing; filing each child's birth certificate; attorneys' fees and court costs.

9. TAX EXEMPTION: The parties will claim the children as income tax exemptions on federal and state tax returns as follows:

Parent entitled to claim		Name of minor child	in Tax Year
☐ Mother	☐ Father	_____	_____
☐ Mother	☐ Father	_____	_____
☐ Mother	☐ Father	_____	_____
☐ Mother	☐ Father	_____	_____
☐ Mother	☐ Father	_____	_____

☐ **Pattern shall repeat for subsequent years.**

10. OTHER ORDERS I AM REQUESTING (explain request here):

_____

_____

_____

F. SIGNATURES

UNDER OATH OR BY AFFIRMATION

I swear or affirm under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.

_____ _____
Date Signature

Sworn to or Affirmed before me this _____ by _____
(Date) Printed Name

My Commission Expires: (or Seal below) _____ _____
Deputy Clerk or ☐ Notary Public

SUPERIOR COURT OF ARIZONA
IN GRAHAM COUNTY

_____
Name of Petitioner

_____
Name of Respondent

Case Number _____

ORDER AND NOTICE TO ATTEND PARENT INFORMATION PROGRAM CLASS

THIS IS AN OFFICIAL COURT ORDER. IF YOU FAIL TO OBEY THIS ORDER, THE COURT MAY FIND YOU IN CONTEMPT OF COURT.

THE COURT FINDS:

This case involves minor child(ren) and is an action for:

- ☐ Dissolution of Marriage;
- ☐ Legal Separation, or
- ☐ Paternity with a Request to Determine Legal Decision-Making Authority (Custody) or Parenting Time or Child Support;
- ☐ Request to Determine Legal Decision-Making Authority (Custody) or Parenting time or Support.

THE COURT ORDERS pursuant to ARS §25-352:

1. **ATTEND CLASS**. You must attend and complete the Parent Information Program Class, or if not in Arizona, its equivalent in your state of residence.

2. **WITHIN 45 DAYS**. Both the Petitioner and the Respondent **must** complete this class within 45 days from the date the Respondent is served with, or accepts service of, the Petition/Complaint. The Respondent must register for and complete the course whether or not a "***Response***" or "***Answer***" to the Petition/Complaint is filed.

3. **PAY THE CLASS FEE**. Each party must pay the class fee to the Program Provider.

4. **FILE CERTIFICATE OF COMPLETION**. Both the Petitioner and the Respondent must each file a "***Certificate of Completion***" with the Clerk of the Court immediately after completing the class and prior to receiving the final judgment/order/decree in the case.

5. **FAILURE TO ATTEND CLASS**. If you file a Petition/Complaint or ***"Response"*** or ***"Answer"*** and do **not** complete the Parent Information Program Class, the judge **may not** sign your papers and you **may not** get the things you asked the court to give you. You may also be denied the right to seek modification and/or enforcement of the decree/judgment/order until completion of the class. If you are the party required to file a Response/Answer and choose not to file a "***Response***" or "***Answer***", and do not complete the Parent Information Program Class, **you may be denied** the right to seek modification and/or enforcement of the decree/judgment/order until completion of the class.

D. COREY SANDERS

Pro-Tem Judge of the Superior Court

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