

LEGAL DECISION- MAKING, PARENTING TIME, and CHILD SUPPORT

1

**To change an existing Court Order when
parties agree**

(Forms & Instructions)

LAW LIBRARY RESOURCE CENTER

When parties agree: How to change legal decision-making (legal custody), parenting time, and child support

CHECKLIST

Use the forms in this packet ONLY if the following factors apply to your situation:

- ✓ You have a court order about legal decision-making (legal custody), parenting time, and child support,
AND
- ✓ Both parents agree to change the court order,
AND
- ✓ The court order that you want to change is from an Arizona court or the children subject to the order you want to change have resided (lived) in Arizona at least 6 months before you file these agreement papers or you talked to a lawyer who advised you that you could pursue your case in Arizona.

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 Law Library Resource Center website.

Agreement to modify legal decision-making, parenting time, and child support

This packet contains forms and instructions to file an Agreement to modify a court order for legal decision-making, parenting time, and child support for Party A or Party B. Items in bold are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

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The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

Instructions: How to complete an Agreement to Modify Legal Decision-making, Parenting Time, and Child Support

Step 1: Determine whether this court has the authority to hear your case. Either party or children of the parties must live in Yuma County to file for modification in this county:

If the court Order you want to change is from Yuma County, Arizona:

- Use your copy of the Order. You will need it to fill out the paperwork.
- If the court Order you want to change is from another county in Arizona:
- Get a certified (Clerk-stamped) copy of the Order you want to change from the other county, and
- Bring the certified copy with you when you come to the Clerk of Superior Court to file your court papers, and
- Give the certified copy of the Order to the Clerk before filing any additional paperwork, and
- The Clerk will file the Order and assign a case number to your new case.
- If the court order you want to change is from a state other than Arizona:
- Talk to a lawyer who can tell you what requirements are necessary for you to file for modification in Arizona.

Step 2: Important definitions to help you in your decision to change legal decision-making and parenting time.

- “Sole Legal Decision-making” means the one person has legal decision-making authority.
- “Joint Legal Decision-making” means both parties share legal decision-making.
- “Parenting time” means a parent has the right to have a minor child physically placed with the parent and the right and responsibility to make, during that placement, routine daily decisions regarding the minor child’s care consistent with the major decisions made by the person having legal decision-making.
- “Custody” usually refers to legal decision-making and used to be called legal custody.
- Education Order: This is a school-specific order that is part of the Parenting Plan. The Education Order applies equally to schools, pre-schools, and institutional childcare providers.

Filing an Education Order as part of the Parenting Plan is **ONLY** required prior to January 1, 2025. After this date, an Education Order is not required unless otherwise ordered by the Court.

If the Court has ordered you to file an Education Order, you must choose either the Joint Legal Decision-making Education Order or the Sole Legal Decision-making Education Order. The Education Order you choose must match the type of legal decision-making you are asking for in your Parenting Plan.

Step 3: Complete the forms in this packet if both parties agree to ask the court to modify or change an existing court Order for legal decision-making, parenting time and child support.

- Have in front of you a copy of the current Parenting Plan (if you have one), legal decision-making and parenting time order, and Child Support Order. You will need to look at these documents to complete all the paperwork now.
- Important: If you want to modify legal decision-making, you must also consider whether it will be necessary to modify child support and/or parenting time. You will need all the documents that are required to modify the child support order and the parenting time order.
- Complete the required forms:
 1. Agreement (or Stipulation) to Modify the Prior Court Order Regarding Legal Decision-making, Parenting Time and Child Support, and
 2. Order Modifying Legal Decision-making, Parenting Time and Child Support, and
 3. Parenting Plan,
 4. Education Order (if applicable),
 5. Child Support Worksheet,
 6. Child Support Order, and
 7. Current Employer Information Sheet (if applicable), and
 8. Order Stopping Income Withholding Order (if applicable).
- Use the “Parenting Time Guidelines” to help you make your new Parenting Plan.
- If you want to modify or change legal decision-making and/or parenting time, you must also consider whether it will be necessary to modify or change child support.

Use the free online child support calculator to produce the Child Support Worksheet, Child Support Order, and Current Employer Information Sheet that must be turned in along with your other court papers. This calculator is available at:

ezCourtForms <https://www.superiorcourt.maricopa.gov/ezcourtforms2/>

If you are changing parenting time and therefore changing child support, you might need to stop a current wage withholding order and have a new income withholding order issued, depending on which parent will now pay support. These forms are available at the Law Library Resource Center and online at the Law Library Resource Center website.

- Remember that the court must do what is in the best interests of the minor children. Even if both parties agree to legal decision-making, parenting time and support, the judge will look over all the papers and decide what Order to make.
- Print clearly and use black ink when completing forms.
- The Current Employer Information Sheet is required whenever child support is ordered.
- An Order stopping an income withholding order is required if this modification changes which party is ordered to pay child support.

Once you have completed your forms, see: Procedures: How to file your Agreement to Modify Legal Decision-making, Parenting Time and Child Support.

How to complete a Child Support Worksheet

Use the **free** online child support calculator to produce the Child Support Worksheet that must be turned in along with your other court papers.

Using the online calculator is free (access to the Internet and a printer required).

If you do not have access to the Internet and/or a printer, you may use the computers at any Law Library Resource Center location. There is a small, per-page charge for printing. The online calculator is available at:

ezCourtForms

<https://www.superiorcourt.maricopa.gov/ezcourtforms2/>

Advantages of Using the Online Child Support Calculator

- The online calculator is free.
- The online calculator does the math for you.
- The online calculator produces a neater, more readable worksheet.
- The online calculator produces a more accurate child support calculation, **and**
- **You don't have to go through 35 pages of Guidelines and Instructions.**

If you want to perform the calculations yourself, you will need an additional 60 or more pages of guidelines, instructions, and the Child Support Worksheet form. These are available for separate purchase from the Law Library Resource Center as part of the "How to Calculate Child Support" packet, or may be downloaded for free from the Law Library Resource Center's web page (<https://superiorcourt.maricopa.gov/llrc/family-court-forms/>).

When you have completed all needed forms, go to the "Procedures" page and follow the steps.

INSTRUCTIONS FOR COMPLETING AN “ORDER STOPPING AN INCOME WITHHOLDING ORDER”

DEFINITIONS:

"Obligor" "Payor" is the person ordered to make support payments.

"Obligee" "Payee" is the person or agency entitled to receive support.

COMPLETE THIS FORM IF:

You completed a **“Request to Stop Income Withholding Order”** and marked a box in Section A of Item 8 on the Request form.

TO COMPLETE THIS FORM YOU WILL NEED:

Information from, or your copy of, the **“Income Withholding Order.”**

FOLLOW THESE INSTRUCTIONS NUMBERED TO MATCH THE IDENTIFYING NUMBERS ON THE FORM. TYPE OR PRINT NEATLY USING BLACK INK.

- (1)** Fill in the name of the person shown as the petitioner on the **“Income Withholding Order.”**
- (2)** Fill in the name of the person shown as the respondent on the **“Income Withholding Order.”**
- (3)** Fill in the case number that appears on the **“Income Withholding Order.”**
- (4)** Fill in the Atlas Number on the **“Income Withholding Order.”**
- (5)** Fill in the name of the person/employee obligated to make payments on the **“Income Withholding Order.”**
- (6)** Fill in the date the **“Income Withholding Order”** was signed (Item 10 on the Order).

Leave the rest of the form blank. The judicial officer (judge, commissioner, or referee) will complete the remaining items at the time of hearing.

Procedures: How to file your Agreement to Modify Legal Decision-making, Parenting Time and Child Support

STEP 1 COPY: Make three (3) copies* of the following documents:

- Agreement (Stipulation) to Modify the Legal Decision-making, Parenting Time and Child Support (“Stipulation to Modify”)
- Order Modifying Legal Decision-making, Parenting Time and Child Support
- Parenting Plan
- If applicable (required prior to January 1, 2025): Education Order (Choose only one: Sole Education Order or Joint Education Order. The Education Order you choose must match the type of legal decision-making you are asking for in your Parenting Plan.)
- Child Support Worksheet
- Child Support Order
- Current Employer Information Sheet (for the parent currently paying)
- Order Stopping Income Withholding Order (if applicable) and
- Current Employer Information Sheet (If this agreement changes who pays the child support, include a second CEI for the parent who will now pay.)

STEP 2 Separate documents into four (4) sets: 1 set of originals and 3 sets of copies.*
(Make additional copy if the Arizona Division of Child Support Services (DCSS) is involved in your case.)

Set 1: To file with Clerk of Superior Court

- ORIGINAL + 3 Copies of Stipulation to Modify

Set 2: For the Judge

- COPY Stipulation to Modify
- ORIGINAL + 3 Copies of Order Modifying Legal Decision-making, Parenting Time and Child Support
- ORIGINAL Parenting Plan
- ORIGINAL Education Order (if applicable)
- ORIGINAL Child Support Worksheet
- ORIGINAL Child Support Order
- ORIGINAL Current Employer Information Sheet
- ORIGINAL Order Stopping Income Withholding Order
- ORIGINAL Current Employer Information Sheet (if applicable) **

You must also provide 2 (two) 9” x 12” business envelopes, one stamped and addressed to each party.

Set 3: COPIES for You

- Clerk-stamped copy of Stipulation to Modify
- Order Modifying Legal Decision-making, Parenting Time and Child Support
- Parenting Plan
- Education Order (if applicable)
- Child Support Worksheet
- Child Support Order
- Current Employer Information Sheet
- Order Stopping Income Withholding Order
- Current Employer Information Sheet (if applicable) **

Set 4: COPIES for the Other Party

- Clerk-stamped copy of Stipulation to Modify
- Order Modifying Legal Decision-making, Parenting Time and Child Support
- Parenting Plan
- Education Order (if applicable)
- Child Support Worksheet
- Child Support Order
- Current Employer Information Sheet
- Order Stopping Income Withholding Order
- Current Employer Information Sheet (if applicable) **

* Set 5: If one of the parties is using the child support services of the Division of Child Enforcement (DCSE), add one additional copy of the proposed Order and attachments and a stamped envelope addressed to the Attorney General (see Step3, below for address).

**If this agreement changes who pays child support, include a second Current Employer Information Sheet for parent who will NOW pay.

STEP 3 Go to the Clerk of Superior Court with all the documents properly assembled.

FEES: A list of current fees is available from the Law Library Resource Center and from the Clerk of Superior Court's website.

If you cannot afford the filing fee, you may request a deferral (payment plan) when you file your papers with the Clerk of Superior Court. Deferral Applications are available at no charge from the Law Library Resource Center.

- Drop off original and 2 copies of the Agreement (Stipulation) to Modify the Legal Decision-making, Parenting Time and Child Support at the information desk.

NOTE: If the Division of Child Support Enforcement (DCSE) is involved in your case, you must mail a copy of all of the signed and filed documents to:
Office of the Attorney General – Child Support Services Section,
1800 E. Palo Verde St.
Yuma, AZ 85364

STEP 4 Wait for the Judge to review and decide whether to sign the Order:

- A. If the judge agrees with you, they sign the Order Modifying Legal Decision-making, Parenting Time and Child Support, and if applicable the Child Support Order, Income Withholding Order, and Order Stopping Income Withholding Order.
- B. The judge might not agree, or might want both parents to come to court for a hearing. If so, you will receive an Order from the Judge in the mail.
- C. If you do not hear from the Judge in about 3 weeks, you can call the Judge's office to ask the staff about the status of your paperwork. Staff cannot tell you what the judge has decided. You cannot speak to the judge.



* Staple and group the documents according to the page numbers and document sections. Do not combine or staple all documents together. Each document should be stapled separately and kept in the correct page-number order.

* Please look for the line in the corner of each page. This line indicates where the documents should be separated and stapled.

* If you have any questions or need clarification, please contact the Law Library at 928-817-4165

Petitioner's Name: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

ATLAS Number: _____

Lawyer's Bar Number: _____

For clerk use only

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

Respondent's Name: _____

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 YUMA COUNTY

Name of Petitioner / Party A (in original case),

Case Number: _____

Name of Respondent / Party B (in original case)

AGREEMENT (STIPULATION) TO MODIFY PRIOR COURT ORDER REGARDING LEGAL DECISION-MAKING, CUSTODY, PARENTING TIME AND CHILD SUPPORT

Party A and Party B agree as follows:

- 1. AGREE AND UNDERSTAND:** I have read this *"Stipulation to Modify Prior Court Order Regarding Legal Decision-Making, Parenting Time and Child Support."* I understand and agree with what is written in the Stipulation and Order which is attached. Legal Decision Making (Legal-Custody), Parenting Time, and Child Support shall be ordered in accordance with the attached Order which has been approved and signed by both parties.

2. PRIOR ORDER. If the new legal decision making (legal-custody), parenting time and/or support order is granted by this court, it will replace the court order dated _____ and issued by _____ (name of Judge).

If the Superior Court of Arizona in Yuma County did not issue the order, we have attached a copy of the order to the original and all copies of this Stipulation. If the Superior Court of Arizona in Yuma County issued the order, we have attached a copy of the order to the copy of the papers for the judge. We have not attached a copy to the original Stipulation.

3. LEGAL DECISION MAKING (LEGAL-CUSTODY), PARENTING TIME AND CHILD SUPPORT. The agreement regarding legal decision making (legal-custody), parenting time and child support is in the best interest of the minor child(ren).

SIGNATURE BY PARTY A AND PARTY B: Everything stated by me in this Stipulation is true and correct to the best of my knowledge, information, and belief.

SIGNATURES

Petitioner / Party A's Signature

Respondent / Party B's Signature

STATE OF _____

STATE OF _____

COUNTY OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this:

Subscribed and sworn to or affirmed before me this:

_____(date)

_____(date)

by_____.

by_____.

Deputy Clerk or Notary Public

Deputy Clerk or Notary Public

(notary seal)

(notary seal)

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

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY

(Name of Petitioner/Party A)

Case No. _____

ORDER MODIFYING LEGAL
DECISION-MAKING, PARENTING
TIME AND CHILD
SUPPORT

(Name of Respondent/Party B)

The COURT FINDS:

1. This case has come before this Court for a final Order based upon the agreement of the parties.
2. This Court has jurisdiction to change legal decision-making, parenting time, and support, and has jurisdiction over the parties. Where it has the legal power to do so and where it is applicable to the facts of this case, this Court has considered, approved, and made Orders relating to legal decision-making, parenting time and support.

3. This Order applies to the following children:

Names of children

Birthdate/Age

4. Grounds for changing legal decision-making and parenting time. Based upon the stipulation (agreement) of the parties, it is in the best interest of the child(ren) to change legal decision-making and parenting time at this time.

5. Joint legal decision-making cases only. Domestic Violence.

(If requesting joint legal decision-making, this statement must be true (ARS § 25-403.03). Check box if a true statement.)

☐ There has been no domestic violence, or no significant domestic violence.

6. Child Support: The Court finds that Party A and Party B owe a duty to support the child(ren) listed above. The required financial factors and any discretionary adjustment pursuant to the Arizona Child Support Guidelines are as set forth in the Child Support Worksheet and are attached hereto and incorporated herein by reference.

The COURT ORDERS:

1. The Order regarding legal decision-making, parenting time and support dated is changed as follows:

A. Legal decision-making and parenting time.

☐ Joint Legal Decision-making.

Party A and Party B agree to act as joint legal decision-makers of the minor child(ren) with parenting time and physical legal custody as set forth in the Joint Legal Decision-making Agreement and Parenting Plan pursuant to A.R.S. Section § 25-403, signed by both parties and attached to and made a part of this Order. There have been no significant acts of Domestic Violence under A.R.S. § 13-3601 by either parent. The Court adopts the agreed terms of the Joint Legal Decision-making Agreement.

OR

☐ Sole Legal Decision-making.

Party A is awarded sole legal decision-making of and parenting time with _____;

Party B is awarded sole legal decision-making of and parenting time with _____;

as described in the parenting time schedule in the attached Parenting Plan signed by both parties.

B. Child support.

☐ The Child Support Order, _____, is attached hereto and incorporated by reference. (date of order)

☐ Party A, OR ☐ Party B shall pay child support to the other party in the amount of \$_____ per month PAYABLE THE FIRST DAY OF THE MONTH after the date this Decree is signed by the judge until further order of the Court.

C. Other orders. This Court makes further Orders relating to this matter as follows:

FINAL APPEALABLE ORDER. There are no further matters that remain pending before the court and this judgment is a final order under Rule 78(c) of the Arizona Rules of Family Law Procedure.

Done in open Court: _____

Judge or Court Commissioner

Oath or Affirmation of the Parties

By signing this Agreement, I/We:

- Waive the right to trial on this matter.
- Acknowledge reading and understanding the terms of this stipulation and agree to the terms of the attached Order.
- Entering this agreement voluntarily and not due to any threat of force or harm, duress, undue influence or coercion from anyone, including the other party.
- Swear or affirm the information provided is true and correct, under penalty of perjury.

Signatures

Party A's Signature

Party B's Signature

STATE OF _____

STATE OF _____

COUNTY OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before
me this: _____ (Date)

Subscribed and sworn to or affirmed before
me this: _____ (Date)

by _____

by _____

Notarial Officer

Notarial Officer

(Notarial Officer's Stamp or Seal)

(Notarial Officer's Stamp or Seal)

(Attorney Signatures –if applicable)

Party A's Attorney: _____

Party B's Attorney: _____

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 YUMACOUNTY

(1) _____

Name of Petitioner/Party A
(in original case)

(3) Case No. _____

(4) ATLAS No.: _____

ORDER STOPPING INCOME WITHHOLDING
ORDER (AND ALL YUMA COUNTY
SUPPORT ORDERS) A.R.S. § 25-504

(2) _____

Name of Respondent/Party B
(in original case)

To the employer(s) or other payor(s) of:

(5) Name of Employee: _____

Do not write below this line. Court personnel will complete the form.

IT IS ORDERED stopping the Income Withholding Order dated (6) _____

with the same case number as in (3) above. The employer(s) or other payor(s) is/are ordered to stop withholding monies pursuant to the Income Withholding Order immediately upon receipt of the Order.

IT IS FURTHER ORDERED terminating all Yuma County child support and/or spousal maintenance orders in this case number and declaring all child support and/or spousal maintenance orders fully paid and satisfied, including all past due support, arrearage judgments and interested.

IT IS FURTHER ORDERED that a Support Payment Clearinghouse shall release any monies currently in its possession and future monies received to the person ordered to pay, less and fees owed to the Clearinghouse.

FINAL APPEALABLE ORDER. There are no further matters that remain pending before the court and this judgment is a final order under Rule 78(c) of the Arizona Rules of Family Law Procedure.

Dated: _____

Judicial Officer