# AGREEMENT
## TO MODIFY
# CHILD SUPPORT

# 1

## WHEN ALL PARTIES WILL SIGN AGREEMENT TO MODIFY

(Forms and Instructions)

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# AGREEMENT TO MODIFY CHILD SUPPORT

## CHECKLIST

*You may use these forms if . . .*

- ✓ You have a current *"Child Support Order"* that was entered in Maricopa County,
- ✓ You wish to modify the *Order*,
- ✓ ALL parties AGREE to modify the *Order*,
- ✓ You have the notarized signatures of all parties on the *Agreement, AND*
- ✓ If either party is using the child support collection or enforcement services of the State, you also have the signature of the Attorney General's representative (from DCSE, the Division of Child Support Enforcement).
- ✓ You understand these forms do not deal with arrears (back support).

DO NOT USE THESE FORMS IF . . .

- X The other party will not sign the agreement (in front of a notary or Court Clerk).
- X You want to modify arrears (money owed for overdue support).

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**FEE WARNING:** An Agreement (or "stipulation") is a filing by BOTH parties. If one of the parties has not previously "made an appearance", that is he and/or she have not previously filed a response or other papers and paid a filing fee under this case number, there will be a substantial ***appearance fee*** due from that party ***in addition to*** the filing fee for the modification itself.

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 Superio Court website.

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# Agreement to modify a court order for child support

This packet contains court forms and instructions to file to modify a court order for current child support when all parties are willing to provide their notarized signatures on the Agreement. 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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| 4 | Instructions: How to fill out the Child Support Order | 1 |


You will need to use the FREE Online Child Support Calculator to produce the Child Support Worksheet that must accompany this Agreement.


| | | |
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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.

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# Instructions: How to complete all forms needed to submit an Agreement to Modify Child Support

Use the free online child support calculator at the Superior Court website to produce the Child Support Worksheet that must be turned in along with this Agreement.

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 all Law Library Resource Center locations and print out the Worksheet produced by the online calculator as well. There is a small, per-page charge for printing. Online calculators are 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 more than 35 pages of Guidelines and Instructions.

If you want to perform the calculations yourself, you will need more than 35 pages of guidelines, instructions, and the Worksheet. These are available for separate purchase from the Law Library Resource Center as part of the "Child Support" packet or may be downloaded for free from the Court webpage.

Complete the Agreement to Modify Child Support

All parties must sign this Agreement. That means:

1. BOTH parents must sign in front of a Clerk at the Filing Counter or a Notary, and
2. If the State of Arizona (DES/DCSE) is involved, a representative of the Arizona Attorney General's office, DCSE, must also sign before you turn in the papers.

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Order Stopping Income Withholding Order

If the Agreement results in the parent who is currently paying no longer having to pay, include an Order Stopping Income Withholding Order to be sent to that parent's employer.

Child Support Order

If child support is still to be paid by either parent after this Agreement, include a new Child Support Order

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

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# Instructions: How to Complete the Child Support Order

Type or print neatly using black ink only.

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Case Caption

- If you are providing this information to establish a child support order, fill in the names and the dates of birth (DOB) of the persons shown as Petitioner/Party A and Respondent/Party B on the petition to establish child support. Or to get other relief (divorce, paternity, etc.)

- If you are providing this information to modify your current support order, fill in the names and dates of birth (DOB) of the persons shown as Petitioner/Party A and Respondent/Party B on the Order that established the child support.

- Fill in your case number.

- Fill in your ATLAS number. If you do not have an ATLAS number, leave this item blank.

Numbered Instruction

Match the number of the instruction below to the matching number on the first page of the Child Support Order.

(1) Fill in the full name of the legal parents (Party A and Party B) of the minor children who are the subject of this Child Support Order.

Fill in the full name and birth date of all minor children who are the subject of this Child Support Order. (Use extra pages if necessary).

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# 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/

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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.

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# Procedures: What to do after you have completed the forms to modify child support by agreement

Step 1: Complete the Child Support Worksheet, Child Support Order, and Current Employer Information Sheet online via

ezCourtForms http://www.superiorcourt.maricopa.gov/ezcourtforms2/

Print out 1 copy of the completed Child Support Worksheet, Child Support Order, and Current Employer Information Sheet.

Step 2: Complete the documents:

- Agreement to Modify Child Support ("Agreement to Modify")
- Child Support Worksheet
- Child Support Order (if child support still to be paid)
- Current Employer Information Sheet* (may refer to sources of money other than employers)
- 2nd Current Employer Information Sheet* (if applicable)*
- Order Stopping Income Withholding Order (if applicable)*

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Step 3: Copies.

If you will eFile your forms, you may not need as many paper copies. You will need a paper set of the filed forms to serve on the other party, Division of Child Support Services if they are involved in your case, and one for your judge or Family Administration (when required). For more information about how to eFile your papers, read the eFiling instructions: https://superiorcourt.maricopa.gov/media/7448/dref93i.pdf.

Make 3 copies of the documents listed above. (Make additional copy if the Arizona Division of Child Support Services (DCSS) is involved in your case.)

Step 4: Separate your documents into 4 sets (5, if the Arizona Attorney General' Office is involved in your case):

| Set 1: To file with Clerk of Superior Court | Set 2: COPIES for You |
|---|---|
| • ORIGINAL + 2 Copies<br>  • COPY Agreement to Modify<br>  • COPY Child Support Worksheet<br>  • COPY Child Support Order (if child support still to be paid)<br>  • COPY Order Stopping Income Withholding Order* (if applicable)*<br>  • COPY Current Employer Information<br>  • COPY Current Employer Information* (for other parent, if applicable)*<br><br>You must also provide 2 (two) 9" x 12" business envelopes, one stamped and addressed to each party. | • ORIGINAL Agreement to Modify<br>• ORIGINAL Child Support Worksheet<br>• ORIGINAL Child Support Order (if child support still to be paid)<br>• ORIGINAL Order Stopping Income Withholding Order* (if applicable)*<br>• ORIGINAL Current Employer Information<br>• ORIGINAL Current Employer Information* (for other parent, if applicable)* |

Set 3: COPIES for the Other Party

- Agreement to Modify
- Child Support Worksheet
- Child Support Order (if child support still to be paid)
- Order Stopping Income Withholding Order* (if applicable)*
- Current Employer Information
- Current Employer Information* (for other parent, if applicable)*

* IF the Agreement results in the parent who is currently paying no longer having to pay, include an Order Stopping Income Withholding Order to be sent to that parent's employer.

* IF the Agreement changes which parent pays child support, include a Current Employer Information sheet for that parent, the one who will now pay child support, also.

Step 5: File the papers at the court.

Go to the Clerk of Superior Court's filing counter: Present all sets of copies to the Clerk at the filing counter. The Clerk will keep Set 1 and return the remaining sets to you.

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You may file your papers from 8:00 am to 5:00 pm, Monday through Friday, at any of the following Superior Court locations:

Clerk of superior Court
250 W. Second St.
Yuma, Arizona 85364

Fees: There are fees for filing petitions, responses, requests, motions, objections, and various forms with the Court. Cash, AMEX/VISA/MasterCard debit or credit cards, or money order made payable to the "Clerk of Superior Court" are acceptable forms of payment.

An Agreement (or "Stipulation") is a filing by both parties. If one of the parties has not previously "made an appearance," that is he and/or she have not previously filed a response or other papers and paid a filing fee under this case number, there will be a substantial appearance fee due from that party in addition to the filing fee for the modification itself.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff's Office, 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.

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Step 6: Make sure you get back the following from the Clerk:

- Your sets of copies with the Clerk's stamp on them (the "conformed" copies).

Step 7: Large envelopes: Address two 9"x12" envelopes: 1) to you or your attorney, and 2) to the other Party or their attorney. Be sure you put enough postage on the 9" x 12" envelopes.

Step 8: Clip or rubber band all sets of your originals, copies, and envelopes together in a package.

Step 9: Deliver the package (sets of originals and copies, and envelopes) to the information desk inside Superior Court

Step 10: Wait for the Court to let you know whether the Order was signed, or the matter was set for a hearing. If a hearing is scheduled, you will receive written notice of when and where to appear (date, time, and location).

What the Court may do:

- Grant the relief you requested;
- Schedule a hearing for you and the other party if the Judge needs additional information;
- Return your paperwork because you did not show good reason for the change requested or the paperwork was incomplete; OR
- Enter other orders the Judge thinks proper.

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* 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

**Person Filing: (1)**_____
**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 YUMA COUNTY

**(2)** _____
**Petitioner/Party A** (in original case)

**(3)** Case No. _____

**(4)** ATLAS No. _____

**(2)** _____
**Respondent/Party B** (in original case)

## AGREEMENT TO MODIFY CHILD SUPPORT

**This is an agreement between the person who owes child support and the person to whom child support is owed to modify (change) the amount to be paid for current child support.**

We, **(5a)**_____, the person ordered to make payments, and **(5b)**_____, the person receiving payments, ask the Court to modify the Child Support Order as indicated below.

**(6) INFORMATION ABOUT THE CURRENT CHILD SUPPORT ORDER** (the Order we want to change)

The Order was issued on: _____ (Month/Day/Year)

The Order was issued by: _____ (Name of Court)

Located in this County: _____ (Name of County)

**Amount of Current Child Support Ordered: $** _____ PER _____

**(7) The current *Income Withholding Order* includes the following Court Ordered payments:**

| | | |
|---|---|---|
| **Child Support:** | **$**_____ | **per** _____ |
| **Spousal Maintenance/Support:** | **$**_____ | **per** _____ |
| **Other:** | **$**_____ | **per** _____ |
| **Payments on Arrears:** | **$**_____ | **per** _____ |

**(8)** We agree that current ***child support*** should be changed from the current amount of

**$**_____ (as listed in **(6)** above), to the ***new*** amount of $_____ per month, to be paid by ☐ **Party A** or ☐ **Party B**.

**(9)** We agree this change should take effect the first day of _____, 20____.

**Note**: **A completed Child Support Worksheet is *required* before the Court can modify child support.**

**I have completed a Child Support Worksheet and it is attached or filed with this Agreement (required).**

**(10)** (Check the box (**a** or **b**, but not both) that applies to you.)

(a) ☐ The amount of child support we have agreed to ***is*** the amount stated on the attached Child Support Worksheet, calculated according to the Arizona Child Support Guidelines,

**OR**

(b) ☐ The amount of child support we have agreed to ***is not*** the amount stated on the attached Child Support Worksheet, calculated according to the Arizona Child Support Guidelines, but we are entitled to ***deviate*** (use a different amount) from the Guideline amount **because:**

- **Application of the Guidelines would be inappropriate or unjust in this case, AND**
- **Deviation from the Guidelines would be in the best interests of the children involved, based on all *relevant* factors, including those specified in A.R.S. § 25-320(D):**

1. The financial resources and needs of the child.
2. The financial resources and needs of the custodial parent.
3. The standard of living the child would have enjoyed had the marriage not been dissolved.
4. The physical and emotional condition of the child, and the child's educational needs.
5. The financial resources and needs of the non-custodial parent.
6. Excessive or abnormal expenditures, destruction, concealment or fraudulent disposition of community, joint tenancy and other property held in common.
7. The duration of parenting time and related expenses.

Based on all relevant factors including any of those listed above that apply to our situation, application of the Guideline amount would be inappropriate or unjust and deviation from

the Guideline amount would be in the best interests of the children, **because:** (Explain)

_____

_____

_____

_____

_____

**(11)** We also request that a new ***Income Withholding Order*** be issued to include the new child support amount and any additional payments listed in (7), on page one of this Agreement.

## (12) AGREEMENT REGARDING SUPPORT EXPENSES and TAX DEDUCTIONS:

☐ **Party A** is responsible for providing: ☐ **medical** ☐ **dental** ☐ **vision care insurance**.

☐ **Party B** is responsible for providing: ☐ **medical** ☐ **dental** ☐ **vision care insurance.**

**Non-Covered Expenses.** All reasonable non-covered and/or uninsured medical, dental, vision care, prescription and other health care charges for the minor children, including co-payments, shall be shared as follows: **Party A** _____%, AND **Party B** _____%

**(13)** The costs of travel related to parenting time over 100 miles one way shall be shared as follows:

**Party A** _____% **Party B** _____ %

**(14)** Federal tax exemption(s) for the dependent children should be allocated as follows:

| **Child's Name** | **Date of Birth** (Month, Day, Year) | **Party Entitled to Deduction** | **For Calendar Year** |
|---|---|---|---|
| | | ☐ **Party A** ☐ **Party B** | |
| | | ☐ **Party A** ☐ **Party B** | |
| | | ☐ **Party A** ☐ **Party B** | |
| | | ☐ **Party A** ☐ **Party B** | |

For years following those listed above while this Child Support Order remains in effect, the parties shall repeat the pattern above of claiming deductions for each child.

Each year, the person obligated to make payments (the obligor) may claim these exemptions only if he or she has paid all child support and arrears ordered for the year by December 31 of that year.

**OTHER ORDERS:**

THIS AGREEMENT IS TO MODIFY CHILD SUPPORT ALONE. ALL OTHER PRIOR ORDERS OF THIS COURT ARE TO REMAIN IN FULL FORCE AND EFFECT.

# AGREEMENT TO MODIFY (CHANGE) CHILD SUPPORT

## OATH OR AFFIRMATION OF THE PARTIES

**(15) By signing this Agreement, I/We:**

- **Ask the Court to order the amount of current child support ordered paid to be changed *from* $_____, *to* the *new* amount of $_____, per month, to be paid by ☐ Party A or ☐ Party B.**
- **Waive the right to trial on this matter.**
- **Acknowledge reading and understanding the terms of this agreement.**
- **Enter 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**

| | |
|---|---|
| _____ | _____ |
| Petitioner's Signature | Respondent'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 | Deputy Clerk or Notary |
| Public (notary seal) | Public (notary seal) |

If the State of Arizona is a party to your case, a representative of the Attorney General's Division of Child Support Enforcement (**DCSE**) ***must also sign*** **this form before you file.** (See Instructions)

| | |
|---|---|
| _____ | _____ |
| **Signature of DCSE representative** | Date |
| _____ | _____ |
| Judge of the Superior Court | Date |

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 YUMA COUNTY

(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.

Case No. _____

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