

RESPONSE TO PETITION TO MODIFY CHILD SUPPORT 15% OR MORE

(SIMPLIFIED PROCESS)

3

Part 3: RESPONSE / OBJECTION & REQUEST FOR HEARING

(Forms and Instructions)

LAW LIBRARY RESOURCE CENTER

RESPONSE TO PETITION
TO MODIFY CHILD SUPPORT ORDER
(Simplified Process)

CHECKLIST

USE THE FORMS and instructions in this packet ONLY if the following factors apply to your situation:

- ✓ The other party filed a *“Petition to Modify Child Support” (Simplified Process),* AND
- ✓ You disagree with that request; AND
- ✓ You want a court hearing to explain why the other party’s request should not be granted, OR
- ✓ You want a court hearing to explain why the other party’s request should not be granted AND why the child support should be changed to an entirely different amount.

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.

To change a court order for child support
(Simplified process)

PART 3: Objection and petition for a court hearing

This packet contains court forms and instructions to file an “*Objection/Response to a Petition to Modify a Court Order for Child Support --Simplified Process.*” 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!

| Order | Title | # pages |
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Use the FREE Online Child Support Calculator to produce the *Child Support Worksheet* that must accompany this response.
See DRS12h for more information.

| | | |
|---|--|---|
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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 to Complete a “*Request for Hearing*” (Simplified Procedure)

To request a hearing you will need:

- A copy of the “*Request for Hearing*”
- A completed “*Child Support Worksheet*” (see *DRS12h*)

NOTE: There may be fees for filing this Petition. If this is the first time you have “appeared” (filed papers) in this case, there may also be an “Appearance Fee.” If you cannot pay the fees at this time, you may request to defer (delay) payment by submitting an application for fee deferral or waiver, which is available for free from the Law Library Resource Center and Clerk of Superior Court.

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

1. Fill in the name, address, and phone number of the person filing the form. (The space marked “state bar number” is used only if an attorney is preparing this form.)
2. Fill in the name of the persons shown as the Petitioner / Party A and the Respondent / Party from the “*Petition to Modify (Change) Child Support.*”
3. Fill in the case number and ATLAS number (if applicable) that appears on the “*Petition to Modify Child Support.*”
4. Check this box IF you also want the Child Support Order changed, but to an amount different from that requested by the other party.
5. Date and sign in front of a Notary Public or bring to the Clerk of Court’s filing counter and have your signature witnessed by a Deputy Clerk. Be prepared to show photo identification. By signing your name, you are stating under oath or affirmation that the contents of this Request are true and correct to the best of your knowledge. The Notary Public or Deputy Clerk will complete the signature and date information requested at the bottom of the first page. Next, file the original form along with two copies at the Clerk of Superior Court’s filing counter. The Clerk will keep the original and one copy, date-stamp and return the other to you. You will receive notice of the time, date, and location of the hearing.

Notice of Request for Hearing. Upon filing the Request for Hearing, the filing party must immediately mail or deliver a copy of the Request to the other party or his/her attorney. *The State of Arizona may be involved* if any parent received public assistance for the children or used the services of the State in establishing or collecting child support. If the State is involved, notice of this action must also be given to the Attorney General’s Office, which can be mailed to:

Office of the Attorney General
Child Support Services Section
1800 E. Palo Verde Street
Yuma, Arizona 85365

Law Library Resource Center

HOW TO COMPLETE A CHILD SUPPORT WORKSHEET

Use one of the **FREE** online child support calculators to produce the *Child Support Worksheet* that **MUST** be turned in along with your other court papers.

Using the online calculators 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 any Law Library Resource Center location. There is a small, per-page charge for printing. Online calculators are available at:

ezCourtForms <https://www.superiorcourt.maricopa.gov/ezcourtforms2/>
Arizona Supreme Court <http://www.azcourts.gov/familylaw/Child-Support-Calculator-Information>

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 more than 35 pages of Guidelines and Instructions**

If you want to perform the calculations yourself, you will need an additional 35 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.

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

INSTRUCTIONS: HOW TO COMPLETE THE “CHILD SUPPORT ORDER”

Type or print neatly using **BLACK INK ONLY.**

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).

LEAVE THE REST OF THE FORM BLANK. THE JUDGE OR COMMISSIONER WILL COMPLETE THE REST OF THE INFORMATION AND SIGN THE ORDER.

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Procedures: How to file a "Request for Hearing" in response to a "Petition to Modify *Child Support (Simplified Process)*"

To request a hearing you will need to submit:

- One original "*Request for Hearing*" (plus at least 2* copies).
- One original "*Child Support Worksheet*" (plus at least* 2 copies).
- One original "*Current Employer Information Sheet*"

See the "*How to Complete a Child Support Worksheet*" document in this packet for information on getting the child support calculations filled out automatically and for FREE online.

STEP 1 Separate your documents into 3 (or 4*) sets:

| | |
|--|---|
| <u>Set 1 for the Clerk of Superior Court (originals):</u> Request for Hearing Child Support Worksheet Current Employer Info Sheet | <u>Set 3: Other Party's Copy:</u> Request for Hearing Child Support Worksheet |
| <u>Set 2: Your Copy:</u> Request for Hearing Child Support Worksheet | <u>Set 4 – to Serve on the State if DES or DCSS is involved *</u> Request for Hearing Child Support Worksheet |

**The State of Arizona may be involved if any parent received public assistance for the children or used the services of the State in establishing or collecting child support. If the State is involved, notice of this action must also be given to the Attorney General's Office.*

NOTE: There will be a fee for filing this document. If this is the first time you have "appeared" (filed papers) in this case, there may an "appearance fee" *in addition to* the filing fee. If you cannot pay the fees at this time, you may petition to defer (delay) payment by submitting an application for fee deferral or waiver, which is available for free from the Clerk of the Superior Court and the Self-Service Center.

STEP 2 File the original forms along with two (or 3*) copies at the Clerk of Superior Court's filing counter. The Clerk will keep the original and date-stamp and return the others to you.

If the *Request for Hearing* was filed in a timely manner a hearing will be set. You will receive notice of the time, date, and location of the hearing by mail.

STEP 3 Notice to other party or parties

After filing the *“Request for Hearing,”* you must immediately mail or deliver a copy of this document to the other party or his/her attorney, and *if the State of Arizona is involved** you must ALSO provide a copy to the Division of Child Support Enforcement (DCSE) of the Office of the Attorney General.

The State of Arizona may be involved if any party received public assistance for the children or used the services of the State in establishing or collecting child support. If either party already has a case with the State (DCSE or DES) involving the same children as in this case, notice of this action must also be given to the Attorney General’s Office.

SERVING PAPERS ON THE STATE: *(if required)*. The Office of the Attorney General (the “AG”) will accept service by signing an *“Acceptance of Service”* form and returning the form *for you to file with the Court*. There are no court fees for serving the State with an *Acceptance*, as described below:

- (a) You may mail or personally deliver to the Office of the “AG” assigned to your case:
- a copy of the *“Request for Hearing,”*
 - a copy of the *“Child Support Worksheet,”* along with an
 - *“Acceptance of Service”* AND
 - a self-addressed, stamped envelope (*addressed back to you*).

A list of addresses for the AG’s offices is available from the Law Library Resource Center or from the Superior Court’s webpage.

- (b) There may also be a “drop-box” in the Clerk of Superior Court’s filing counter area at which you may leave the above listed documents and the envelope for the AG. Ask the clerk at the filing counter, or

- (c) You may mail all listed documents *and the envelope* to:

Office of the Attorney General
Child Support Services Section
1800 E. Palo Verde Street
Yuma, Arizona 85365

Note: The State is not considered served until the AG’s signed *Acceptance of Service* is filed with the Court!

Person Filing: (1) _____
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

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

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

Case Number: _____

ATLAS Number: _____

(B)
Name of Respondent / Party B (in original case)

REQUEST FOR HEARING (Simplified Process)

A Petition to Modify (change) Child Support pursuant to the guidelines' simplified procedure has been filed. The information provided on the "**Child Support Worksheet**" that was the basis for the request to modify (change) child support is not accurate. I am attaching the required completed "**Child Support Worksheet**" that shows what I believe to be accurate information. I request that a hearing be set so that I can explain to the judge or commissioner my position. I further request that costs and fees incurred in responding to this matter be ordered to be paid by the other party.

(3) **COUNTER PETITION – I further request the child support be modified to an amount different from the amount requested by the other party.**

Dated: _____

Requesting Party's Signature

STATE OF _____

COUNTY OF _____

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

(notary seal)

Deputy Clerk or Notary Public

1. Upon filing the Request for Hearing, the filing party must immediately mail or otherwise deliver a copy of this Request to the other party or his/her attorney. If either party is currently using or has used the State IV-D Agency for child support services (Division of Child Support Enforcement or their representative), the State must also be mailed or provided with a copy of the Request, which can be mailed to:

Office of the Attorney General
Child Support Services Section
1800 E. Palo Verde Street
Yuma, Arizona 85365

2. If a hearing or conference is scheduled, the court may enter a judgment for past-due support, clerk's fees, service costs, other court costs, and/or attorney fees.

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 YUMA COUNTY

Petitioner / Party A

Case No. _____

Date of Birth (Month, Date, Year)

ATLAS No. _____

Respondent / Party B

CHILD SUPPORT ORDER

A.R.S. § 25-503

Date of Birth (Month, Date, Year)

THE COURT FINDS:

1. Party A: _____ and

Party B: _____

Have a duty to support the following children:

Child(ren)'s Name(s)

Date of Birth

2. Child Support Guidelines: The required financial factors and any discretionary adjustments pursuant to the Arizona Child Support Guidelines are as set forth in the Parent's Worksheet for Child Support Amount, attached and incorporated by reference.

3. Child Support:

Party A Party B is ordered to pay child support in the amount of \$_____ per month to _____ pursuant to the Arizona Child Support Guidelines without deviation.

Party A Party B is obligated to pay child support to Party A Party B in the amount of \$_____ per month pursuant to the Arizona Child Support Guidelines without deviation. This amount is an appropriate amount to award for child support in this case except that the Court finds it more appropriate and just to make a rounding adjustment to the exact guideline amount for ease of calculation to \$ _____ per month.

Party A Party B is obligated to pay child support to Party A Party B in the amount of \$_____ per month pursuant to the Arizona Child Support Guidelines. Application of the child support guidelines in this case is inappropriate or unjust. The Court has considered the best interests of the child in determining that a deviation is appropriate.

After deviation the child support order is \$_____ per month.

Party A Party B is obligated to pay child support to Party A Party B in the amount of \$_____ per month pursuant to the Arizona Child Support Guidelines. Application of the child support guidelines in this case is inappropriate or unjust. The Court has considered the best interests of the child in determining that a deviation is appropriate.

After deviation the child support order is \$_____ per month. Further, the parties have entered into a written agreement or their agreement is on the record and is free of duress and coercion with knowledge of the amount of child support that would have been ordered under the guidelines but for the agreement.

Reason(s) for deviation:

4. Support Arrears:

- Party A Party B owes child support arrearages to Party A Party B in the total amount of \$_____ for the time period of _____ through _____ plus accrued interest on prior child support arrearages due of \$_____ calculated through the date of _____.
- The Court finds no child support arrearages due and owing.
- No evidence was presented in support of child support arrearages.

5. Past Support:

- It is appropriate to award Party A Party B an additional judgment for past support in the amount of \$_____ for the period between the filing of this current petition and the date current child support is ordered to begin.
- Temporary support or voluntary / direct support payments in the amount of \$_____ were paid during the period above; therefore, the past support is adjusted to \$_____.
- It is appropriate to award Party A Party B an additional judgment in the amount of \$_____ for past support owed from the date of separation, but not more than three years before the date of filing the current petition.
- Temporary support or voluntary / direct support payments in the amount of \$_____ were paid during the period above; therefore, the past support is adjusted to \$_____.
- The Court finds no past support amount due and owing.
- No evidence was presented in support of past child support.
- The Court finds no temporary support or voluntary / direct support payments were paid.
- No evidence was presented in support temporary support or voluntary / direct support payments.

6. Interest:

- The Court finds interest in the amount of \$_____ due to Party A Party B
- For the period of: _____ to _____.

It is ordered that:**1. Child Support Judgment:**

Party A Party B shall pay child support to _____ in the amount of \$ _____ per month. This monthly amount, payable by income withholding order, shall be paid on the 1st day of each month beginning _____.

2. Support Arrearages Judgment:

Party A Party B is granted judgment against _____ in the amount of \$ _____ as and for child support arrearages for the period of _____ through the date of _____ together with interest on said amount at the legal rate of 10% per annum until paid in full, plus additional accrued interest on prior child support judgments of \$ _____ calculated through the date of _____.

Party A Party B shall pay, in addition to his OR her current support payment, the amount of \$ _____ per month toward this judgment, payable on the first day of each month, beginning _____ until paid in full.

NO Judgment for child support arrearages is entered.

3. Past Support Judgment:

Party A Party B is granted a past support judgment against Party A Party B in the additional amount of \$ _____. Party A Party B shall pay the additional amount of \$ _____ per month toward this judgment, payable on the first day of each month commencing _____ until paid in full.

OR

NO Judgment for past support is entered.

4. Payments and Clearinghouse: All payments, plus the statutory handling fee, shall be made through the Support Payment Clearinghouse pursuant to an Order of Assignment, or "Income Withholding Order" signed this date. Any time the full amount of support ordered is not withheld, the person obligated to pay (the obligor) remains responsible for the full monthly amount ordered. Payments not made directly through the Support Payment Clearinghouse shall be considered *gifts* unless otherwise ordered. All payments shall be made payable to and mailed directly to:

Support Payment Clearinghouse
P.O. Box 52107
Phoenix, AZ 85072-2107

Payments must include Party A's or Party B's name, and Atlas number. Pursuant to A.R.S. § 25-322, the parties shall submit current address information in writing to the Clerk of Superior Court and the Support Payment Clearinghouse immediately. The obligor (party being ordered to pay) shall submit the names and addresses of his or her employers or other payors within 10 days. Both parties shall submit address changes within 10 days of the change.

5. Total Monthly Payments:

Party A Party B shall make total monthly payments to Party A Party B in the amount of \$ _____ per month, payable on the first day of each month, beginning _____ as follows:

Monthly Payments:

Current child support payment as ordered above: \$ _____

Current spousal maintenance payment: \$ _____

Support arrearage payment: \$ _____

Clearinghouse handling fee: \$ _____ 8.00

Total monthly payment: \$ _____

6. Medical, Dental, Vision Care Insurance for Minor Children:

Party A OR Party B is responsible for providing medical dental vision care insurance for the minor child(ren) and shall continue to pay premiums for any medical, dental and vision policies covering the child(ren) that are currently included in the incorporated Parent's Worksheet for Child Support.

OR

Party A OR Party B shall be individually responsible for providing medical insurance for the minor child(ren) of the parties as soon as it becomes accessible and available at a reasonable cost, as neither party currently has the ability to obtain such medical insurance.

Medical, dental, and vision insurance, payments and expenses are based on the information in the Parent's Worksheet for Child Support attached hereto and incorporated by reference.

The party ordered to pay must keep the other party informed of the insurance company name, address and telephone number, and must give the other party the documents necessary to submit insurance claims. An insurance card must be provided to the other party. Notification must also be provided to the other party if coverage is no longer being provided for the child(ren).

7. Non-Covered Medical Expenses:

Party A is ordered to pay _____ % and Party B is ordered to pay _____ % of all reasonable uncovered and/or uninsured medical, dental, vision, prescription and other health care charges for the minor child(ren).

- A request for payment or reimbursement of uninsured medical, dental and/or vision costs must be provided to the other party within 180 days after the date the services occur.

- The party responsible for payment or reimbursement must pay their share, as ordered by the Court, or make acceptable payment arrangements with the provider or person entitled to reimbursement within 45 days after receipt of the request.

8. Travel expenses: The costs of travel related to parenting time over 100 miles one way shall be shared as follows: Party A _____ % Party B _____ %

9. Information exchange: The parties shall exchange financial information such as copies of tax returns, financial affidavits, and earnings statements every twenty-four months. At the time the parties exchange financial information, they shall also exchange residential addresses and the names and addresses of their employers unless the Court has ordered otherwise.

10. Tax exemptions: The Court allocates the following federal tax exemption(s) for the dependent child(ren):

| Child's Name | Date of Birth (Month, Day, Year) | Parent Entitled to Deduction | For Calendar Year |
|--------------|-------------------------------------|---|----------------------|
| | | <input type="checkbox"/> Party A <input type="checkbox"/> Party B | |
| | | <input type="checkbox"/> Party A <input type="checkbox"/> Party B | |
| | | <input type="checkbox"/> Party A <input type="checkbox"/> Party B | |
| | | <input type="checkbox"/> Party A <input type="checkbox"/> 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.

Party A or Party B may claim the allocated tax exemptions only if all support and arrears ordered for the year have been paid by December 31 of that year. An Internal Revenue Service form 8332 may need to be signed and filed with a party's income tax return. See *IRS Form 8332 for more detailed information.*

Party A or Party B may unconditionally claim the tax exemption allocated to Party A or Party B for income tax purposes. An Internal Revenue Service Form 8332 may need to be signed and filed with a party's income tax return. See *IRS Form 8332 for more detailed information.*

Even though the court's judgment contains orders regarding medical insurance and the allocation of the right to claim the child as a dependent for the purposes of federal taxes, these orders are not binding on the IRS. Under the Affordable Care Act, the party who claims a child as a dependent on a federal tax return has the obligation to ensure that the child is covered by medical insurance and may be penalized by the IRS for failing to do so. This penalty may be imposed even if it is the other party's responsibility to carry medical insurance on the child under the Decree of Dissolution of Marriage.

11. Modification: If this is a modification of child support, all other prior orders of this Court not modified remain in full force and effect.

12. Emancipation: A child is emancipated:

- On the child's 18th birthday, however if a child is still attending high school or a certified high school equivalency program, support will continue until graduation of the child reaches 19 years of age.
- On the date of the child's marriage.
- When the child is adopted.
- When the child dies.

13. Other findings and orders:

14. Final Appealable Order. No further claims or issues remain for the Court to decide. Therefore, IT IS FURTHER ORDERED pursuant to Rule 78(c), Arizona Rules of Family Law Procedure, this final judgment/decreed is signed by the Court and it shall be entered by the Clerk of Superior Court. The time for appeal begins upon entry of this judgment by the Clerk of Superior Court. For more information on appeals, see Rule 8 and other Arizona Rules of Civil Appellate Procedure. IT IS FURTHER ORDERED denying any affirmative relief sought before the date of this Order that is not expressly granted above.

Date

Judicial Officer

15. Stipulation. Signature by both Parties (if applicable):

Party A Party B, by signing this document, we state to the Court under penalty of perjury that we read and agree to this Court Order, and that all the information contained in it is true, correct, and complete to the best of our knowledge and belief.

Party A's Signature

Date

Party B's Signature

Date

If either party is represented by a lawyer, the lawyer must sign below:

Party A's Lawyer Signature

Date

Party B's Lawyer Signature

Date

CURRENT EMPLOYER* INFORMATION

You may also fill out this form online at the Family Support Center Website.

For Clerk's Use Only

THIS FORM MUST BE COMPLETED FOR:

- AN INCOME WITHHOLDING ORDER**
- ORDER TO STOP AN INCOME WITHHOLDING ORDER**
- NOTIFICATION OF A CHANGE OF EMPLOYER (or OTHER PAYOR)**

CASE NUMBER: _____ **ATLAS NUMBER:** _____

NAME OF PERSON ORDERED TO MAKE PAYMENTS:

LIST THE NAME OF THE EMPLOYER* AND THE ADDRESS OF THE PAYROLL OR FINANCIAL DEPARTMENT (for the person named above) WHERE THE INCOME WITHHOLDING ORDER OR STOP ORDER SHOULD BE MAILED.

EMPLOYER* NAME: _____

PAYROLL ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

EMPLOYER* TELEPHONE: _____

EMPLOYER* FAX: _____

**or other payor or source of funds*

FOR COURT USE ONLY. DO NOT WRITE BELOW THIS LINE.

WA/FSC

WA/LOG ID: _____
TYPE OF W/A _____
DATE _____
AMOUNT OF ORDER _____
EMPLOYER STATUS _____
ENTERED BY _____
NEW W/A _____ SUB _____
AG _____ DCSE _____