

TO ESTABLISH CHILD SUPPORT

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To Get the First Court Order

Part 1: Completing and Filing the Court Papers

(Instructions and Forms Packet)

ESTABLISH THE FIRST COURT ORDER FOR CHILD SUPPORT

CHECKLIST

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

- ✓ You want a court order to establish child support *and do not already have one*, **AND**
- ✓ You already have or do not need to establish an order for legal decision-making (legal custody) or parenting time (*visitation*) *at this time*, **AND**
- ✓ You are the natural or adoptive parent, the legal guardian, or have a court order awarding you legal decision-making, **OR**
- ✓ You are providing support for or have physical custody (possession of the child(ren)) of the other party, **OR**
- ✓ You are legally married to the other parent and you understand that using this packet will **NOT** result in a court order for legal decision-making (legal custody), parenting time, or spousal maintenance (and you can only request a court order for **all** of the above as part of a legal separation or divorce), **OR**
- ✓ You are not married to the other parent and are seeking support from the other parent **and paternity has been legally established** by either:
 - A court order establishing paternity, **OR**
 - The father's name is on the child's birth certificate because, at the time the child was born or afterwards, **both parents signed** an affidavit acknowledging paternity; **AND**
- ✓ You know the name and address of the other party or where the person can be found, so the court papers can be personally served on him or her.

WARNING: If someone *other than you* has court-ordered legal decision-making (legal custody) *or* if there is an existing child support order involving the same children for whom you are now trying to establish support, you may need to file papers to modify that order instead.

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.

Petition to Establish Child Support

Part 1 – Completing and filing the court papers

Table of Contents

This packet contains court forms and instructions to file a Petition to Establish Child Support. 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 fill out the forms to establish child support

Type or print neatly in large clear letters using black ink.

Form: Family Department Sensitive Data/Coversheet:

- Write in the information requested about Party A, Party B, and any children under the age of 18.
- Do not include mailing address on this form if requesting address protection.
- Case Type: Mark only one box that matches the legal procedure for which you are filing the documents in this packet: [x] Child Support
- 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 serve this document on the other party.

Form: Petition to Establish Child Support:

- (1) Fill in the name, address, and phone number of the person filing the form. (An attorney must also list the name of the person represented and the attorney’s State Bar Number.)
- (2) Fill in the name of the persons shown as “Petitioner/Party A” or “Respondent/Party B.”
- (3) Fill in the case number that was assigned for any prior case concerning the legal decision-making, parenting time, or paternity of the minor children named here was an issue. If there is no prior case, leave this blank; the Clerk of Superior Court will provide a case number when you file the Petition.

Statements to the Court.

1. Fill in the information about yourself, including your relationship to the child(ren).
2. Fill in the information for the other Party. You may have to do some research for the address, occupation, and birthdate – but try your best. The Court requires a complete set of facts before it can proceed.
3. Venue: means the specific court where a case may be brought. Mark the box if Yuma County is the correct venue for your case.
4. Jurisdiction: Place a mark in the box next to a statement if the statement is true. If none of the statements are true, you may not be able to establish child support in the State of Arizona. You can discuss whether you can establish child support in the State of Arizona with an attorney.

5. Children: Write in the information requested about each child. If more than four (4) children are involved in this case, mark the box that states, "Continues on attached pages." Then, get a blank piece of paper, and write the title on that paper "#5 Information about Minor Children, continued." For each additional child, write the required information on the separate paper.
6. Paternity: Check the appropriate box(es) to show how paternity was established for the minor child(ren) for whom you are asking the Court to order support. If the choices listed here do not apply, stop! You should not use these forms unless or until paternity has been established or unless an attorney has advised you to proceed.
7. Child Support: Place a mark in the box(es) that are presently true. If you are providing support for or the minor children live with you, write their name(s) and birthdates on the lines provided.

Requests to the Court.

- A. Child Support: Mark the box or boxes you are asking the Court to consider.
- B. Medical, Dental, Vision Insurance and Health Care for the Minor Child(ren): Mark the box or boxes you are asking the Court to consider in the Child Support Order.
- C. Oath and Affirmation: Do not sign and date this Request until you are told to do so by a Clerk of Superior Court or a Notary Public. Your notarized signature states to the Court that the information you have provided is true and correct to the best of your knowledge, under penalty of law.

Other important papers to be completed not in this packet

Child Support Worksheet

You can use the free online Child Support Calculator at the website listed below to complete a child support worksheet.

AzCourts <https://www.azcourts.gov/familylaw/2018-child-support-calculator>

To complete the child support worksheet you will need to know:

- Your monthly gross income and that of the other parent.
- The monthly cost of medical insurance for the minor children who are the subject of this action.
- Monthly childcare amounts paid to others.
- The number of days the minor child(ren) spend with the non-primary residential (custodial) parent.
- Monthly obligations of yourself and the other parent for child support or court-ordered spousal maintenance/ support

After completing the child support worksheet, print out the child support worksheet and file it with your Petition.

When you have completed all forms: go to the “Procedures” page and follow the instructions on what to do next.

Do not copy
or file this page

Procedures: What to do after you have completed all documents to establish child support

Step 1: Complete the Child Support Worksheet online using AzCourt, (<https://www.azcourts.gov/familylaw/2018-child-support-calculator>).
Print out 1 copy of the completed Child Support Worksheet.

Step 2: Make 2 copies* of the following documents:

- Petition to Establish Child Support
- Child Support Worksheet

Step 3: Separate your documents into three (3)* sets:

Set 1 – Originals for Clerk of Superior Court <ul style="list-style-type: none">• Family Department Sensitive Data/Coversheet (do not copy)• Petition to Establish Child Support• Child Support Worksheet	Set 2 – Copies for other party <ul style="list-style-type: none">• Petition to Establish Child Support• Child Support Worksheet (Include an “Order to Appear” with set delivered to other party. See next page, Step 5.)
Set 3 – Copies for you <ul style="list-style-type: none">• Petition to Establish Child Support• Child Support Worksheet	Set 4 – Copies for “State of Arizona” <ul style="list-style-type: none">• Petition to Establish Child Support• Child Support Worksheet

* If either party already has a DES case involving the same children, make another set (4 copies instead of 3; a 4th set) of copies for service on the Attorney General as instructed in Step 5 on next page.

Step 4: File the papers at the Court:

Go to the Clerk of Superior Court’s filing counter: Hand over the originals and all three sets of copies to the Clerk at the filing counter and pay the filing fee. The Clerk will keep the originals, stamp the extra copies to show that these are copies of papers you have filed with the Court, and return the stamped copies to you. These stamped sets of copies are now called “conformed” copies. The Court is open from 8am to 5pm, Monday through Friday.

You may file your papers at any of the following Superior Court locations:

Clerk of Superior Court
250 West Second Street
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.

A list of current fees is available from the Law Library Resource Center or from the Clerk of Superior Court.

If you cannot afford the filing fee and/or the fee for having the papers served by a private process server, the Sheriff or by publication, you may request a waiver/deferral (payment plan) when you file your papers with the Clerk of Superior Court. Waiver/Deferral Applications are available at no charge from the Law Library Resource Center.

The date, time, and location of the conference/hearing will be mailed to you on the Order to Appear. Make copies of the Order to Appear as needed to:

- Serve the Order to Appear (and other papers) on the other party.
- Serve the Order to Appear (and other papers) on the State (if required: see #6).
- Keep a copy of the Order to Appear for your own records.

The Family Department Conference Center will schedule a conference and hearing. You and the other party will meet with a conference officer to talk about the case to try to reach agreement on as many issues as possible. For those matters on which you are unable to reach full agreement, a hearing will be held just after your conference to decide the case.

Step 5: Serve the papers (including the Order to Appear) on the other party. The papers may be served by the Sheriff's Department, by a licensed private process server, or by one of the other methods listed in the "Service" packet available for purchase from the Law Library Resource Center or for free online.

Serving papers on the State: If either party already has a case with the Department of Economic Security (DES), involving the same children as in this case, notice of this action must also be given to the Office of the Attorney General, Division of Child Support Enforcement (DCSE).

You may mail or personally deliver a copy of the Petition, the Child Support Worksheet, Order to Appear, and an Acceptance of Service to the Office of the Attorney General (AG) assigned to your case. The AG staff will accept service by signing the Acceptance and returning it to you. You will not be required to pay any fees for service by this method. If you do not know what office your case is assigned to, mail documents and envelope to:

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

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

Or: 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.

Step 6: Go to your Hearing. If a conference and/or hearing have been scheduled, be sure to write down the date, time and place of the court hearing, and come to the hearing.

- Be on time.
- Dress neatly.
- Do not bring children to court.
- Be prepared to tell the judge why the order should be entered

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

Case No. _____

Petitioner / Party A

ATLAS No. _____

Respondent / Party B

**FAMILY DEPARTMENT SENSITIVE DATA
COVERSHEET WITH CHILDREN
(CONFIDENTIAL RECORD)**

Fill out. File with Clerk of Superior Court. Social Security Numbers should appear on this form only and should be omitted from other court forms. Access Confidential pursuant to ARFLP 43.1(f).

A. Personal Information:

Petitioner / Party A

Respondent / Party B

Name

Gender

Date of Birth (Month/Day/Year)

Social Security Number

☐ Male or ☐ Female

☐ Male or ☐ Female

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

Mailing Address

City, State, Zip Code

Contact Phone

Receive texts from Court to
contact phone number above?

☐ Yes ☐ No texts

☐ Yes ☐ No texts

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: Mark only one (1) category below. (*) Mark this box only if no other case type applies.

☐ Dissolution (Divorce)

☐ Paternity

☐ Order of Protection

☐ Legal Separation

☐ *Legal Decision-Making
/ Parenting Time

☐ Register Foreign Order

☐ Annulment

☐ *Child Support

☐ Other

D. Do you need an interpreter? ☐ Yes or ☐ No. If Yes, what language? _____

DO NOT COPY this document. DO NOT SERVE THIS DOCUMENT to the other party.

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

For Clerk's Use Only

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

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

_____(2)
Petitioner / Party A

Case Number: _____(3)

VS.

PETITION TO ESTABLISH CHILD SUPPORT

_____(2)
Respondent / Party B

STATEMENTS TO THE COURT.

1. INFORMATION ABOUT ME.

Name: _____
Address: _____
County of Residence: _____ Date of Birth: _____
Occupation: _____

My relationship to the child(ren) listed in this Petition:

- ☐ I am the Mother
☐ I am the Father
☐ Other: (Explain) _____

2. INFORMATION ABOUT OTHER PARTY.

Name: _____
Address: _____
County of Residence: _____ Date of Birth: _____
Occupation: _____

The other Party's relationship to the child(ren) listed in this Petition:

- ☐ Other Party is the Mother
☐ Other Party is the Father
☐ Other: (Explain) _____

3. ☐ **VENUE.** This is the proper court to bring this lawsuit under Arizona law because it is the county of residence of the minor child(ren) or the party filing this Petition if the minor child(ren) reside outside of Arizona and there is no prior court order involving the minor child(ren) listed in this Petition.

4. **JURISDICTION.** This Court has jurisdiction under A.R.S. §25-502 to order a party to pay child support because: (Mark boxes if the statement is true.)

- ☐ The other Party is a resident of Arizona
- ☐ I believe that I will personally serve other Party in Arizona
- ☐ The other Party agrees to have the case heard here and will file written papers in the court case
- ☐ The other Party lived with the minor child(ren) in this state at some time
- ☐ The other Party lived in this state and provided pre-birth expenses or support for the minor child(ren)
- ☐ The minor child(ren) lives in this state as a result of the acts or directions of the other Party.

5. **INFORMATION ABOUT MINOR CHILD(REN).**

A. Child's Name: _____ Date of Birth: _____
Current Address: _____
City, State: _____
How long at this address: _____ County: _____

B. Child's Name: _____ Date of Birth: _____
Current Address: _____
City, State: _____
How long at this address: _____ County: _____

C. Child's Name: _____ Date of Birth: _____
Current Address: _____
City, State: _____
How long at this address: _____ County: _____

D. Child's Name: _____ Date of Birth: _____
Current Address: _____
City, State: _____
How long at this address: _____ County: _____

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

6. PATERNITY. Paternity was established by: (Check one box.)

- ☐ A court Order for Paternity from this county or previously transferred to this county stating that _____ is the natural father of the minor child(ren) included in this Petition. (A.R.S. § 25-502(c))
- ☐ Both parents signing an Acknowledgment of Paternity through the Hospital Paternity Program or other means provided by law after July 18, 1996, and a birth certificate listing the name of the father was issued as a result.
- ☐ Parties were legally married when child(ren) was (were) born, conceived, or adopted.

7. CHILD SUPPORT FOR MINOR CHILD(REN). (Check one box.)

- ☐ To my knowledge **there is no child support order** for the minor child(ren) and the Court should order child support in this case.
- ☐ ☐ Party A ☐ Party B made **voluntary / direct support payments** that need to be taken into account, if past support is requested.
- ☐ ☐ Party A ☐ Party B owes **past support** for the period between:
- ☐ the **date this petition was filed** and the date current child support is ordered.
- OR
- ☐ the **date the parties started living apart**, but not more than three years before the date this petition was filed, and the date current child support is ordered.
- ☐ I am providing support for or have physical custody of the following child(ren):

<u>Name (first, middle, last)</u>	<u>Date of Birth</u>
_____	_____
_____	_____
_____	_____

The other party is the natural or adoptive parent of the child(ren) listed above and has a legal duty to provide support pursuant to A.R.S. § 25-501.

REQUESTS TO THE COURT.**A. CHILD SUPPORT.**

- ☐ Order that **child support** be paid by ☐ **Party A** ☐ **Party B** in an amount as determined by the Court under the Arizona Child Support Guidelines.

Support payments to begin on the first day of the month after the Judge or Commissioner signs the Order with all payments, plus the statutory handling fee, to be paid through the Support Payment Clearinghouse, PO Box 52107, Phoenix, Arizona 85072-7107 by income withholding order.

☐ Order that **past child support** be paid by ☐ **Party A** ☐ **Party B** in an amount determined by using a retroactive application of the Arizona Child Support Guidelines taking into account any amount of **temporary or voluntary / direct support** that has been paid. Support to be paid as defined above.

B. MEDICAL, DENTAL, VISION CARE INSURANCE AND HEALTH RELATED EXPENSES FOR THE MINOR CHILD(REN). Order that:

- ☐ **Party A** should be responsible for providing ☐ medical ☐ dental ☐ vision care insurance.
- ☐ **Party B** should be responsible for providing ☐ medical ☐ dental ☐ vision care insurance.
- ☐ Party A and Party B will share all reasonable **unreimbursed medical, dental, vision care, and health-related expenses** incurred for the minor child(ren) in proportion to their respective incomes.

- C.** Order payment of costs and attorney fees, if appropriate.
- D.** Order such other relief as deemed necessary and appropriate by the Court.

DO NOT SIGN UNTIL DIRECTED TO DO SO BY A NOTARY PUBLIC OR A CLERK OF THE SUPERIOR COURT.

UNDER OATH OR 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

STATE OF _____

COUNTY OF _____

Sworn to or Affirmed before me this _____ (date)

by _____.

(Notary seal) _____
Deputy Clerk or Notary Public