

ESTABLISH
PATERNITY
FOR an ADULT CHILD

3

CONSENT JUDGMENT

**To Get a PATERNITY JUDGMENT for an ADULT
CHILD When BOTH PARTIES AGREE**

Part 3: Forms and Instructions

PATERNITY JUDGMENT for an ADULT CHILD By CONSENT (AGREEMENT) of BOTH PARTIES

CHECKLIST

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

- ✓ You or the other party filed a Petition to Establish Paternity for an Adult Child, **AND**
- ✓ You and the other party will provide your notarized signatures on the Consent Judgment to indicate agreement on all terms of the proposed order; **AND**
- ✓ You and other party agree on all the terms of a proposed court order (a "Consent Judgment/Order").

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

- X** You disagree on ANY terms in the proposed court order (The Consent Judgment).

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 can be found on the Law Library Resource Center website.

Law Library Resource Center

To establish paternity for an adult child when both parties agree

Part 3 - Forms and Instructions

This packet contains court forms and instructions to file to establish paternity for an adult child. 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 paternity of an adult child when the parties agree

Use these instructions only if you and the other party have agreed to a Paternity Judgment/Order and have agreed to file and sign a Consent Paternity Judgment/Order.

Form 1: Consent Judgment for Paternity of an Adult Child

- In the top left corner of the first page, fill out: Your name; address; city, state, and zip code; telephone number; and your e-mail address, if applicable.
- In the space that says, “Name of Petitioner,” fill in your name. In the space that says, “Name of Respondent,” fill in the name of the other party (father). The Clerk will fill in the case number when you file your court papers.
- Under the title of the form (“Consent Judgment...”) place a mark in the Vital Records box, if you asked for the Department of Vital Records to be ordered to change the birth records of a child born in Arizona.

(A) The “Court Finds” Section.

1. Number 4: Write the name of the adult child who is requesting the Order of Paternity.
2. Number 5: On the line provided, write the name of the Father of the adult child.

(B) The “Court Orders” Section.

1. Paternity: Beginning with the father’s last name, write the father’s full name in the boxes.
2. Birth certificate: Place a mark in the box, if you asked to change your birth certificate to reflect the father’s name on the birth certificate. In the next box, place a mark to indicate the way the father’s name should appear on the amended birth certificate. Then starting with the father’s last name, write the father’s full name in the boxes, as it should appear on the child’s birth certificate.

3. Name change: (Only if the adult child wants his/her last name changed). Write the father's last name on the line provided.
4. Other orders: If you requested any additional orders with your petition, leave blank. The Judge will write those orders.

Form 2: Notice of Lodging

Fill out the Notice of Lodging. Attach the documents listed in this packet's Procedures to the Notice of Lodging.

After you complete the forms, read the Procedures in this packet for guidelines about how to file the forms with the Clerk of Superior Court.

Procedures: How to get a consent judgment for paternity of an adult child

Requirements: To get a Consent Judgment, both parties must:

- Sign all forms. Both parties (and their lawyers if lawyers represent them) must initial and sign at the bottom of the Consent Judgment to show that both parties have read, approved, and agreed to the Consent Judgment. You must also file all other required paperwork. (The Consent Judgment and the other paperwork you will need are found at the Law Library Resource Center.)
- Show proof of payment: There are fees for filing petitions, responses, requests, motions, objections, and various forms with the Court. Cash, AMEX/VISA/MasterCard debit or credit cards, money order, or personal check made payable to the “Clerk of Superior Court” are acceptable forms of payment. A list of current fees is available from the Clerk of Superior Court’s website.

If you cannot afford the filing or response/answer 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.

Warning: If this is the first time the Respondent/Party B or his or her attorney has “appeared,” that is, filed papers in this case, a substantial “appearance fee” (also known as a “filing,” “response” or “answer” fee) will be due from that party at the time of filing.

Procedures:

Step 1: Read and complete all forms according to the instructions.

Step 2: 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, and one for your judge (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 following documents:
 - Notice of Lodging
 - Consent Judgment

Step 3: Separate into 4 sets:

<p>Court</p> <ul style="list-style-type: none">• ORIGINAL Notice of Lodging Attach to the Notice of Lodging:<ul style="list-style-type: none">• COPY Consent Judgment	<ul style="list-style-type: none">• COPY Notice of Lodging• ORIGINAL & 2 COPIES Consent Judgment
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Step 4: File your papers at the court. Go to the Clerk of Superior Court filing counters at one of the following locations: The Court is open from 8:00 a.m. to 5:00 p.m., Monday through Friday.

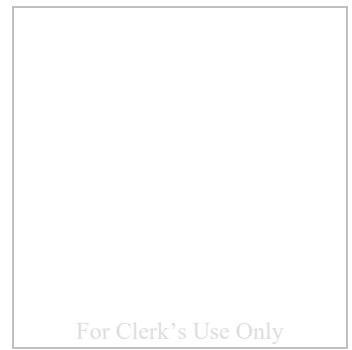
Clerk of Superior Court
250 West Second St.
Yuma, Arizona 85364

What the Judge/Commissioner will do: The judicial officer will read the Consent Judgment and decide whether to schedule a hearing or to sign the Judgment/Order. It is within his or her discretion to do either. If a hearing is scheduled, both parties will need to appear in court at the scheduled time to answer any questions the judge might have. A party who is unable to appear in person may request to “appear” by phone for good reason.

Wait for the paperwork:

- If your Consent Judgment is accepted: You will not have to see the judge. The judge will sign the original Consent Judgment and have it filed with the Clerk of Superior Court. The Court will send a copy of the signed Consent Judgment to each party using the envelopes you provided. This is your notification that paternity has been established.
- If your Consent Judgment is rejected: The Court will send you a rejection/correction notice informing you of the mistakes with the documents. Follow the instructions on the Notice if the mistakes can be corrected. If the mistakes cannot be corrected, you should see a lawyer for help.

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
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

Case No. _____

Name of Respondent/Party B

NOTICE OF LODGING
(ARFLP Rules 30; 43.1; 44.1; 45)

Assigned to: _____
Judicial Officer's Name

PLEASE TAKE NOTICE that, pursuant to the Arizona Rules of Family Law Procedure,

- Petitioner/Party A and/or
- Respondent/Party B and/or
- Third Party/Party C

Lodge the following document(s) with the Court for signature and entry:

Document: _____

Document: _____

Document: _____

Document: _____

Document: _____

Document: _____

Case Number: _____

Document: _____

Document: _____

Document: _____

Document: _____

Document: _____

Signature of Party A or Party A's Attorney

Date

Signature of Party B or Party B's Attorney

Date

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

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

Case Number: _____

Petitioner / Party A

CONSENT JUDGMENT Establishing PATERNITY of an ADULT CHILD (check box if applicable)

Respondent / Party B

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

THE COURT FINDS:

1. This case has come before the Court for a final Order. If necessary, the Court has taken any testimony needed to enter a final Order, or the Court has determined testimony is not needed to enter the Order.
2. This Court has jurisdiction over the parties under the law.
3. 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 an Order of paternity related to the adult child.
4. This Order applies to the following adult child: _____.
5. Party B _____ (name) is the father of the adult child.

THE COURT ORDERS:

1. **PATERNITY:** (Name of **father** as on his birth certificate or his current legal name)

First

Middle

Last

is the natural father of the adult child.

2. **BIRTH CERTIFICATE:** For a child born in the State of Arizona,

THE CLERK OF COURT SHALL FORWARD A COPY OF THIS ORDER to the ARIZONA OFFICE of VITAL RECORDS, which is ORDERED to AMEND THE BIRTH CERTIFICATE(S) as follows:

The father's name shall be entered on the adult child's birth certificate as:

First

Middle

Last

3. **NAME CHANGE (IF APPLICABLE):**

The adult child's last name shall be changed to: _____

4. **OTHER ORDERS:** This Court makes further Orders relating to this matter as follows:

FINAL APPEALABLE ORDER. Pursuant to Arizona Rules of Family Law Procedure, Rule 78, this final judgment/decree is settled, approved and signed by the Court and shall be entered by the clerk.

Date

Judicial Officer

SIGNATURES OF BOTH PARTIES UNDER OATH OR AFFIRMATION

By signing below, in the presence of a Deputy Clerk of Court or Notary Public, I swear or affirm that everything in this document is true and correct to the best of my knowledge, information and belief, including the following:

- 1. **RIGHT TO TRIAL IS WAIVED.** I understand that by signing this Consent Judgment, I am waiving my right to a trial before a judge.
- 2. **NO DURESS OR COERCION. COMPLETE AGREEMENT.** I am not under any force, threats, duress, coercion, or undue influence from anyone, including the other party, to sign this Consent Judgment. This Judgment with any attachments that I have signed is our full agreement. I have not agreed to something different from what is stated in writing in the Consent Judgment.
- 3. **LEGAL ADVICE.** I understand that even if I am representing myself without an attorney, I have the right to be represented by an attorney. I have the right to call an attorney and get legal advice before I sign this Consent Judgment.

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)

If either party is represented by an attorney in this case, the attorney(s) must also sign below.

ATTORNEY SIGNATURES (if applicable)

If either party is represented by an attorney, the attorney must sign:

Date

Approved by Party A's Attorney

Date

Approved by Party B's Attorney