

VOLUNTARY PATERNITY MOTHER MARRIED

1

To Get an Order for Paternity when ALL PARTIES AGREE

Part 1: Completing and Filing
the Court Papers

Forms and Instructions

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**VOLUNTARY ACKNOWLEDGEMENT OF PATERNITY:
MOTHER MARRIED AND LEGAL HUSBAND IS NOT THE
FATHER**

CHECKLIST

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

- ✓ You are the biological parents of the minor child(ren) for whom you want to establish paternity, **AND**
 - The mother was legally married when the minor children were born or at any time during the ten months immediately before birth, **AND**
 - The mother's legal husband of that time is not the biological father.
- ✓ The biological parents both **AGREE** on who the father is (or at least you both agree to be bound by test results from a certified laboratory), **AND**
- ✓ You want a court order establishing paternity, **AND**

You have:

- **The Affidavit of the Legally Presumed Father**, the man who was husband when the minor children were born or at any time during the ten months before, stating that he is not the father of the minor children named in this request, with his notarized signature, **AND**

One of the following:

- **Affidavit of Acknowledgment** – an agreement with the notarized or witnessed signatures of BOTH biological parents telling the Court that you both **AGREE** that the man named as father in the agreement and signing the papers as the father **IS** the biological father of the minor children named in the agreement (affidavit), **OR**
 - **Genetic Testing** -- both parents agree to be bound by the results of genetic testing, and you have a copy of the test results showing that the individual named as the father has not been excluded as the natural father, **AND**
- ✓ You do **not** want a court order about child custody, parenting time, or support *at this time*.

YOU MAY NOT FILE THESE FORMS without the notarized signature of the legally presumed father (the man married to the mother at the time of birth or within 10 months preceding).

WARNING: Signing and filing these documents will permanently affect the legal rights and responsibilities of all parties involved. Consult a lawyer to assist you in making an informed, intelligent decision.

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 Self-Service Center website.

VOLUNTARY PATERNITY – MOTHER MARRIED

VOLUNTARY ACKNOWLEDGMENT OF PATERNITY with Affidavit of Legally Presumed Father

This packet contains court forms and instructions to file voluntary paternity. 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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* Either parent may file to establish authority for legal decision making, parenting time or support with no additional filing fee if done within 90 days after a paternity order is issued as a result of filing a voluntary acknowledgment of paternity with the Court. **A.R.S. § 25-812(C)**

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.

VOLUNTARY ACKNOWLEDGMENT OF PATERNITY - MOTHER MARRIED (BUT THE LEGAL HUSBAND IS NOT THE FATHER)

INSTRUCTIONS: How to Complete All Forms

TO COMPLETE THESE FORMS YOU WILL NEED: the notarized or witnessed signatures of **both** the biological father and mother **and** the “*Affidavit of the Legally Presumed Father*” as well. You will also need a lab report if you checked “Genetic Testing” in item (8) on the “*Acknowledgment*”.

YOU NEED TO KNOW: “Legally Presumed Father”. By Arizona law (A.R.S. §25-814(A)), if the mother is legally married when the minor child(ren) is/are born or at any time in the ten months before, the man who is her legal husband of that time is **legally presumed** to be the father, even if he **is not** the actual biological father of the minor child(ren). No one else’s claim to be the father will be recognized by the Court **unless** the “**legally presumed father**” gives his notarized permission. When these forms refer to “**legally presumed father**”, it means the mother’s legal husband when the minor child(ren) was/were born or conceived.

1st Form: “FAMILY COURT/SENSITIVE DATA COVERSHEET IN CASES WITH CHILDREN” (All Forms: TYPE OR PRINT IN BLACK INK)

Information about the Petitioner, the person filing these papers: Write in the information requested in the space provided. If you do not have a cell phone or email address, leave those spaces blank. If your address and telephone numbers are protected, write “**Protected**”; you do not need to fill in this information. However, you must let the Clerk of the Court know how to reach you. If a lawyer represents you, the Petitioner, you must also write in the lawyer’s name and bar number.

Information about the Respondent, the other biological parent: Write in the information requested for the Respondent. If some of the information requested does not apply, leave those spaces blank, otherwise fill in all spaces for which you know or can find the requested information.

Minor Children Involved: List the name(s), and date(s) of birth for any minor child(ren) involved in this specific case.

Case Type: Check only one box that matches the legal procedure for which you are filing the documents in this packet: **Paternity.**

2nd Form: “VOLUNTARY ACKNOWLEDGMENT OF PATERNITY with AFFIDAVIT OF LEGALLY PRESUMED FATHER”

Match each numbered instruction to the same numbered item on the Acknowledgment and Affidavit.

(1) At top, left: Fill in the name, address, and phone number of the person filing the form.

- (2) List the name of the parent who is filing this document on the line for "Petitioner" and the name of the other parent on the line for "Respondent".
- (3) Leave this item blank. The Court will provide the case number.
- (4) Fill in the ATLAS number IF one has been assigned; if none, leave blank.
- (5) List the name(s) of the minor child(ren) for whom you want to the Court to issue an "Order of Paternity" on the lines marked (a), (b), and (c). Below the names write in the birthdates and place of birth in the same "abc" order. If you need to list more minor children, write in "Continued on next page." Attach that page and label it: "Parents Request Order of Paternity for:" and list the minor child(ren)'s names (as (d), (e), (f). etc. as appropriate), and then their dates of birth, and places of birth as in (5) on the first page.
- (6) Fill in the information requested for the mother of the minor child(ren).
- (7) Fill in the information requested for the biological father of the minor children including where the father was born (city, state, and country).
- (8) Mark the one box for either "Affidavit" or "Genetic Testing" as described below, that states the basis of your request for the Court to establish paternity by the person named as the natural father on the Acknowledgment.
 - **Affidavit of Acknowledgment** -- Mark this box if **both** parents are signing this acknowledgment of paternity to tell the Court that you both agree that the man named as father on the Acknowledgment IS the father, **OR**
 - **Genetic Testing** -- Mark this box if both parents agree to be bound by the results of genetic testing and you have a copy of the test results showing that the individual named as the father has not been excluded as the biological father.
- (9) Optional: IF you want the Court to order Vital Records to change the minor child(ren)'s name(s) on the birth certificate(s) (to give them the father's last name (or otherwise), list the *new name*(s) on the lines provided. List the minor children in the same (a),(b),(c) order as in (5) on the first page. If you need more lines to list additional minor children, write in "Continued on next page," attach that page and label it "Parents request for name change" and list the minor children in the same (d),(e),(f) order previously done for any "extra" children.

Signing and filing this affidavit will permanently affect your legal rights and responsibilities relating to the minor children named in the *Voluntary Acknowledgment of Paternity*. You may want to consult a lawyer before signing this document.

- (10) **SIGNATURES:** The biological mother AND father must both sign the form in front of a Notary Public, Clerk of the Court, *or* a witness over the age of 18 and not related to either parent. By signing this form, you are telling the Court, under penalty of law, that the information on the form is true and correct to the best of your knowledge.

- (11) **“AFFIDAVIT OF LEGALLY PRESUMED FATHER” – (REQUIRED).** Type or print the name of the **“legally presumed father”** who was married to the mother of the minor children when the minor children were born or at any time throughout the ten months prior to birth. **The “legally presumed father” must sign in front of a Notary Public or Clerk of the Superior Court** consenting to the acknowledgment of paternity filed.

3RD Form: **“ORDER OF PATERNITY”** (A.R.S. §25-814)

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

- (1) Write in the name of the parent filing the form.
- (2) Write in the name of the other parent on the line below.
- (3) Leave this line blank. The Clerk’s Office will supply the case number.
- (4) Fill in the ATLAS number IF one has been assigned; if none, leave blank.
- (5) For each child, fill in the name, date of birth, place of birth, as listed in Item 5 of the Acknowledgment.
- (6) Fill in the name and other requested information for the natural mother as listed in Item 6 of the **“Voluntary Acknowledgment of Paternity”**.
- (7) Fill in the name, date of birth, and place of birth of the natural father.
- (8) Write in the full name of the father as it appears on his birth certificate, or if he has changed his name legally, check the box and write his current legal name.
- (9) If you want to change the legal name(s) of the minor child(ren) because of this paternity order, enter the new name(s) exactly as you want them to appear on the amended birth certificate(s).
- (10) Signature of Mother and Actual Father. This document is required to be Notarized OR witnessed.

STOP! Leave the rest of the form blank. Court staff will fill in the rest of the form.

AFTER YOU HAVE COMPLETED ALL FORMS: Go to the “PROCEDURES” page at the end of this packet.

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

 Petitioner / Party A

Case No. _____

 Respondent / Party B

ATLAS No. _____

**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	<input type="checkbox"/> Male or <input type="checkbox"/> Female	<input type="checkbox"/> Male or <input type="checkbox"/> Female
Date of Birth (Month/Day/Year)	_____	_____
Social Security Number	_____	_____

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?	<input type="checkbox"/> Yes <input type="checkbox"/> No texts	<input type="checkbox"/> Yes <input type="checkbox"/> 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.

<input type="checkbox"/> Dissolution (Divorce)	<input type="checkbox"/> Paternity	<input type="checkbox"/> Order of Protection
<input type="checkbox"/> Legal Separation	<input type="checkbox"/> *Legal Decision-Making / Parenting Time	<input type="checkbox"/> Register Foreign Order
<input type="checkbox"/> Annulment	<input type="checkbox"/> *Child Support	<input type="checkbox"/> 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) _____
Person Filing (Petitioner)

(3) Case No. _____

(4) ATLAS No. _____

Other Parent (Respondent)

**VOLUNTARY ACKNOWLEDGMENT
OF PATERNITY with Affidavit of
Legally Presumed Father A.R.S. § 25-814**

(5) The Clerk is requested to issue an order establishing paternity for the following minor children:
(List names as on birth certificates, if any.)

NAME(S):	First	Middle	(new) Last
(a)			
(b)			
(c)			

who were born on this date and at this location (below): (List in same order as above.)

	Month / Day / Year	City, State, Nation of Birth
(a)		
(b)		
(c)		

(6) Mother's Full Name _____

Maiden Name _____

Date of Birth _____

The mother of the children was legally married at the time of birth or at some time during the ten months prior to birth. Attached is an affidavit by the mother's husband at that time, who is legally presumed to be the father, stating that he is not the natural, biological father of these minor children. **The natural father is:**

(7) Father's Full Name _____

Date of Birth _____

Birthplace (City, State, Country) _____

Current Address _____

The parents request the Court to Order the Office of Vital Records to amend the birth certificate(s) to correct the name of the father.

(8) We base this request on: (Mark only one)

Affidavit of Acknowledgment, by which we agree and acknowledge the natural father named above.

OR

Genetic (DNA) Testing and Laboratory Affidavit: Attached is an affidavit from a certified laboratory indicating that the father named above has not been excluded as the natural father of the minor children and we agree to be bound by the results of the genetic test.

(9) The parents request the Court to Order the Office of Vital Records to amend the birth certificate(s) to change the minor child(ren)'s name(s) TO: (List in same order as (5)).

(Optional) (New Names)

	First	Middle	Last
(a)			
(b)			
(c)			

IMPORTANT NOTICE: READ THIS BEFORE YOU SIGN:

Arizona law requires that before voluntarily acknowledging paternity, you be given notice of the alternatives to, legal consequences of and the rights and responsibilities that result. You should know:

- No one is required to voluntarily acknowledge paternity.
- You have the right to seek legal advice before signing this document, and
- If you are unsure who the father is, an alternative is to have genetic (DNA) testing done.

After you submit this **Voluntary Acknowledgement of Paternity** along with the **Acknowledgment of the Legally Presumed Father**, the Clerk of Court or authorized personnel will issue an Order legally establishing the natural father. This Order is the same as a judgment of the Superior Court. After the Order is issued both parents will have all the rights and responsibilities of parents required by Arizona law. The Order does not decide issues about child support, parenting time or authority for legal decision making. However the Order includes a statement of Arizona law that the parent with whom the minor child has resided for the greater part of the last six months shall have authority for legal decision making unless otherwise ordered by the Court.

Arizona law allows either parent to rescind the acknowledgment of paternity if certain requirements are met. See § 25-812(H) of the Arizona Revised Statutes for the requirements.

THIS DOCUMENT CANNOT BE FILED WITHOUT THE *AFFIDAVIT OF THE LEGALLY PRESUMED FATHER*.

**This document can be notarized OR witnessed.
*Witness must be at least 18 years of age and not related to either parent by blood or marriage.
Sign only in presence of Witness, Deputy Clerk of Court, or Notary.***

(10) Signature of Mother

Date

(10) Signature of Actual Father

Date

Printed Name of Mother

Date

Printed Name of Actual Father

Date

(IF NOT NOTARIZED, WITNESSED BELOW)

**VOLUNTARY ACKNOWLEDGMENT OF PATERNITY WITH AFFIDAVIT
OF LEGALLY PRESUMED FATHER**

(Not required if notarized or verified by a Clerk of the Superior Court on preceding page.)

Signature of Witness

Signature of Witness

Printed name of Witness

Printed name of Witness

Address of Witness

Address of Witness

City, State, Zip Code

City, State, Zip Code

STATE OF _____

STATE OF _____

COUNTY OF _____

COUNTY OF _____

This instrument was acknowledged before me this:

This instrument was acknowledged before me this:

_____ (date)

_____ (date)

By _____.

By _____.

Deputy Clerk or Notary Public

Deputy Clerk or Notary Public

(notary seal)

(notary seal)

AFFIDAVIT OF LEGALLY PRESUMED FATHER
A.R.S. § 25-814(A)(1)

(11) I, _____, was legally
(printed name of legally presumed father as it appears on minor children's birth certificates)

married to the mother of the minor child(ren) named on the "**Voluntary Acknowledgment of Paternity**" when the minor child(ren) was (were) born or at some time during the ten months prior to birth.

Although according to law I am legally presumed to be the father of those minor children, I am not the natural father, and I consent to the establishment of paternity in accordance with this "**Voluntary Acknowledgment of Paternity**".

Signing and filing this affidavit will permanently affect your legal rights and responsibilities relating to the children named in the *Voluntary Acknowledgment of Paternity*. You may want to consult a lawyer before signing this document.

Do not sign this form until you are before a Clerk of the Court or a Notary Public.

UNDER OATH OR BY 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.

Signature of Legally Presumed Father

Date

Printed Name of Legally Presumed Father

STATE OF _____

COUNTY OF _____

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

_____.

(notary seal)

Deputy Clerk or Notary Public

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) _____
Person Filing (Petitioner)

(3) Case No. _____

(2) _____
Other Parent (Respondent)

(4) ATLAS No. _____

ORDER OF PATERNITY A.R.S. § 25-814

BASED ON THE REQUEST FILED, for the minor children whose names appear on birth certificates as:

	First	Middle	Last
(a)			
(b)			
(c)			

Who were born on this date and at this location (below): (List in same order as above)

	Month/ Day /Year	City, State, Nation of Birth
(a)		
(b)		
(c)		

(6) Mother's Full Name _____

Maiden Name _____

Date of Birth _____

THE COURT FINDS:

The children were conceived or born at a time when the mother was legally married to someone other than the natural (biological) father. An affidavit from the legally presumed father acknowledging that he is *not* the natural father of the named children has been submitted, and the parties agree that the natural father of the children is:

(7) Father's Full Name _____
 Date of Birth _____
 Birthplace (City, State, Country) _____
 Current Address _____

IT IS ORDERED, that the natural father of the above named minor children is:

(8) (Father's LEGAL name (as listed on *his own* birth certificate, or current legal name)

First	Middle	Last

(9) For any minor children born in the State of the Arizona, the Clerk of Court shall forward a copy of this judgment and order to the office of Vital Records.

(10) The Office of Vital Records shall amend the birth certificate(s) as follows:

The father's name currently listed on the birth certificate(s) shall be *removed* and the natural father's name as listed above shall be entered on the birth certificate(s) as the father.

The minor children's names shall be changed to: (List in same order as (5) on preceding page)

	(New Name(s)) First	Middle	Last
(a)			
(b)			
(c)			

For any minor children born in a state *other than* Arizona, the agency that maintains birth records in that state is requested or ordered to amend its birth records to reflect the changes ordered above.

- This Order is a judgment of the Superior Court.
- Pursuant to A.R.S. § 25-803(D), the parent with whom the minor child has resided for the greater part of the last six months has authority for legal decision making concerning the minor child unless otherwise ordered by the Court.
- Pursuant to A.R.S. § 25-501, this Order of Paternity imposes a duty of support and also provides a basis for determining issues related to legal decision making and parenting time and affords the parents all rights and responsibilities provided by Arizona law (A.R.S. § 25-803(C)).

Dated: _____

 Clerk of the Court, Judicial Officer, or Court Designee

For Court Use Only:

Copy mailed on: _____ To: Corrections Unit, Office of Vital Records IV-D Agency

Law Library Resource Center

**VOLUNTARY PATERNITY – MOTHER MARRIED
AND HUSBAND IS NOT THE FATHER**

PROCEDURES

WHEN YOU HAVE COMPLETED ALL FORMS:

- Make one copy of the **“Voluntary Acknowledgment of Paternity,”** and any necessary attachments (such as a lab report)*, **and make two (2) sets of copies of the “Order of Paternity”.**
- Separate your documents into two sets: one set of originals and one set of copies (2).
- The ORIGINAL set should include: (1) **“Family Court Cover Sheet,”** (1) **“Voluntary Acknowledgment,”** (1) **“Order of Paternity,”** AND the lab report (if you checked “Genetic Testing” in (8)).
- The COPIES should include: (1) **“Voluntary Acknowledgment”** (2) **“Order of Paternity,”** and (1) lab report.*
*if you checked the box for “Genetic Testing” in (8) on the **“Voluntary Acknowledgment”.**
- Take both sets of papers to the Office of the Clerk of the Superior Court at the following location:
 - 250 W. 2nd Street, Yuma, Arizona 85364

FEES: A list of current fees is available from the Self Service Center and from the Clerk of Court’s website.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a deferral (payment plan) when you file your papers with the Clerk of the Court. Deferral Applications are available at no charge from the Self-Service Center.

Hand both sets (2) of your court papers to the Clerk along with the filing fee.

The Clerk will sign and file the original Paternity Order and return a signed and stamped copy to you. The Clerk will also forward a copy of the Order to the Arizona Department of Vital Records where they will enter the new information on the birth records, and to the Attorney General’s office as well. “Certified” copies of the Order are available for an additional fee.

NOTE: After a Paternity Order is issued, either parent may file a request for Parenting Time, Custody, or Support. IF that request is filed within 90 days after the Paternity Order is issued, and in the same county, there is no additional filing fee. (A.R.S. § 25-812(c))

OBTAINING A COPY OF A NEW ARIZONA BIRTH CERTIFICATE:

Arizona birth certificates are maintained by the Office of Vital Records, Department of Health Services, The State Vital Records Office at 1818 W. Adams, Phoenix, AZ. 85007, is only available for mail-in service. Vital Records general telephone number is 602-364-1300. Please call for another walk-in location. A fee is required for a change to any birth certificate.

For detailed information, see the Vital Records web site.

If you want a copy of the **NEW** Arizona birth certificate, allow three to six weeks for the change to be processed. Then, contact the Office of Vital Records (Telephone (928) 317-4530). They will prepare the new certificate upon all of the following:

- petition
- payment of a fee, and
- presentation of personal identification. (It is helpful to have a copy of the **Order of Paternity** with you.)

Records may also be ordered online.

For births since 1997, birth certificates may also be obtained from the Yuma County Office of Vital Statistics at 2200 W. 28th Street, Room 256, Yuma, Arizona 85364 Call (928) 317-4530 for information.