# VOLUNTARY PATERNITY MOTHER MARRIED

# To Get an Order for Paternity when ALL PARTIES AGREE

Part 1: Completing and Filing the Court Papers

Forms and Instructions

### LAW LIBRARY RESOURCE CENTER

# 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 <u>NOT</u> 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.

# **Law Library Resource Center**

# **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!

Order	Title	# pages.
1	Checklist: You may use these form if	1
2	Table of Contents (this page)	1
3	"Family Court /Sensitive Data Cover Sheet in Cases With Children"	1
4	Instructions for Completing a "Voluntary Acknowledgment of Paternity with Affidavit of Legally Presumed Father"	3
5	"Voluntary Acknowledgment of Paternity with Affidavit of Legally Presumed Father"	4
6	"Order of Paternity"	2
7	"PROCEDURES" - What to do after completing the forms	2

<sup>\*</sup> 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.

Dorgen Eiling.				
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 Lawy	er or $\square$ Attorr	ney for  Petitioner OR	Respondent	
SU	_	COURT OF ARIZO	NA	
		Case No.		
Petitioner / Party A		ATLAC No		
		ATLAS No.		
Respondent / Party B		FAMILY DEPAR COVERSHEET V (CONFIDENTIAL RE	WITH CHILDRE	
Fill out. File with Clerk of Su should be omitted fro		ocial Security Numbers shou orms. Access Confidential p		
A. Personal Information:	Pe	titioner / Party A	Respond	lent / Party B
Name				
Gender	М	ale or Female	Male	or Female
Date of Birth (Month/Day/Year)				
Social Security Number				
Warning: DO NOT INCLUDE N	AILING ADDR	ESS ON THIS FORM IF REQU	JESTING ADDRE	SS PROTECTION
Mailing Address				
City, State, Zip Code				
Contact Phone				
Receive texts from Court to				
contact phone number above?	Ye:	s 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	er Ch	ild Date of Birth
		-		
	<u> </u>			
C. Type of Case being filed: Ma	rk only one (1) c	1 , ,		
Dissolution (Divorce)		Paternity	Order of F	Protection
Legal Separation		*Legal Decision-Making / Parenting Time	Register F	Foreign Order
Annulment		*Child Support	Other	
D. Do you need an interpreter?	Yes or	No. If Yes, what langu	•	

# 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 <u>and</u> 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.

# 1<sup>st</sup> Form: "FAMILY COURT/SENSITIVE DATA COVERSHEET IN CASES WITH CHILDREN" (AII 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: [x] Paternity.

# 2<sup>nd</sup> 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.
- 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 <u>one</u> 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.

3<sup>RD</sup> 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:				
	=			
Email Address:			_	
ATLAS Number:			_	
Lawyer's Bar Nun	nber:		_	FOR CLERK'S USE ONLY
Representing [_]	Self, without a Lawyer	or Attorney for Peti	tioner OR ∐ Respo	ndent
		OR COURT OF A	_	
(2)Person Filing	(Petitioner)	(3) Cas	e No	
		<b>(4)</b> ATL	AS No	
Other Parent (		OF PA	NTARY ACKNOWLI TERNITY with Affida Presumed Father A.  Presumed Father A.	avit of R.S. § 25-814
(List names as or NAME(S):	n birth certificates, if any First	y.) Middle	(new) Last	
, ,	1 1131	Wildaic	(Hew) East	
(a)				
(b)				
(c)				
who were born (	on this date and at this	s location (below): (List in	same order as above	e.)
	/ Day / Year	City, Stat	e, Nation of Birth	
(a)				
(b)				
(c)				
(6) Mother's Full	Name			
Maiden Name				
Date of Birth			_	

		Case No	
The second second discould be seen		. Constitution of the Cons	
he mother of the children	was legally married at the	e time of birth or at some time during the ten months	

•	avit by the mother's husband at tha atural, biological father of these mir	t time, who is legally presumed to be the nor children. <b>The natural father is:</b>
(7) Father's Full Name		
Date of Birth		_
Birthplace (City, State, Country)		
Current Address		
The parents request the Court correct the name of the father.	to Order the Office of Vital Reco	rds to amend the birth certificate(s) to
(8) We base this request on: (	Mark <b>only</b> one)	
☐ Affidavit of Acknowledgr	nent, by which we agree and ackno	wledge the natural father named above.
OR		
indicating that the father	-	is an affidavit from a certified laboratory ided as the natural father of the minor c test.
(9) The parents request the Co to change the minor child(re		cords to amend the birth certificate(s) ne 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 <u>OR</u> 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)	
	_	T OF PATERNITY WITH AFI	FIDAVIT
OF L	EGALLY PRE	ESUMED FATHER	
(Not required if notarized	or verified by a Cle	rk of the Superior Court on preceding pa	ige.)
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 acknowledge	ed before me this:	This instrument was acknowledged b	pefore me this:
	(date)	-	(date)
Зу		Ву	
Ву		Ву	

Deputy Clerk or Notary Public

(notary seal)

Deputy Clerk or Notary Public

(notary seal)

Case	No
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# **AFFIDAVIT OF LEGALLY PRESUMED FATHER**

A.R.S. § 25-814(A)(1)

(11) I,	, was legally
(printed name of legally presumed father as it appea	rs on minor children's birth certificates)
married to the mother of the minor child(ren) name when the minor child(ren) was (were) born or at some	d on the "Voluntary Acknowledgment of Paternity" time during the ten months prior to birth.
	e the father of those minor children, I am not the natural in accordance with this "Voluntary Acknowledgment"
the children named in the Voluntary Acknowledgm	fect your legal rights and responsibilities relating to ment of Paternity. You may want to consult a lawyer this document.
Do not sign this form until you are before	a Clerk of the Court or a Notary Public.
I swear or affirm under penalty of perjury and correct to the best of my knowledge	y that the contents of this document are true
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
(notary seal)	Deputy Clerk or Notary Public

Email ATLAS	tate, Zip Code: none: Address: 5 Number: r's Bar Number: senting		FOR CLERK'S USE O
	SUPER	RIOR COURT OF A	_
(1) Persor	n Filing (Petitioner)	(3) (	Case No
		<b>(4)</b> A	TLAS No
(2) Other	Parent (Respondent)		
Other	Parent (Respondent)	<b>OR</b> A.R.	DER OF PATERNITY S. § 25-814
Other	Parent (Respondent)	<b>OR</b> A.R.	
Other  BASE certifica  (5)	Parent (Respondent)  D ON THE REQUEST	<b>OR</b> A.R.	S. § 25-814
Other  BASE certifica  (5) (a)	Parent (Respondent)  D ON THE REQUEST ates as:	OR A.R.	S. § 25-814 illdren whose names appear on birth
Other  BASE certifica  (5) (a) (b)	Parent (Respondent)  D ON THE REQUEST ates as:	OR A.R. FILED, for the minor ch Middle	S. § 25-814 illdren whose names appear on birth
Other  BASE certifica  (5) (a) (b) (c)	Parent (Respondent)  D ON THE REQUEST ates as:	OR A.R. FILED, for the minor ch Middle	S. § 25-814 illdren whose names appear on birth
Other  BASE certifica  (5) (a) (b) (c)	Parent (Respondent)  DON THE REQUEST ates as:  First  were born on this date and a	OR A.R.  FILED, for the minor ch  Middle	S. § 25-814  illdren whose names appear on birth  Last  (List in same order as above)
Other  BASE certifica  (5) (a) (b) (c)	Parent (Respondent)  D ON THE REQUEST ates as:  First	OR A.R. FILED, for the minor ch Middle	S. § 25-814  illdren whose names appear on birth  Last  (List in same order as above)
Other  BASE certifica  (5) (a) (b) (c)  Who v	Parent (Respondent)  DON THE REQUEST ates as:  First  were born on this date and a	OR A.R.  FILED, for the minor ch  Middle	S. § 25-814  illdren whose names appear on birth  Last  (List in same order as above)
Other  BASE certifica  (5) (a) (b) (c)  Who v	Parent (Respondent)  DON THE REQUEST ates as:  First  were born on this date and a	OR A.R.  FILED, for the minor ch  Middle	S. § 25-814  illdren whose names appear on birth  Last  (List in same order as above)
Other  BASE certifica  (5) (a) (b) (c)  Who v  (a) (b) (c)	Parent (Respondent)  ED ON THE REQUEST ates as:  First  Were born on this date and a Month/ Day /Year	OR A.R.  FILED, for the minor ch  Middle	S. § 25-814  illdren whose names appear on birth  Last  (List in same order as above)  on 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:

( <b>7</b> ) F	ather's Full Name				
Date	e of Birth				
Birth	place (City, State, Country)				
Curr	ent Address				
IT IS	S ORDERED, that the nat	tural fathe	er of the above n	amed min	nor children is:
(8)	(Father's LEGAL name (as	s listed on	his own birth cert	ificate, or	current legal name)
	First		Middle		Last
(9)	For any minor children to copy of this judgment ar			•	ne Clerk of Court shall forward a
(10)	The Office of Vital Recor	ds shall a	mend the birth o	ertificate	(s) as follows:
	natural father's nam	e as liste	ed above shall b	e entered	cate(s) shall be removed and the d on the birth certificate(s) as the
	☐ The minor children'	s names	shall be change	•	List in same order as <b>(5)</b> on precedin page)
	(New Name(s)) First		Middle	·	Last
(a)					
(b) (c)					
r	records in that state is requordered above.	uested or	ordered to ame		the agency that maintains birth the changes
	<ul> <li>This Order is a judgmer</li> </ul>		-	uham tha	miner shild has resided for the
	_	six month	ns has authority	for legal	minor child has resided for the decision making concerning the
	provides a basis for de	eterminin	g issues related	to legal	oses a duty of support and also decision making and parenting provided by Arizona law (A.R.S.
Date	ed:		Clerk of the	e Court, Ju	udicial Officer, or Court Designee
For (	Court Use Only:				
Conv	v mailed on:	To:	Corrections Li	nit Office	of Vital Records

# **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.