

Instructions for filling out the Petition to Modify Legal Decision-making (Legal Custody), Parenting Time and Child Support

Important Notice to Victims of Domestic Violence: All court documents request your address and phone number. If you are a victim of domestic violence, are in a domestic violence shelter, or if you do not want your address known to protect yourself or your minor children from further violence, you must file for an Order of Protection and ask that your address not be disclosed on court papers. With that Order, just write “protected” when asked for this information and update the Clerk of Superior Court with an address and phone number as soon as possible.

Use this form only if you already have a court order concerning legal decision-making, parenting time and/or child support. You will want to have a copy of your Order in front of you as you fill out these papers.

A. Please type or print with **black** ink only!

In the top left corner of the first page, provide the information requested about you. If your address is protected by court order, write “protected” in the space for address and make sure the Court has a means of contacting you on file.

B. Fill in the top section where it says Name of Petitioner (Party A), Name of Respondent (Party B), and Case Number, exactly as it appears on your original Maricopa County court case where legal decision-making, parenting time and/or child support was originally ordered.

General information:

1. Information about me: Fill in your name, address (if not protected) and how you are related to the minor children.
2. Information about the other party: Fill in the other party’s name, address (if not protected) including city, state and zip code and how the other party is related to the minor child(ren).

3. Information about the children for whom I want the legal decision-making (legal custody), parenting time, and/or child support order changed: Provide the information requested on all the children under 18 years of age for whom you are seeking to make a change in legal custody, parenting time and child support.
4. Affidavit Regarding Minor Children. If the minor children have resided in Arizona since the entry of the last Arizona legal decision-making, parenting time or child support Order check the first box. If not, you must attach an Affidavit Regarding Minor Children and check the second box. The Affidavit Regarding Minor Children form is in the forms packet.
5. Information about the Order I want to change. Write in the date the Judge signed the Order, the name of the court (“Superior” or “District,” etc.), the name of the county, and the name of the state where the order was signed. Include the page numbers and sections of the decree/order where the language appears.

What your Order now says: This is where you tell the judge exactly what part of your decree/order you want to change. You should find your current decree/order, read it carefully several times and then decide what parts you want to change.

6. Domestic violence. Choose the option that best describes your situation relating to legal decision-making (legal custody) and parenting time. If you need more room to explain, you can use extra sheets of paper and attach it to this Petition.
7. Drug / alcohol abuse and convictions within the last 12 months. Choose the option that best describes your situation relating to legal decision-making (legal custody) and parenting time. If you need more room, you can use extra sheets of paper and attach it to this Petition.
8. Why the Decree/Order should be changed: This is where you briefly explain to the judge why you think a change of your existing decree/order is necessary for the best interest of the minor child(ren). If you need more room, you can use extra sheets of paper and attach it to this Petition. If you are asking the judge for a change in child support, attach an updated child support worksheet to this petition, and mark the box indicating the attachment.

Requests I make to the Court: This is where you explain to the judge what you want your decree/order to say about legal decision-making, parenting time and/or child support.

A. Legal decision-making (legal custody), parenting time and child support:

Joint legal decision-making: If you are asking for joint legal decision-making, check this box, and write the names of the minor children in the space provided. If you check this box, complete the Parenting Plan before you go to the judge for your final order. The Parenting Plan is in the (#3) “Orders” packet, when the parties disagree, and in the first (#1) packet if parties agree.

Sole legal decision-making: If you want sole legal decision-making, check the boxes that apply, including the parenting time you are asking for. Tell the court whether you want primary (more than 50% of) physical custody of the minor children to go to you or the other party.

Parenting time: Mark one box only. You can ask that the non-custodial parent (the parent having less than 50% physical custody of the minor children) have one of the following types of parenting time:

1. Reasonable parenting time -- This suggests an amount of parenting time appropriate to the age of the child.
2. Reasonable parenting time by agreement of both parties -- Complete the Parenting Plan before you go to the judge for your final order. The Parenting Plan is in the “Orders” packet.

Refer to “Planning for Parenting Time: Arizona’s Guide for Parents Living Apart” to help make your new parenting plan. The Guide is available for purchase at all Superior Court Law Library Resource Center locations or may be viewed online and downloaded for free from the state courts’ web page.

3. Supervised parenting time to the non-custodial parent. You should request supervised parenting time if the non-custodial parent cannot adequately care for the minor children without another person present. You may request this if the person not having the

most time with the child(ren), abuses drugs or alcohol; is violent or abusive; or does not have the parenting skills to care for the minor child(ren) without another adult present. Remember, supervised parenting time is not intended to punish the parent, but to protect the minor child(ren). You must write the reasons why parenting time should be supervised.

4. No parenting time to the non-custodial parent. You should mark this box only if the non-custodial parent has seriously harmed, abused, or otherwise is a serious danger to the minor children's physical and emotional health, or if there is a criminal court order stating there is to be no contact between the minor children and the non-custodial parent. This is a last resort to protect the minor children.

Note: Even if you do not want to change the child support amount, the judge will still review all the financial information to determine if child support should be changed.

- B. Child support: Mark the box to indicate which party will pay child support. Fill in the amount from the completed Child Support Worksheet, or if you are requesting an amount different from the Worksheet amount (a deviation), enter that amount. Check one of the boxes to indicate whether you are requesting the amount calculated on the Worksheet – or to deviate from that amount based on other factor.

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

ezCourtForms: <http://www.superiorcourt.maricopa.gov/ezcourtforms2/>

You may also be required to present an Affidavit of Financial Information (DROSC13f) especially if requesting to deviate from the amount listed on the Child Support Worksheet and may need to refer to the “Arizona Child Support Guidelines” (DRS10h) as well. These documents are available at the Superior Court Law Library Resource Center locations or website.

- C. Medical, dental, vision care insurance payments and expenses: Mark which party should be responsible for health, medical, dental, and vision care

insurance and other related expenses. Then write in what percentage Party A should pay and what percentage Party B should pay of those expenses not covered by insurance. The total percentage must be 100%.

- D. Federal income tax deduction. Tell the court whether Party A or Party B should claim the minor children as income tax deductions every year or every other year.
- E. Other orders: Fill in this information only if you have made other requests to the court. Write the specific additional orders you are requesting the court to make that were not covered elsewhere in your Petition. Use extra pages if necessary.
- F. Oath or affirmation and verification: This document must be signed in front of a Deputy Clerk of Superior Court or Notary. By signing the Petition under Oath or Affirmation, you are stating, under penalty of perjury, that the information is true and correct.

After you have completed the Petition:

When you have completed all forms: Go to the Procedures - How to File Your Petition to Modify Child Custody, Parenting Time and Child Support for what to do after you have completed the Petition to Modify Legal Decision-making, Parenting Time and Child Support.