

Procedures: How to file your petition to modify child custody, parenting time and child support

STEP 1. Complete all required paperwork:

- Petition to Modify (the Petition)
- Parenting Plan
- Child Support Worksheet (also known as Parents Worksheet for Child Support) the Child Support Worksheet can be found and completed at <http://www.superiorcourt.maricopa.gov/ezcourtforms2/> It is not contained within this packet.
- Affidavit Regarding Minor Children (Only required when the children have resided outside the State of Arizona at some time since the date of the last custody order).

Step 2. Make copies and file the papers with the Clerk of Superior Court: Make three (3) copies of the paperwork you completed: one for you, one for the other party, and one for the Judge. If the State of Arizona (DES/DCSE) is a party, make a 4th copy to serve on the Attorney General's Office.

Each set should contain the following documents:

Originals: (for Clerk of Superior Court) Petition to Modify Parenting Plan Child Support Worksheet Affidavit Regarding Minor Children (if applicable)	Judge's Copies Petition to Modify Parenting Plan Child Support Worksheet Affidavit Regarding Minor Children (if applicable) Order to Appear
Your Copy: Petition to Modify Parenting Plan Child Support Worksheet Affidavit Regarding Minor Children"(if applicable) Order to Appear	Other Party's Copy: Petition to Modify Parenting Plan Child Support Worksheet Affidavit Regarding Minor Children (if applicable) Order to Appear

*Attorney General's copies (only if required – see Step 4 on next page)

Petition to Modify,
Parenting Plan
Child Support Worksheet
Affidavit Regarding Minor Children (if applicable)
Order to Appear
Acceptance of Service (original) and self-addressed stamped envelope (addressed back to you)

* IF one of the parties is using the child support services of the Division of Child Enforcement (DCSE), add one additional copy of the proposed Order and attachments and a stamped envelope addressed to the Attorney General (see Step 4, below for address).

** IF this agreement changes who pays child support include a second CEI for parent who will now pay.

Step 3. File the original documents with the Clerk of Superior Court at the filing counter. Ask the Clerk to stamp the extra copies and return those to you. These are called "conformed" copies.

Central Court Building
201 West Jefferson, 1st floor
Phoenix, Arizona 85003

Southeast Court Complex
222 East Javelina Avenue, 1st
floor
Mesa, Arizona 85210

Northwest Court Complex
14264 West Tierra Buena Lane
Surprise, Arizona 85374

Northeast Court Complex
18380 North 40th Street
Phoenix, Arizona 85032

Fees: A list of current fees is available from the Law Library Resource Center and from the Clerk of Superior 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 Superior Court. Deferral Applications are available at no charge from the Law Library Resource Center.

Step 4. To get a hearing scheduled: After you have filed your documents with the Clerk of Superior Court, the Clerk will then direct you to one of the following administrative offices or to the in-box of the Judicial Officer who will hear your case.

Central Court Building
201 West Jefferson, 3rd floor
Phoenix, Arizona 85003
(To Family Administration)

Southeast Court Complex
222 East Javelina Avenue, 1st floor
Mesa, Arizona 85210
(To Family Administration)

Northwest Court Complex
14264 West Tierra Buena Lane
Surprise, Arizona 85374
(To Judge's in-box)

Northeast Court Complex
18380 North 40th Street
Phoenix, Arizona 85032
(To Judge's in-box)

Bring a copy of the following:

1. Filed copy of the Petition to Modify
2. Filed copy of the Parenting Plan
3. Filed copy of the Child Support Worksheet
4. Filed copy of the Affidavit Regarding Minor Children (if applicable)
5. Original Order to Appear
6. A self-addressed stamped envelope that is big enough to fit the packet (9 ½ inches by 12 inches). Make sure to put enough postage on the envelope to have it mailed back to you. Have the Post Office weigh the papers to find out the exact postage needed.

The Judge's staff will prepare the Order to Appear with the date, time, and place of the court hearing and then mail the papers back to you. Keep one set for your records and one set for the Judge. Bring both to the hearing. Serve one on the other party.

Step 5: Serve the papers on the other party(ies). The papers may be delivered by the Sheriff's Department, a licensed process server, commercial delivery service or mail by which you can obtain an original or copy of the other party's signature confirming delivery or by Acceptance of Service as described in the "Service" packet available from the Law Library Resource Center or their website.

The State of Arizona may be involved if any party received public assistance for the children or used the services of the State in establishing or collecting child support. If either party already has a case with the State (DCSE or DES) involving the same children as in this case, notice of this action must also be given to the Attorney General's Office.

Serving papers on the State: (if required). The Office of the Attorney General (the "AG") will accept service by signing an "Acceptance of Service" form and returning the form for you to file with the Court. There are no court fees for serving the State with an Acceptance, as described below:

(a) You may mail or personally deliver to the Office of the “AG” assigned to your case:

- a copy of the Petition to Modify,
- a copy of the Parenting Plan,
- a copy of the Child Support Worksheet, along with an
- Acceptance of Service and
- a self-addressed, stamped envelope (addressed back to you).

A list of addresses for the AG’s offices is available from the Law Library Resource Center or their website.

(b) 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, or

(c) You may mail all listed documents and the envelope to:

Office of the Attorney General
Child Support Services Section
2005 N. Central Avenue – Mail Drop 7611
Phoenix, AZ 85004-2926

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

Step 6: At the hearing: Be on time. Dress neatly. Be prepared to tell the Judge about the case, and why the petition should be granted. Bring all paperwork with you that you think the Judge should look at, such as reports about the children and financial records.

Bring your set of copies with you to the hearing; if the Judge’s staff sent back all 3 sets of copies as described in Step 4 above, bring the Judge’s copies also.