

Instructions: How to complete an “Agreement to Modify Legal Decision Making, Parenting Time, and Child Support”

STEP 1 Determine whether this court has the authority to hear your case. Either party or children of the parties must live in Maricopa County to file for modification in this county:

If the court Order you want to change is from Maricopa County, Arizona:

- Use your copy of the Order. You will need it to fill out the paperwork.

If the court Order you want to change is from another county in Arizona:

- Get a certified copy of the Order you want to change from the other county, AND
- Bring the certified copy with you when you come to the Clerk of Superior Court to file your court papers, AND
- Give the certified copy of the Order to the Clerk before filing any additional paperwork, AND
- The Clerk will file the Order and assign a case number to your new case.

If the court order you want to change is from a state other than Arizona:

- Talk to a lawyer who can tell you what requirements are necessary for you to file for modification in Arizona.

STEP 2 Important definitions to help you in your decision to change legal decision-making and parenting time.

- “Sole Legal Decision-Making” means the one person has legal decision-making authority.
- “Joint Legal Decision-Making” means both parties share legal decision-making.
- “Parenting time” means a parent has the right to have a minor child physically placed with the parent and the right and responsibility to make, during that placement, routine daily decisions regarding the minor child’s care consistent with the major decisions made by the person having legal decision-making.
- “Custody” usually refers to legal decision-making and used to be called legal custody.

STEP 3 Complete the forms in this packet if both parties AGREE to ask the court to modify or change an existing court Order for legal decision-making, parenting time and child support.

- Have in front of you a copy of the current “*Parenting Plan*” (if you have one), legal decision-making and parenting time order, and “*Child Support Order.*” You will need to look at these documents to complete all the paperwork now.

- **IMPORTANT:** If you want to modify legal decision-making, you must also consider whether it will be necessary to modify child support and/or parenting time. You will need all the documents that are required to modify the child support order and the parenting time order.
- Complete the required forms:
 1. “Agreement (or Stipulation) to Modify the Prior Court Order Regarding Legal Decision-Making, Parenting Time and Child Support, and
 2. Order Modifying Legal Decision-Making, Parenting Time and Child Support, and
 3. Parenting Plan, and
 4. Child Support Worksheet, and
 5. Child Support Order.
- Use the “*Parenting Time Guidelines*” to help you make your new “*Parenting Plan*.”
- If you want to modify or change legal decision-making and/or parenting-time, you must also consider whether it will be necessary to modify or change child support. Use one of the *FREE* online child support calculators to produce the Child Support Worksheet that **MUST** be turned in along with your other court papers. These calculators are available at:

ezCourtForms <https://www.superiorcourt.maricopa.gov/ezcourtforms2/>
 Arizona Supreme Court <http://www.azcourts.gov/familylaw/Child-Support-Calculator-Information>

If you are changing parenting time and therefore changing child support, you might need to stop a current wage withholding order, and have a new *wage withholding order* issued, depending on which parent will now pay support. These forms are available at the Law Library Resource Center and online at the Law Library Resource Center website.

- Remember that the court must do what is in the best interests of the minor children. Even if both parties agree to legal decision-making, parenting time and support, the judge will look over all the papers and decide what Order to make.
- Print clearly and use black ink when completing forms.
- The Current Employer Information Sheet is required whenever child support is ordered.
- An Order stopping an income withholding order is required if this modification changes which party is ordered to pay child support.

Once you have completed your forms, see: Procedures: How to file your Agreement to Modify Legal Decision Making, Parenting Time and Child Support.