

ESTABLISH
PATERNITY
FOR an ADULT CHILD

1

To Get the First Court Order

Part 1: Completing and Filing the Court Papers

(Forms and Instructions)

TO ESTABLISH PATERNITY for an ADULT CHILD

CHECKLIST

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

- ✓ You are 18 years old or older, **AND**
- ✓ You want a court order that establishes that the Respondent is your natural father, **AND**
- ✓ Paternity has **not** already been legally established, **AND**
- ✓ The person filing resides in Arizona.

DO NOT USE THE FORMS and instructions in this packet if:

- X** The child who is the subject of this Petition is a minor (Less than 18 years of age)
- X** You are not the adult child seeking to establish paternity
- X** Someone *other than* the person named as the father in this case is already listed as the father on the birth certificate for the adult child for whom you are asking for a court order in this case.
- X** Paternity has *already* been legally established by other means* for the adult child for whom you are seeking a court order in this matter.*

* For children born after July 1996: If the father's name appears on the birth certificate as a result of the parents having signed an Affidavit of Paternity in the hospital at time of birth or afterwards, paternity has already been established for that child and you do not need to establish paternity through the court. A.R.S. § 25-812 (C).

If a father is listed on the birth certificate or paternity has otherwise already been legally established for the adult child for whom you want a court order, see an attorney for advice for your situation.

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 Law Library Resource Center website.

To establish paternity for an adult child

This packet contains court forms and instructions to file to establish paternity for an ADULT child. 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 | File Number | Title | # pages |
|-------|-------------|--|---------|
| 1 | DRPA1k | Checklist: <i>You may use these forms if . . .</i> | 1 |
| 2 | DRPA1t | Table of Contents (this page) | 1 |
| 3 | DRPA11i | Instructions to complete the forms in the Paternity Packet | 3 |
| 4 | DRSDS10f | <i>"Family Department Sensitive Data / Cover Sheet"</i> DO NOT COPY | 1 |
| 5 | DR11f | <i>"Summons"</i> | 2 |
| 6 | DRPA11f | <i>"Petition for Paternity for an ADULT Child"</i> | 4 |
| 7 | DRPA10p | Procedures: How to file papers with the Court | 4 |

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INSTRUCTIONS: HOW TO FILL OUT PATERNITY PAPERS

WHEN TO USE THIS PACKET: Use this packet if you are an adult and

- You are 18 years of age or older, AND
- You want a court order that declares paternity for an adult child, AND
- Paternity has not already been legally established, AND
- The petitioner resides in Arizona, AND
- The father's name is not on the adult child's birth certificate.

IMPORTANT NOTICE about when you can sue another person in Arizona for paternity: You can sue another person in Arizona to establish paternity, if ONE of the following statements is true about the person:

- The person is a resident of Arizona; OR
- You served the person with the court papers in Arizona. (See the Law Library Resource Center packet on "Service" if you have any questions.); OR
- The person agrees to have the case heard in Arizona and filed written papers in the court case; OR
- The person lived with the child in Arizona at some time; OR
- The person lived in this state and provided pre-birth expenses or support for the child; OR
- The child lives in this state because of the acts or directions of that person; OR
- The person had sexual intercourse in this state and the child may have been conceived; OR
- The person signed an affidavit acknowledging paternity that was filed in this state; OR
- The person signed an affidavit acknowledging paternity, OR
- The person did any other acts that substantially connect the person with this state (see a lawyer to help you decide this).

(All Forms: TYPE OR PRINT IN BLACK INK)

FORM 1: FAMILY DEPARTMENT/SENSITIVE DATA COVER SHEET

- Write in the information requested about Petitioner/Party A and Respondent/Party B.
- DO NOT INCLUDE MAILING ADDRESS on this form if requesting address protection.
- **Case Type:** Mark the box that matches the legal procedure for which you are filing the documents in this packet: Paternity.
- **Interpreter:** Check "yes" or "no" to indicate whether an interpreter is needed. If "yes", write in what language you need the interpreter for.
- No additional copies needed. Do NOT copy or deliver ("serve") this document to the other party.

FORM 2: SUMMONS:

Fill in the following information where requested: Your name; address (if not protected); city, state and zip code; telephone number; ATLAS NUMBER (if you have one); name of Petitioner/Party A and name of Respondent/Party B.

If you are represented by an attorney, write in the attorney's bar number. Tell the Court whether you represent yourself or are represented by an attorney.

FORM 3: PETITION for PATERNITY:

- Make sure your form states "**PETITION for Court Order for PATERNITY for an ADULT CHILD.**" in the middle right-hand part of the first page.
- In the top left corner of the first page, fill out: YOUR name; address (if not protected); city, state and zip code; telephone number; and your e-mail address, if applicable.
- In the space that says "Name of Petitioner", fill in your name. You will be the Petitioner through the whole case. In the space that says "Name of Respondent," fill in the name of the other party (father), who will be the Respondent for the rest of your case. Leave "Case Number" blank. The Clerk will fill in the case number when you file your court papers.

A. Information about You:

1. Fill in your name, address (**if not protected**), and date of birth. This is basic information about YOU.
2. Venue: This box should be checked if it is true that you are starting this lawsuit in Arizona because either you or the other party live in Maricopa County.
3. Jurisdiction: Check one or more boxes about why you can pursue your court case against the other party in Arizona.

B. Statements about paternity and marriage:

4. Why do you think the other Party is your father? Check whichever box describes your situation.
 - **BLOOD TEST:** Check this box if a DNA blood test of the Respondent, you and/or your mother shows that the other Party is your biological father. Attach a copy of the blood test result to the petition.
 - **LIVING TOGETHER:** Check this box if the Respondent and your mother were living together and having sex during the 10 months before you were born.
 - **SEXUAL INTERCOURSE:** Check this box if the Respondent and your mother were not living together but had sex at the date you were conceived, and to your knowledge your mother did not have sex with anyone else at that time.
 - **OTHER:** Check this box if there is another reason paternity is correct. Explain.
5. Tell the Court whether the Respondent and your mother were married at the time or within 10 months before you were born or conceived

C. Other statements to the Court:

If, in addition to the above information you wrote, you think of any related facts that will help the judge in the decision about whether to order paternity, this is the area on the form to write those facts.

D. REQUESTS to the Court.

1. **PATERNITY:** Check this box and put the father's **full name** on the line provided to tell the Court you want a ruling as to the father's identity.
2. **BIRTH CERTIFICATE:** Write the father's full name as it should appear on your birth certificate.
3. **YOUR LAST NAME:** Check this box only if you want your last name changed. Write in the new last name.
4. **TESTING AND COSTS:** This section asks that, if the other party contests paternity, you want the Court to order cooperation with any blood or tissue tests necessary to establish paternity. It also asks the Court to award you costs and fees if the other party contests paternity.
5. **OTHER ORDERS:** Write the additional orders you are requesting the Court to make that were not covered in other parts of the Petition.

E. Signatures. Sign this form in front of a deputy clerk of court (at the filing counter) or a Notary Public. By doing so, you declare to the Court under penalty of prosecution for perjury that everything contained in your Petition is true.

After you complete the forms, read the Procedures in this packet for guidelines about how to file the forms with the Clerk of Court.

Do not copy
or file this page

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 MARICOPA 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 MARICOPA COUNTY

Name of Petitioner / Party A

Case No.: _____

And

SUMMONS

Name of Respondent / Party B

WARNING: This is an official document from the court that affects your rights. Read this carefully. If you do not understand it, contact a lawyer for help.

FROM THE STATE OF ARIZONA TO: _____
Name of Opposing Party

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers are served on you with this *"Summons."*
2. If you do not want a judgment or order entered against you without your input, you must file a written *"Answer"* or a *"Response"* with the court, and pay the filing fee. Also, the other party may be granted their request by the Court if you do not file an *"Answer"* or *"Response"*, or *show up in court*. To file your *"Answer"* or *"Response"* take, or send, it to the:

- Office of the Clerk of Superior Court, 201 West Jefferson Street, Phoenix, Arizona 85003-2205 OR
- Office of the Clerk of Superior Court, 18380 North 40th Street, Phoenix, Arizona 85032 OR
- Office of the Clerk of Superior Court, 222 East Javelina Avenue, Mesa, Arizona 85210-6201 OR
- Office of the Clerk of Superior Court, 14264 West Tierra Buena Lane, Surprise, Arizona 85374.

After filing, mail a copy of your *"Response"* or *"Answer"* to the other party at their current address.

3. If this *“Summons”* and the other court papers were served on you by a registered process server or the Sheriff within the State of Arizona, your *“Response”* or *“Answer”* must be filed within TWENTY (20) CALENDAR DAYS from the date you were served, not counting the day you were served. If you were served by *“Acceptance of Service”* within the State of Arizona, your *“Response”* or *“Answer”* must be filed within TWENTY (20) CALENDAR DAYS from the date that the *“Acceptance of Service”* was filed with the Clerk of Superior Court. If this *“Summons”* and the other papers were served on you by a registered process server or the Sheriff outside the State of Arizona, your Response must be filed within THIRTY (30) CALENDAR DAYS from the date you were served, not counting the day you were served. If you were served by *“Acceptance of Service”* outside the State of Arizona, your *“Response”* or *“Answer”* must be filed within THIRTY (30) CALENDAR DAYS from the date that the *“Acceptance of Service”* was filed with the Clerk of Superior Court. Service by a registered process server or the Sheriff is complete when made. Service by Publication is complete thirty (30) days after the date of the first publication.
4. You can get a copy of the court papers filed in this case from the Petitioner at the address listed at the top of the preceding page, or from the Clerk of Superior Court's Customer Service Center at:
 - 601 West Jackson, Phoenix, Arizona 85003
 - 18380 North 40th Street, Phoenix, Arizona 85032
 - 222 East Javelina Avenue, Mesa, Arizona 85210
 - 14264 West Tierra Buena Lane, Surprise, Arizona 85374.
5. If this is an action for dissolution (divorce), legal separation or annulment, either or both spouses may file a *Petition for Conciliation* for the purpose of determining whether there is any mutual interest in preserving the marriage or for Mediation to attempt to settle disputes concerning legal decision-making (legal custody) and parenting time issues regarding minor children.
6. Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case by the party needing accommodation or his/her counsel at least three (3) judicial days in advance of a scheduled proceeding.
7. Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

SIGNED AND SEALED this date _____

CLERK OF SUPERIOR COURT

By _____
Deputy Clerk of Superior Court

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 MARICOPA COUNTY

Name of Petitioner / Party A

Case Number: _____

PETITION for COURT ORDER for PATERNITY for an ADULT CHILD

Name of Respondent / Party B

(check box below if applicable)

VITAL RECORDS (Check this box if the Department of Vital Records is ordered to change the birth records of a child born in Arizona.)

A. STATEMENTS TO THE COURT:

1. INFORMATION ABOUT ME, THE ADULT CHILD

Name: _____

Address: _____

Date of Birth: _____

Occupation: _____

2. VENUE: (Check here if the following statement is true):

This is the proper court to bring this lawsuit under Arizona law because it is the county of residence of the Respondent or me.

3. JURISDICTION: Why the court has jurisdiction over the parties: (Place a check mark in the boxes that are true.)

- The Respondent is a resident of Arizona
- I believe that I will personally serve the Respondent in Arizona *(see packet on service to know about this.)*
- The Respondent agrees to have the case heard here and will file written papers in the court case;
- The Respondent lived with me in this state at some time;
- The Respondent lived in this state and provided pre-birth expenses or support for me;
- I live in this state as a result of the acts or directions of the Respondent;
- The Respondent had sexual intercourse in this state as a result of which I may have been conceived;
- The Respondent signed an affidavit acknowledging paternity that is filed in this state;
- The Respondent did any other acts that substantially connect the Respondent with this state (see a lawyer to help you determine this).

B. STATEMENTS ABOUT PATERNITY:

4. WHY YOU THINK the RESPONDENT is the FATHER of the ADULT CHILD?

(Check which box applies)

- BLOOD TEST:** DNA Testing indicates Respondent is my natural father. Report(s) of test results attached.
- LIVING TOGETHER:** Respondent and my mother were not married to each other at any time during the ten months before birth of the child. However, the Respondent and my mother lived together during the period(s) when I could have been conceived.
- SEXUAL INTERCOURSE:** Respondent and my mother were not living together but had sexual intercourse at the probable date(s) of conception of me. My mother did not have sexual intercourse with anyone else during the periods in which I could have been conceived.
- OTHER:** (explain) _____

5. ABOUT the MARRIAGE (if applicable, check one box.)

- Respondent and my mother **were not married** at the time I was born or conceived or at least 10 months before I was born or conceived, OR
- My mother was married** when I was born or conceived or at least 10 months before I was born or conceived, but my mother's spouse is not my parent and is not listed on my birth certificate.

C. OTHER STATEMENTS TO THE COURT:

D. REQUESTS TO THE COURT:

1. PATERNITY: Order that (the legal name of the father)

| | | |
|-------|--------|------|
| First | Middle | Last |
|-------|--------|------|

_____ **IS MY natural father.**

2. BIRTH CERTIFICATE:

- Order that the name of the father listed above be added to my birth certificate;**

3. NAME CHANGE: (check the box and fill in the blank if you want this):

- Order my last name (only) be changed to:** _____
- OR** **Order as follows:** _____

4. **TESTING and COSTS:** Order that if paternity is contested, the adult child's putative father be ordered to submit to such blood and tissue tests as may be necessary by this Court to establish paternity, and that _____ must pay all costs and expenses of this lawsuit, if he/she contests these proceedings, including costs of the blood tests, other genetic testing; filing the adult child's birth certificate; attorneys' fees and court costs.

5. **OTHER ORDERS I AM REQUESTING** (explain request here):

E. SIGNATURES

UNDER OATH OR 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.

Date

Signature

STATE OF _____

COUNTY OF _____

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

By _____

(notary seal)

Deputy Clerk or Notary Public

Procedures: How to file papers to establish paternity for an adult child

STEP 1: Complete the "Family Department Sensitive Data / Cover Sheet," "Summons" and "Petition."
(Set aside the Cover Sheet and do not copy this document.)

STEP 2: Make 2 copies of the originals of the following documents:

- Summons
- Petition to Establish

STEP 3: Separate your documents into three (3) sets:

| | |
|--|--|
| <p>SET 1 - Originals for Clerk of Superior Court:</p> <ul style="list-style-type: none">• "Family Department Sensitive Data / Cover Sheet"• "Summons"• "Petition to Establish" | <p>SET 2 - Copies for other party:</p> <ul style="list-style-type: none">• "Summons"• "Petition to Establish" |
| <p>SET 3 – Copies for you:</p> <ul style="list-style-type: none">• "Summons"• "Petition to Establish" | |

STEP 4: File the papers at the court:

Go to the Court to file your papers. The court is open from 8:00 a.m. – 5:00 p.m., Monday-Friday. You should go to the court at least two hours before it closes. You may file your court papers at the following Superior Court locations:

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

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

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

Northwest Court Facility
4264 West Tierra Buena Lane
Surprise, Arizona 85374

FILE: At the Clerk of the Court filing counter at the court location where you will file your papers.

FEES: Pay the Filing Fee. 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 fee 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.

PAPERS: Hand all three (3) sets of your court papers to the Clerk along with along with the correct filing fee or the Fee Deferral application. The Clerk will give you a case number, and certify/stamp the original set and the two sets of copies. The Clerk will keep the original, and return to you the (2) sets of copies.

Be sure you get the following back from the clerk:

- Your set of copies
- The other party's set of copies

STEP 5: Serve the papers on the other party. Read the packet at the Law Library Resource Center called "Service of Court Papers" that applies to your situation. This will explain how to serve the other party. Once the other Party is served, remember to file your proof of service (Affidavit or Acceptance of Service) at the Clerk's office.

STEP 6: Get your Judgment / Decree.

If the parties agree to an order of Paternity, see the "Consent Judgment" for paternity of an adult packet available from the Law Library Resource Center.

If the parties do not agree, wait. Depending on how and where you served the papers on the other party (in-state, out of state, by publication, etc.), the other Party has a certain number of days to file an Answer/Response to tell the Court that the other Party disagrees with your facts, or objects to the Order you want the Court to make.

If the other side files an Answer/Response, you should receive a copy of the Answer/Response and a notice about when and where you must appear for any Court procedure or hearing.

If NO Answer/Response is filed, you must file papers to tell the Court the other party defaulted - that is, the other party agrees with your request - or at least did not file papers to disagree, so the Court should move forward. Follow these steps to proceed by default:

1. Look at the Default Timetable below to find the type of service you used and the number of calendar days to count before you can apply for a default hearing or default order
 - Begin counting the day after the other party was served with the "Summons" and "Petition" (Amended Petition, if applicable).
 - Include weekends and Court holidays until you reach the number of days listed.
 - If the last day for the other party to respond falls on a Saturday, Sunday, or Court holiday, do not count that day.

DEFAULT TIMETABLE

| Service Made in Arizona | Count | Event |
|--------------------------------------|---------|---|
| Acceptance of Service | 20 Days | after you file "Acceptance of Service" with the court |
| Delivery with Signature Confirmation | 20 Days | after other party signs delivery confirmation |
| Process Server | 20 Days | after other party receives papers from a process server |
| Service by Sheriff | 20 Days | after other party receives papers from Sheriff |
| Publication | 50 Days | after the 1 st publication in newspaper |
| Service Made Out of State | | |
| Acceptance of Service out of State | 30 Days | after you file "Acceptance of Service" with the court |
| Process Server out of State | 30 Days | after other party receives papers from a process server |
| Delivery with Signature Confirmation | 30 Days | after other party signs delivery confirmation |
| Service by Sheriff | 30 Days | after other party receives papers from Sheriff |
| Certified Mail out of State | 30 Days | after other party signs a green return receipt card |
| Publication | 60 Days | after 1 st publication in newspaper |

2. Wait until the day after the number of days listed in the Default Timetable
 - If the other party did not file an Answer/Response within the number of days listed in the table, you may complete an "Application and Affidavit for Default."
 - You must take this action for your case to proceed.
3. Complete the "Application and Affidavit for Default" available at the Law Library Resource Center website.
 - Answer every question/section on the form. Do not leave any question blank.
 - Place a copy of the proof or acceptance of service at the end of the "Application and Affidavit."
 - Certificate of mailing: write in the last known address of the other party – even if you think the party no longer lives there. Sign the "Application and Affidavit for Default" in front of a Notary or Clerk of Superior Court when filing.
 - Make two (2) copies of the set of papers. Note: If the defaulting party has an attorney, make one more copy, since you must mail an entire set to both the party and the attorney
4. File the original and copies of the "Application and Affidavit for Default" and other required papers with the Clerk of Superior Court. The Clerk will keep the original, and date stamp and return the copies to you.
5. Mail one of the date-stamped copies of the "Application and Affidavit for Default" (and attachments) to the other party on the same day you file the papers with the Clerk of Superior Court. Keep the other copy for your records. (The "Application and Affidavit for Default" must be mailed, hand delivery is not acceptable.) Note: If the defaulting party has an attorney, make one more copy since you must mail an entire set to both the party and the attorney.

6. Count 10 Court business days. Starting the day after the “Application and Affidavit for Default” was filed, count 10 court business days before proceeding to next step. (In this case do not count Saturdays, Sundays and Court holidays.)
7. Call the office of the Judge assigned to your case to schedule a default hearing. Please note: the Default on Demand calendar is not available for this process.
8. You will need to create a default decree. This is currently not available from the Law Library Resource Center. You will need to see a lawyer for assistance with the default decree.
9. Go to the hearing. Be on time. Dress neatly. Be prepared to tell the Judge about the case, and why the petition should be granted. Bring three copies of the proposed default decree. Bring any other paperwork that you think the Judge needs to see.

Do not copy
or file this page