

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