

Instructions: How to fill out papers to establish parenting time

When to use this form:

Use this form if you want to get a court order for parenting time. You cannot use this form to establish paternity. Use this form only if you are the natural or adoptive parent of the minor child(ren), AND

- ✓ You have a court order establishing paternity, OR
- ✓ You have a court order for child support.

If you have a court order for paternity or child support from another state or another county in Arizona:

- If you have a court order involving any minor children from this case from a different county in Arizona, you must do the following before you can file the court papers:
 - ✓ File a motion with the court that signed the order for paternity and/or child support asking that the court transfer the case (change venue) to Maricopa County Superior Court. See A.R.S. §§ 12-401 to 411, *et seq.* The judge in that court will make a decision whether or not to transfer the case to Maricopa County Superior Court.
- If you have a court order involving any minor children from this case from a different state, you must do the following before you can file the court papers:
 - ✓ Get a certified copy of the paternity or child support order from the different state, AND
 - ✓ Get a copy of the "Registering a Foreign Family Order" packet from the Law Library Resource Center and fill it out according to the instructions, AND
 - ✓ File the Petition to Register along with the certified copy of the order with the Clerk of Superior Court, AND,
 - ✓ The Clerk will file the Order and assign a case number to your case.

IMPORTANT NOTICE about when you can bring a parenting time case in the superior court in Arizona:

Generally, you should have resided (lived) in Arizona with the minor child(ren) for at least 6 months, or if the child(ren) is/are less than 6 months old, the child(ren) must have resided (lived) in Arizona since his/her birth. If you have questions regarding this requirement, see a lawyer before filing.

IMPORTANT NOTICE about when you can sue another person in Arizona:

You can sue the other party in Arizona to establish parenting time if ONE of the following statements is true about the other party:

- ✓ The person is a resident of Arizona; OR
- ✓ You personally serve the person with the court papers in Arizona (See the Law Library Resource Center packet on service to learn more about this requirement); OR

- ✓ The person agrees to have the case heard here and files written papers in the court case; OR
- ✓ The person lived with the minor child in this state 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 sex in this State and the minor child may have been conceived; OR
- ✓ The person signed a birth certificate that is filed in this State; OR
- ✓ The person signed an affidavit acknowledging paternity; OR
- ✓ The person did other acts that substantially connect the person with this State (see a lawyer to help you decide this).

Domestic violence

Domestic violence can be part of any relationship. Domestic violence includes physical violence, such as hitting, slapping, pushing or kicking, directed against you and/or your children. It also includes threats of physical violence against you and/or your children, and/or verbal abuse against you and/or your children, used to control you.

Court documents request your address and phone number. If you are a victim of domestic violence, or if you do not want your address known to protect yourself or your children from further violence, you must file a *"Request for Protected Address"* and ask that your address not be disclosed on court papers. With that order, you do not need to put your address and phone number on your court papers.

If possible, get a P.O. Box or provide another address where you can be contacted with these papers. If you do not have another address or phone where you can be reached when you file your court papers, write "protected" in the space where you are asked for this information. As soon as possible, give the Clerk of Superior Court an address and phone number where you can be reached.

Case number

Use the case number on all your court papers. This is the number you were assigned in the paternity or child support case you had in Maricopa County. If you do not have a current case, then leave this space blank and the Clerk of Superior Court will assign you a case number when you file your court papers.

Or, if your paternity or child support case was from another county or another state, use the number the Clerk of Superior Court assigned you when you filed the certified copy of your other court case in Maricopa County.

(All forms: type or print in black ink)

FAMILY DEPARTMENT SENSITIVE DATA / COVER SHEET:

Write in the information requested about the Petitioner/Party A, the Respondent/Party B, and any children under the age of 18.

Do not include mailing address on this form if requesting address protection.

Case Type: Mark only one box that matches the legal procedure for which you are filing the documents in this packet: Parenting Time (visitation”).

Interpreter: Check “yes” or “no” to indicate whether an interpreter is needed. If “yes”, write in what language(s).

SUMMONS AND PRELIMINARY INJUNCTION:

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); your name; and the other party's name.

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. DO NOT fill out the rest of the form except on Page 2 of the Preliminary Injunction; fill out the description of other party. The Clerk of Superior Court will complete it later.

PETITION

Make sure your form states PETITION FOR PARENTING TIME in the upper 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 ATLAS number, if you are receiving, or have received, AFDC from the Arizona Department of Economic Security.

Fill in the space that says "Name of Petitioner/Party A" and "Name of Respondent/Party B". If your paternity or child support order was from another county or another state, and this is the first time you are filing a court case in Maricopa County, the parties will stay the same as in the out of state order. Otherwise, complete the caption the same way as it was in the paternity or child support case in Maricopa County.

Warning: If you have an existing case in Maricopa County with the same party, do not get a new case number when filing your case! Use your existing case number. If you do not know your existing case number, ask the Clerk for your existing number before you file your complaint/petition.

Statements to the Court:

1. Fill in your name, address (if not protected) and date of birth. This is basic information about, YOU and your relationship to the minor child(ren).

2. Fill in the other party's name, address and date of birth. This is basic information about the other party.
3. Decide why you can pursue a court case in Arizona. Check all boxes that apply.
4. Fill in information about all the minor child(ren) for whom you want parenting time. The legal parents should be the same for all the minor children for whom you want this order. If you think the children have different legal parents, you need to file a separate lawsuit against that person.
5. What is the status of paternity in this case?

ORDER: Check this box if there is an Order from any court. On the first line, print the date the Order was signed. On the second line, print the county where the Order was made. On the next line, print the name of the father.

OTHER: Check this box if you do not have a formal court order for paternity but you do have a court order for child support.

6. What is the status of child support? Give the date of the last child support order in the case.

Other information about the children: If you are aware of court cases about the minor children, you need to tell the Court. Attach a copy of any order about legal decision-making (legal custody), parenting time, or child support to the Petition, unless the order is from the Superior Court in Maricopa County.

7. Fill out where the minor child(ren) involved in this action has/have been living for the past 5 years. If any children are under age 5, put information about where the children have lived since birth. Write each child's name; the address where the child lived; what dates the child(ren) lived at each address; whom the child(ren) lived with; and the relationship of that person to the child(ren). While you may not remember exact dates and addresses, please fill it out as completely as possible.
8. You must tell the Court if you participated as a party or witness in any court case involving issues of legal decision-making (legal custody) or parenting time of the minor child(ren). If your answer is "no" check the first box and GO ON. If there is another case, check the second box and give as much information as possible. This information could affect you and/or your minor child(ren's) rights in this case.
9. The Court MUST know if there have been other cases involving enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights and adoptions for the children of this case, even if you were not a party. If there are no other cases, or you do not know of any, check the first box and GO ON. If you have been involved in any way with this type of court case, check the second box and give the information where requested. Tell the Court what happened and what is going on in the other case(s).

10. If you do not know of another person *other than the other party* who has physical custody of the minor child(ren) or is claiming legal decision-making (legal custody) or parenting time rights to any of the minor children, check the first box and GO ON. If you do know of such a person, put the information here, including the child's name and the person who believes they have a physical custody, legal decision-making (legal custody) or parenting time claim. If there is such a person, you must include the person as a Respondent in this court case.

Other statements to the Court:

11. DOMESTIC VIOLENCE: Check the box if domestic violence has NOT occurred between yourself and the other party.
12. VENUE: This tells the Court that one parent or the minor children live here, so the Court can decide your case.

Request to the Court for Parenting Time and Child Support. This section of the Complaint / Petition requests that the Court make Orders relating to parenting time and child support.

1. Parenting Time. Check this box if you want reasonable parenting time to each party as set forth in the attached Parenting Plan.
2. Supervised parenting time. You may request supervised parenting time if the other parent cannot adequately care for the minor child(ren) or cannot do so without another person present. You may request this if the other parent abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for a minor child without another adult present. Remember, supervised parenting time is not intended to punish the parent, but to protect the child(ren). You must write in why you say the parenting time should be supervised parenting time.
3. Other orders: Check this box if you have made other requests to the Court. If you check this box, write in the additional orders you are requesting the Court to make that were not covered in your Petition.

Oath and verification of party filing this petition: Sign this form in front of a Clerk of Superior Court or a Notary Public. By doing so you are telling the Court that everything contained in the Petition is true.

OTHER IMPORTANT PAPERS IN YOUR PACKET

PARENTING PLAN

Fill out the Parenting Plan to let the Court know details about what you want for legal decision-making authority and parenting time. It is important to be specific when filling out the Parenting Plan. You may

refer to the “Planning for Parenting Time: Arizona’s Guide for Parents Living Apart” to help make your parenting plan. The Guide is available for purchase at all Law Library Resource Center locations, or may be viewed online and downloaded for free from the State Courts’ webpage.

After completing the Parenting Plan, file it with your Petition.

NOTICE REGARDING THE PARENT INFORMATION PROGRAM

This is an important document. You and the other parent must attend and complete a class in the Parent Information Program. This is a very exciting and wonderful class. It was designed to help you. The purpose of the Parent Information Program is to give parents information about the impacts that divorce, the changes in the family unit, and/or court involvement have on minor children involved in a divorce, paternity, or legal decision-making (legal custody) case. This Notice applies to all parents who file an action for dissolution of marriage or legal separation, or any paternity proceeding, in which a party has requested that the Court determine legal decision-making (legal custody) or parenting time on or after January 1, 1997, and to all other Family Department cases if ordered by the Court.

MAKE SURE YOU READ THIS NOTICE, DO WHAT IT SAYS, AND SERVE THIS NOTICE ON THE OTHER PARTY.