

LAW LIBRARY RESOURCE CENTER

Instructions for filling out the
“*Petition to modify parenting time and child support*”

IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE: All court documents request your address and phone number. If you are a victim of domestic violence, are in a domestic violence shelter, or if you do not want your address known to protect yourself or your children from further violence, you must file a “*Request for a 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. Just write “protected” when asked for this information and update the Clerk of Superior Court with an address and phone number as soon as possible.

Use this form only if you already have a court order concerning parenting time. You will need to have a copy of your current Order in front of you as you fill out these papers.

1. Type or print with black ink only.

In the top left corner of the first page, provide the information requested about YOU, the person filing this petition for modification. If your address is protected by court order, write “protected” the space for address and make sure the Court has a means of contacting you on file.

2. Fill in the top section where it says Name of Petitioner / Party A, Name of Respondent / Party B, Case Number and ATLAS Number (if there is one), exactly as it appears on your original Maricopa County Superior Court case where physical custody or parenting time/visitation was originally ordered.

GENERAL INFORMATION:

1. Information about Me (the person filing this petition for modification): Fill in your name, address (if not protected) and how you are related to the minor children.
2. Information about the Other Party: Fill in the other party’s name, address (if not protected) including city, state and zip code. Check the box to indicate if they are the mother, father, or other. If you are not one of the parties, list the information about the other parent under “Information about Other Parent of Other Party.”

Information about the Other Parent or Other Party: Leave blank if the two parents are the only parties to this case. If there is a non-parent party *other than* the person listed in (1), enter the information about that person. Check the box to indicate that person is “other” than the father or mother, and explain that person’s relationship to the minor child(ren) in the space provided. For example: Other: grandmother or guardian or sister (etc.)

3. Information about the minor children for whom I want the parenting time order changed: Provide the information requested on all the children under 18 years of age for whom you are seeking to make a change in parenting time and child support. If there are more than four minor children, check the box and attach a separate sheet titled the same as indicated on the Petition (and as shown above) listing the same information as requested in this section (name, date of birth and age) for each minor child.
4. Affidavit Regarding Minor Children. Check the box to indicate whether the minor children have resided in Arizona since the entry of the last Arizona court order. *If not*, you must check the second box, and include a completed “*Affidavit Regarding Minor Children*”, which is included in the #1 “Forms” packet for this procedure.

5. Information about the Order I want to change. Write in the date the Judge signed the Order, the name of the court (“Superior” or “District”, etc.), the name of the county, and the name of the state where the order was signed.

What your Order now says: This is where you tell the Judge what part of your decree / order you want to change. You should find your current decree/order, read it carefully several times and then decide what parts you want to change. Find the part you don’t agree with and then identify the order date, section and page you wish to change. Describe what you wish to change.

6. Domestic Violence. Tell the court whether “significant domestic violence” has occurred. If in your judgment it has, explain to the court.
7. Why the Decree/Order should be changed: This is where you briefly explain to the Judge why you think a change of your decree/order is necessary for the best interest of the minor child(ren). You are encouraged to be BRIEF and to keep your explanation within the space provided, *but if you need more room*, you may write “see attachment” on the Petition, title your extra page “Why the Decree/Order should be changed”, finish your explanation and attach the extra page to this Petition.

Requests I make to the Court: This is where you explain to the Judge what you want your decree/order on parenting time to say.

A. PARENTING TIME:

Mark one box only. You can ask that the non-custodial party (the party having physical custody of the minor child(ren) less than 50% of the time) or other non-party have one of the following types of parenting time (“visitation” if to non-parent):

- A.** Reasonable Parenting Time--This suggests an amount of parenting time appropriate to the age of the child.
- B.** Reasonable Parenting Time according to the attached “*Parenting Plan*” (or *similarly detailed plan or agreement of the parties*). Complete the “*Parenting Plan*” before you go to the Judge for your final order. The “*Parenting Plan*” is in the “Orders” packet.

Refer to “Planning for Parenting Time: Arizona’s Guide for Parents Living Apart” to help make your new parenting plan. The Guide is available for purchase at all Superior Court Law Library Resource Center locations, or may be viewed online and downloaded for free from the state courts’ web page.

- C.** Supervised Parenting Time to the Non-Custodial Party (or Supervised “Visitation”, to Other [non-parent] Party). You should request supervised parenting time if the non-custodial parent or other party cannot adequately care for the minor child(ren) without another person present. You may request this if the person not having custody abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for the minor child(ren) without another adult present. Remember, supervised parenting time is not intended to punish the party, but to protect the minor children.
- D.** No Parenting Time to Other Party. You should mark the box for “No Parenting Time” to a party only if that party has seriously harmed, abused, or is otherwise a serious danger to the child(ren)’s physical and emotional health, or if there is a criminal court order stating there is to be no contact between the minor child(ren) and the non-custodial party. This is a last resort to protect the minor child(ren). Explain.

OR

No Parenting Time (visitation) to Other (non-party). Mark this box if there is a non-party, third party in this case and you do not want that person to have court-ordered visitation.

If there is a 3rd (third) party in addition to the parents in this case, use the second set of identical parenting time choices contained in this section to indicate who the remaining party is (Party A, Party B or Other party), and your preferences for the type of parenting time or visitation this person should have.

If you selected #3 or #4, you must write the reasons why parenting time (or visitation, if to non-party) should be supervised or why that person should have no parenting time or visitation at all.

NOTE: Even if you do not want to change the child support amount, the Judge will still review all the financial information to determine if child support should be changed.

- B. CHILD SUPPORT: Mark the box to indicate which party will pay child support. Fill in the amount from the completed "Child Support Worksheet", OR if you are requesting an amount different from the Worksheet amount (a deviation), enter that amount. FREE Child Support Calculators are available online to create Worksheet. See the instruction document DRS12h in this packet for more information.

If you are asking to modify Child Support, you may also be required to complete an "Affidavit of Financial Information" (AFI) especially if requesting to deviate from the amount listed on the Worksheet. The form is available in this packet if the Court orders you to complete it.

Title IV-D program or Temporary Assistance for Needy Families (TANF) recipients NOTE: Mark the box if you or the other party are involved in the TANF or Title IV-D programs. In Part 4, you must obtain the written approval and signature of the Attorney General or county attorney assisting you on your TANF or IV-D case. You must include or attach the signature to the Final Decree BEFORE filing it. (Rule 45 (c) (3))

- C. MEDICAL, DENTAL, VISION CARE INSURANCE PAYMENTS AND EXPENSES: Mark which party should be responsible for health, medical, dental, and vision care insurance and other related expenses. Then write in what percentage Party A should pay and what percentage Party B should pay of those expenses not covered by insurance. The total percentage must be 100%.
- D. FEDERAL INCOME TAX DEDUCTION. Tell the court whether Party A or Party B should claim the minor children as income tax deductions.
- E. OTHER ORDERS: Fill in this information only if you have made other requests to the court. Write the specific additional orders you are requesting the court to make that were not covered elsewhere in your Petition. Use extra pages if necessary.
- F. OATH OR AFFIRMATION AND VERIFICATION: This document must be signed in front of a Deputy Clerk of Superior Court or Notary. By signing the Petition under Oath or Affirmation, you are stating, under penalty of perjury, that the information is true and correct.

WHAT TO DO NEXT: Follow the instructions in the document called "Procedures: What to do After You Have Completed the *Petition to Change Parenting Time and Child Support*".