

CHILD SUPPORT

Do not copy
or file this page

3

THE COURT ORDER

Part 3: Forms and Instructions

CHILD SUPPORT THE COURT ORDER

CHECKLIST

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

- ✓ You already filed court papers to get a first court order for child support, AND
- ✓ You already served the papers, AND
- ✓ You want a court order to establish child support BUT **NOT** legal decision-making (legal custody) or parenting time (at this time).

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.

Child support

The court order

Part 3: The order and other court papers

(FORMS AND INSTRUCTIONS)

This packet contains court forms and instructions to file child support order. 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	DRES8k	Checklist: <i>You may use these forms if . . .</i>	1
2	DRES8t	Table of Contents (this page)	1
3	DRS81i	Instructions to complete “ <i>Child Support Order</i> ”	1
4	DRS81f	<i>Child Support Order</i>	7
5	DRES81p	Procedures: How to Get Your Child Support Order Signed by the Judge	2

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

INSTRUCTIONS: HOW TO COMPLETE THE “CHILD SUPPORT ORDER”

Type or print neatly using BLACK INK ONLY.

CASE CAPTION

- If you are providing this information to **establish** a child support order, fill in the names and the dates of birth (DOB) of the persons shown as Petitioner / Party A and Respondent / Party B on the petition to establish child support. Or to get other relief (divorce, paternity, etc.)
- If you are providing this information to **modify** your current support order, fill in the names and dates of birth (DOB) of the persons shown as Petitioner/Party A and Respondent/Party B on the Order that established the child support.
- Fill in your case number.
- Fill in your ATLAS number. If you do not have an ATLAS number, leave this item blank.

NUMBERED INSTRUCTION

Match the number of the instruction below to the matching number on the first page of the “***Child Support Order.***”

- (1) Fill in the full name of the legal parents (Party A and Party B) of the minor children who are the subject of this “***Child Support Order.***”

Fill in the full name and birth date of all minor children who are the subject of this “***Child Support Order.***” (Use extra pages if necessary).

LEAVE THE REST OF THE FORM BLANK. THE JUDGE OR COMMISSIONER WILL COMPLETE THE REST OF THE INFORMATION AND SIGN THE ORDER.

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. _____

Date of Birth (Month, Date, Year)

ATLAS No. _____

Respondent / Party B

CHILD SUPPORT ORDER

A.R.S. § 25-503

Date of Birth (Month, Date, Year)

THE COURT FINDS:

1. Party A: _____ and

Party B: _____

Have a duty to support the following children:

Child(ren)'s Name(s)

Date of Birth

2. Child Support Guidelines: The required financial factors and any discretionary adjustments pursuant to the Arizona Child Support Guidelines are as set forth in the Parent's Worksheet for Child Support Amount, attached and incorporated by reference.

3. Child Support:

Party A Party B is ordered to pay child support in the amount of \$_____ per month to _____ pursuant to the Arizona Child Support Guidelines without deviation.

Party A Party B is obligated to pay child support to Party A Party B in the amount of \$_____ per month pursuant to the Arizona Child Support Guidelines without deviation. This amount is an appropriate amount to award for child support in this case except that the Court finds it more appropriate and just to make a rounding adjustment to the exact guideline amount for ease of calculation to \$ _____ per month.

Party A Party B is obligated to pay child support to Party A Party B in the amount of \$_____ per month pursuant to the Arizona Child Support Guidelines. Application of the child support guidelines in this case is inappropriate or unjust. The Court has considered the best interests of the child in determining that a deviation is appropriate.

After deviation the child support order is \$_____ per month.

Party A Party B is obligated to pay child support to Party A Party B in the amount of \$_____ per month pursuant to the Arizona Child Support Guidelines. Application of the child support guidelines in this case is inappropriate or unjust. The Court has considered the best interests of the child in determining that a deviation is appropriate.

After deviation the child support order is \$_____ per month. Further, the parties have entered into a written agreement or their agreement is on the record and is free of duress and coercion with knowledge of the amount of child support that would have been ordered under the guidelines but for the agreement.

Reason(s) for deviation:

4. Support Arrears:

- Party A Party B owes child support arrearages to Party A
 Party B in the total amount of \$_____ for the time period of
_____ through _____ plus
accrued interest on prior child support arrearages due of \$_____ calculated
through the date of _____.
- The Court finds no child support arrearages due and owing.
- No evidence was presented in support of child support arrearages.

5. Past Support:

- It is appropriate to award Party A Party B an additional judgment for past
support in the amount of \$_____ for the period between the filing of this current
petition and the date current child support is ordered to begin.
- Temporary support or voluntary / direct support payments in the amount of \$____
_____ were paid during the period above; therefore, the past support is adjusted
to \$_____.
- It is appropriate to award Party A Party B an additional judgment in the amount
of \$_____ for past support owed from the date of separation, but not more than three
years before the date of filing the current petition.
- Temporary support or voluntary / direct support payments in the amount of
\$_____ were paid during the period above; therefore, the past support is
adjusted to \$_____.
- The Court finds no past support amount due and owing.
- No evidence was presented in support of past child support.
- The Court finds no temporary support or voluntary / direct support payments were paid.
- No evidence was presented in support temporary support or voluntary / direct support
payments.

6. Interest:

- The Court finds interest in the amount of \$ _____ due to
 Party A Party B
For the period of: _____ to _____.

It is ordered that:

1. Child Support Judgment:

Party A Party B shall pay child support to _____ in the amount of \$ _____ per month. This monthly amount, payable by income withholding order, shall be paid on the 1st day of each month beginning _____.

2. Support Arrearages Judgment:

Party A Party B is granted judgment against _____ in the amount of \$ _____ as and for child support arrearages for the period of _____ through the date of _____ together with interest on said amount at the legal rate of 10% per annum until paid in full, plus additional accrued interest on prior child support judgments of \$ _____ calculated through the date of _____.

Party A Party B shall pay, in addition to his OR her current support payment, the amount of \$ _____ per month toward this judgment, payable on the first day of each month, beginning _____ until paid in full.

NO Judgment for child support arrearages is entered.

3. Past Support Judgment:

Party A Party B is granted a past support judgment against Party A Party B in the additional amount of \$ _____. Party A Party B shall pay the additional amount of \$ _____ per month toward this judgment, payable on the first day of each month commencing _____ until paid in full.

OR

NO Judgment for past support is entered.

4. Payments and Clearinghouse: All payments, plus the statutory handling fee, shall be made through the Support Payment Clearinghouse pursuant to an Order of Assignment, or “Income Withholding Order” signed this date. Any time the full amount of support ordered is not withheld, the person obligated to pay (the obligor) remains responsible for the full monthly amount ordered. Payments not made directly through the Support Payment Clearinghouse shall be considered *gifts* unless otherwise ordered. All payments shall be made payable to and mailed directly to:

Support Payment Clearinghouse
 P.O. Box 52107
 Phoenix, AZ 85072-2107

Payments must include Party A's or Party B's name, and Atlas number. Pursuant to A.R.S. § 25-322, the parties shall submit current address information in writing to the Clerk of Superior Court and the Support Payment Clearinghouse immediately. The obligor (party being ordered to pay) shall submit the names and addresses of his or her employers or other payors within 10 days. Both parties shall submit address changes within 10 days of the change.

5. Total Monthly Payments:

Party A Party B shall make total monthly payments to Party A Party B in the amount of \$ _____ per month, payable on the first day of each month, beginning _____ as follows:

Monthly Payments:

Current child support payment as ordered above:	\$ _____
Current spousal maintenance payment:	\$ _____
Support arrearage payment:	\$ _____
Clearinghouse handling fee:	\$ _____ <u>8.00</u>
Total monthly payment:	\$ _____

6. Medical, Dental, Vision Care Insurance for Minor Children:

Party A OR Party B is responsible for providing medical dental vision care insurance for the minor child(ren) and shall continue to pay premiums for any medical, dental and vision policies covering the child(ren) that are currently included in the incorporated Parent's Worksheet for Child Support.

OR

Party A OR Party B shall be individually responsible for providing medical insurance for the minor child(ren) of the parties as soon as it becomes accessible and available at a reasonable cost, as neither party currently has the ability to obtain such medical insurance.

Medical, dental, and vision insurance, payments and expenses are based on the information in the Parent's Worksheet for Child Support attached hereto and incorporated by reference.

The party ordered to pay must keep the other party informed of the insurance company name, address and telephone number, and must give the other party the documents necessary to submit insurance claims. An insurance card must be provided to the other party. Notification must also be provided to the other party if coverage is no longer being provided for the child(ren).

7. Non-Covered Medical Expenses:

Party A is ordered to pay _____ % and Party B is ordered to pay _____ % of all reasonable uncovered and/or uninsured medical, dental, vision, prescription and other health care charges for the minor child(ren).

- A request for payment or reimbursement of uninsured medical, dental and/or vision costs must be provided to the other party within 180 days after the date the services occur.

- The party responsible for payment or reimbursement must pay their share, as ordered by the Court, or make acceptable payment arrangements with the provider or person entitled to reimbursement within 45 days after receipt of the request.

8. Travel expenses: The costs of travel related to parenting time over 100 miles one way shall be shared as follows: Party A _____ % Party B _____ %

9. Information exchange: The parties shall exchange financial information such as copies of tax returns, financial affidavits, and earnings statements every twenty-four months. At the time the parties exchange financial information, they shall also exchange residential addresses and the names and addresses of their employers unless the Court has ordered otherwise.

10. Tax exemptions: The Court allocates the following federal tax exemption(s) for the dependent child(ren):

Child's Name	Date of Birth (Month, Day, Year)	Parent Entitled to Deduction	For Calendar Year
		<input type="checkbox"/> Party A <input type="checkbox"/> Party B	
		<input type="checkbox"/> Party A <input type="checkbox"/> Party B	
		<input type="checkbox"/> Party A <input type="checkbox"/> Party B	
		<input type="checkbox"/> Party A <input type="checkbox"/> Party B	

For years following those listed above while this Child Support Order remains in effect, the parties shall repeat the pattern above of claiming deductions for each child.

Party A or Party B may claim the allocated tax exemptions only if all support and arrears ordered for the year have been paid by December 31 of that year. An Internal Revenue Service form 8332 may need to be signed and filed with a party's income tax return. See *IRS Form 8332 for more detailed information.*

Party A or Party B may unconditionally claim the tax exemption allocated to Party A or Party B for income tax purposes. An Internal Revenue Service Form 8332 may need to be signed and filed with a party's income tax return. See *IRS Form 8332 for more detailed information.*

Even though the court's judgment contains orders regarding medical insurance and the allocation of the right to claim the child as a dependent for the purposes of federal taxes, these orders are not binding on the IRS. Under the Affordable Care Act, the party who claims a child as a dependent on a federal tax return has the obligation to ensure that the child is covered by medical insurance and may be penalized by the IRS for failing to do so. This penalty may be imposed even if it is the other party's responsibility to carry medical insurance on the child under the Decree of Dissolution of Marriage.

11. Modification: If this is a modification of child support, all other prior orders of this Court not modified remain in full force and effect.

12. Emancipation: A child is emancipated:

- On the child's 18th birthday, however if a child is still attending high school or a certified high school equivalency program, support will continue until graduation of the child reaches 19 years of age.
- On the date of the child's marriage.
- When the child is adopted.
- When the child dies.

13. Other findings and orders:

14. Final Appealable Order. No further claims or issues remain for the Court to decide. Therefore, IT IS FURTHER ORDERED pursuant to Rule 78(c), Arizona Rules of Family Law Procedure, this final judgment/decreed is signed by the Court and it shall be entered by the Clerk of Superior Court. The time for appeal begins upon entry of this judgment by the Clerk of Superior Court. For more information on appeals, see Rule 8 and other Arizona Rules of Civil Appellate Procedure. IT IS FURTHER ORDERED denying any affirmative relief sought before the date of this Order that is not expressly granted above.

Date

Judicial Officer

15. Stipulation. Signature by both Parties (if applicable):

Party A Party B, by signing this document, we state to the Court under penalty of perjury that we read and agree to this Court Order, and that all the information contained in it is true, correct, and complete to the best of our knowledge and belief.

Party A's Signature

Date

Party B's Signature

Date

If either party is represented by a lawyer, the lawyer must sign below:

Party A's Lawyer Signature

Date

Party B's Lawyer Signature

Date

LAW LIBRARY RESOURCE CENTER

PROCEDURES: HOW TO GET YOUR CHILD SUPPORT ORDER SIGNED BY THE JUDGE

REQUIREMENTS

A Judgment/Order for Child Support is your final court order establishing the parties' rights and responsibilities regarding child support. Before you get the Judgment/Order, you must complete the following requirement.

- ✓ **Fees:** Your court fees must be paid. This includes all filing fees. If you were granted a deferral (Payment plan), the payments must be current. Please note: you must **attach** to the Judgment/Order your **proof** of payment for fees in the form of a receipt, or a copy of the Order for initial Deferral of fees.

If you completed the above requirement, follow the steps below.

PROCEDURES

STEP 1 COMPLETE the FORMS:

- **"JUDGMENT/ORDER for Child Support"**.
 - + **ADD** to the last page of the Judgment/Order, the **Fee RECEIPT** or copy of the **ORDER** for Initial Deferral to show the "Paid" status of your case.

Gather the completed forms into one (1) **set of ORIGINAL forms**.

STEP 2 COMPLETE the Child Support Worksheet and Current Employer Information **ONLINE** via ezCourtForms (<https://www.superiorcourt.maricopa.gov/ezCourtForms/index.asp>) OR the Arizona Supreme Court website

(<http://www.azcourts.gov/familylaw/Child-Support-Calculator-Information>).

PRINT OUT 1 COPY of the completed Child Support Worksheet and Current Employer Information Sheet.

STEP 3 PHOTOCOPY – Remember your **original forms** are the papers you wrote on, or printed from the computer.

- **Make two (2) copies** of your **SET** of the following **original documents**:
 - **Judgment/Order for Child Support**
 - **FEE Receipt**, or a copy of the **ORDER** for initial Fee Deferral
 - **"Child Support Worksheet"**
 - **"Current Employer Info. Sheet"** (for new payor, or to update payor's employer)

STEP 4 SEPARATE your papers into three sets.

Set 1 (Originals)

“Judgment/Order for Child Support”

- **ADD** to the last page of the Judgment/Order, the **fee RECEIPT** or copy of the **ORDER** for Initial Deferral to show the “Paid” status of your case

“Child Support Worksheet”

“Current Employer Info. Sheet” (for new payor, or to update payor’s employer)

Set 2 (Copies for you)

“Judgment/Order for Child Support”

+ Attached FEE RECEIPT, or a copy of the ORDER for initial fee deferral

“Child Support Worksheet”

“Current Employer Info. Sheet” (for new payor, or to update payor’s employer)

Set 3 (Copies for other party)

“Judgment/Order for Child Support”

+ Attached FEE RECEIPT, or a copy of the ORDER for initial fee deferral

“Child Support Worksheet”

“Current Employer Info. Sheet” (for new payor, or to update payor’s employer)

STEP 5 Take the 3 sets of papers to your trial for the Judge to review and sign if he or she approves them.