

# **FINANCIAL AFFIDAVIT— Child Support *ONLY***



These forms must not be used to engage in the unauthorized practice of law. The court is not responsible for (1) actions taken by the users of these forms or (2) users' reliance upon the instructions or information provided.

# GENERAL INFORMATION & Frequently Asked Questions

## Why do I need to complete a Financial Affidavit?

There are several situations in which the court needs your financial information in order to make a decision concerning your case. The forms in this packet can be used for issues concerning spousal maintenance, attorney's fees, and child support.

## Do I need a lawyer's help?

There are times when more complex legal problems will come up, and you may want to get the advice of a lawyer. There are lawyers who will help you help yourself. This means that they will only charge you for giving you the help that you need: you can complete the court forms on your own or ask the lawyer for help.

For more information, call the [Self-Service Center at \(520\) 724-8456](#).



This symbol is a warning. It can mean a few different things:

- The topic can be confusing and you may need to ask a lawyer for help
- You may need to make sure that something is done

Whenever you see this symbol, **make sure** you read the information carefully and understand it fully.

## Which Financial Affidavit do I complete?

- If you are asking for spousal maintenance or attorney's fees, use the *Financial Affidavit*.
- If you are ONLY asking for child support, use the *Child Support Financial Affidavit*.



## Instructions for Completing Child Support Financial Affidavit

You should complete this form if you are **ONLY** requesting orders—temporary or final—for child support. If you are requesting orders for spousal maintenance or attorney’s fees, complete the longer financial affidavit.

This financial affidavit helps the court determine whether to grant child support. It does not guarantee the court will grant the request.

When you give the other party a blank copy of this form, you may also provide a copy of these instructions.



Failing to provide the information that this form requires could result in sanctions against you. Sanctions can include dismissal of your claim, assignment of court costs and attorney fees, and a charge of contempt.

### The Caption

- **Personal information** – Fill in your name, street address, city, state, ZIP code, telephone number.
- **Case No.** – Enter your Superior Court Number, as found on the Petition.
- **Petitioner** – Enter the Petitioner’s name.
- **Respondent** – Enter the Respondent’s name.
- **Prepared By** – Check whether you are “Petitioner” or “Respondent.”
- **Current As Of** – Write the date you completed the form. This tells the court that all information you provide below is an accurate description of your financial status up to and including that date.

### **NECESSARY MONTHLY EXPENSES** (left column)

Many of the amounts on this form will be the same as those you will include in the *Parent’s Worksheet for Child Support Amount*. See Packet # 8, *Child Support*.

For each item, write the amount you pay monthly. These amounts should only include expenses for minor children involved in this case. Some categories will require you to estimate an average

amount. Your amounts must be accurate statements of actual expenses. Proof may be required to verify the expenses (for example, your childcare bill), and you should bring those document with you to the hearing.

Write the amount you spend monthly on:

- Child(ren)'s Medical & Dental Insurance
- Childcare/Sitter
- Other Spousal Maintenance (not connected to this case)
- Child Support for Other Child(ren) (not connected to this case)
- Children's Education (tuition and other necessary expenses)
- Extraordinary Child Expenses (expenses for gifted or handicapped children).
  - List exactly what these expenses are and the monthly amounts.

**Total Monthly Expenses** (left column)

- Add the expense amounts and write the total on the line.

**INCOME** (right column)

- Write the total amount of money you make in each paycheck, before any deductions. This is your "GROSS PAYCHECK."
- Check how often you receive this paycheck.

**OTHER GROSS MONTHLY INCOME** (right column)

Write how much monthly income, if any, you receive from:

- Pension or retirement fund
- Social security
- Dividends or interest
- GA/TANF
- Any other monthly income not already mentioned (write the source on the line)

The term "gross income" DOES NOT have the same meaning here as it does when used for tax purposes.

Note: any child support payments you receive should not be included in income.

**Total Other Gross Income** (right column)

- Add the amounts of your other gross monthly income and write the total on the line

**ANNUAL PARENTING TIME DAYS:**

Write on the lines how many parenting time days you have with the child(ren) each year during:

- Summer periods
- Holidays and school breaks

- Weekends
- Weekdays
- Other (please explain this “other” time)
  
- Add the days and write the total on the line.

### **Present Occupation**

- Write your current occupation, the date you started, and the name, address, and telephone number of your current employer.
- If you are not currently employed, write “N/A” on the first line.

### **Prior Occupation**

- Write your prior occupation, the date you started working, your monthly income at that job, the date the job ended, and the name, address, and telephone number of your prior employer.
- If you do not have a prior occupation, write “N/A” on the first line.

### **Not Employed** (if you are currently employed, leave this section blank)

- If you are not currently employed, explain why.
- Check “Yes” if you expect to work and “No” if you do not expect to work in the future.
- If you expect to work in the future, write the date you plan to start working.
- Write the occupation you anticipate having in the future.

### **All Minor Children**

- Write the full name(s) and age(s) of your biological and adopted minor children who live with you. This includes children not connected to this case, but does not include stepchildren. You may attach an additional page, if needed.
- If there are no minor children living with you, write “N/A” on the line.

### **Pregnancy**

- Check “Yes” if you or your spouse is pregnant. Check “No” if neither of you are pregnant.
- If you or your spouse is pregnant, write the expected delivery date on the line.

### **Physical Defects or Diseases**

- If you or any of your minor children suffer from any physical defects or diseases, explain the situation on the lines. You may attach an additional page, if needed.
- If not, write “N/A.”

Such situations can affect your finances, so the court needs to take this information into account when determining whether or not to grant temporary orders for spousal maintenance and attorney's fees.

### **Bank Accounts**

Here you will tell the court about all bank accounts (1) in your name, (2) in the names of you and your spouse, and (3) in which you have an interest, meaning you have a right, claim, or legal share in the account but it isn't in your name.

The court wants to know about your checking and savings accounts, money market accounts, accounts at credit unions, any certificates of deposit you might have, and any other accounts. If you need more room, attach an additional sheet of paper.

For each account write the:

- Name of the bank and the branch location you use
- Kind of account (for example, checking, savings, money market, etc.)
- Last four digits **ONLY** of the account number
- Account's average balance. This information can often be found on monthly statements.

On the lines, list information for:

- All cash, stocks, shares, and bonds that are in your name (either alone or with your spouse) or in which you have an interest.

### **Attorney's Fees & Court Costs**

- Write how much you have paid an attorney for assistance with this case.
- Write how much you have paid for court costs (such as filing fees).

### **Date & Signature**

- **DO NOT SIGN** the form except in front of a notary. When you file the papers with the court, sign the form in front of the clerk. The clerk will notarize your signature for free. You must bring a valid, government-issued picture ID (such as a driver's license) so the clerk knows whose signature is being verified.
- You can write your name on the first line and check whether you are "Petitioner" or "Respondent" beneath the second line, but do not sign.

### Additional Documentation

In order to show the court that the numbers you wrote on the form are accurate, bring to the hearing:

- Proof of past income (past two years of completed tax returns, W-2 forms, 1099 forms, and K-1 forms).
- Up-to-date income information for current year (a pay stub showing year-to-date earnings, and proof of any other source of income—including but not limited to salaries, wages, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits, disability insurance benefits, recurring gifts, prizes, and spousal maintenance).
- Proof of payments for court-ordered child support or spousal maintenance NOT connected to this case.
- Proof of all medical, dental, and vision insurance premiums paid for you and any child connected to this case.
- Proof of any child care expenses paid for any child connected to this case.
- Proof of any payments for private or special schools or other particular education needs for any child connected to this case.
- Proof of payments for a child with special needs connected to this case.
- Proof of payments for necessary monthly expenses (bills for mortgage/rent, home & car repairs, utilities, food & household supplies, lunches, insurance, clothing & laundry, childcare, licenses, etc.).

After completing the form, you **must** give it to the clerk for it to be filed. You **do not** have to give the clerk the other financial documents listed above. **Do not attach** the other financial documents listed above to the original affidavit that you file with the clerk.



Family law court files are public records. That means that if you give copies of your pay stubs, income tax returns, etc., to the clerk of the court to be filed, **all** of that paperwork will be available for the public to see.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, ZIP: \_\_\_\_\_  
Daytime Telephone No: \_\_\_\_\_  
Representing Self, Without a Lawyer

**ARIZONA SUPERIOR COURT, PIMA COUNTY**

\_\_\_\_\_  
Petitioner

Case No. \_\_\_\_\_

v.

**CHILD SUPPORT  
FINANCIAL AFFIDAVIT**

Prepared By Petitioner Respondent

\_\_\_\_\_  
Respondent

Current As Of \_\_\_\_\_

**INSTRUCTIONS: Prepare this form following the instructions on the attached instruction sheet. Failure to provide the information required may result in the Court imposing sanctions against you pursuant to Rule 71 and/or 76D, Arizona Rules of Family Law Procedure.**

**NECESSARY MONTHLY EXPENSES** (For minor children in this case)

Child(ren)'s Medical &  
Dental Insurance \$ \_\_\_\_\_  
Childcare/Sitter \$ \_\_\_\_\_  
Other Spousal Maintenance \$ \_\_\_\_\_  
Child Support for  
Other Child(ren) \$ \_\_\_\_\_  
Child(ren)'s Education \$ \_\_\_\_\_  
Pension/Retirement \$ \_\_\_\_\_  
Extraordinary Child Expenses (please list)  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
**Total Monthly Expenses \$ \_\_\_\_\_**

**INCOME**  
GROSS PAYCHECK \$ \_\_\_\_\_  
weekly twice mo.\*  
monthly every 2 weeks  
\*For example, the 1<sup>st</sup> and 15<sup>th</sup>

**OTHER GROSS MONTHLY INCOME**

Social Security/SSI \$ \_\_\_\_\_  
Dividends/Interest \$ \_\_\_\_\_  
GA/TANF \$ \_\_\_\_\_  
Spousal Maintenance \$ \_\_\_\_\_  
Other \_\_\_\_\_ \$ \_\_\_\_\_  
**Total other gross income \$ \_\_\_\_\_**

**ANNUAL PARENTING TIME DAYS**

Summer periods: \_\_\_\_\_ Holidays, school breaks: \_\_\_\_\_  
Weekends: \_\_\_\_\_ Weekdays: \_\_\_\_\_  
Other: \_\_\_\_\_ Please explain: \_\_\_\_\_

**Total Annual Parenting Time Days: \_\_\_\_\_**

**Present Occupation** \_\_\_\_\_ Starting Date: \_\_\_\_\_

Name of present employer \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone No. \_\_\_\_\_

**Prior Occupation** \_\_\_\_\_ Starting Date: \_\_\_\_\_

Monthly Pay: \_\_\_\_\_ Ending Date: \_\_\_\_\_

Name of prior employer \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone No. \_\_\_\_\_

**If not currently employed**, why? \_\_\_\_\_  
 Do you expect to work?  yes  no When? \_\_\_\_\_ Anticipated Occupation \_\_\_\_\_

Full name(s) and age(s) of **ALL minor child(ren)** residing with YOU (attach an additional page, if needed):  
 \_\_\_\_\_  
 \_\_\_\_\_

Are you or your spouse **pregnant**?  yes  no If yes, estimated delivery date: \_\_\_\_\_

**Physical defect** or organic disease suffered by you or your minor children: \_\_\_\_\_  
 (attach an additional page, if needed):  
 \_\_\_\_\_  
 \_\_\_\_\_

List all **bank accounts** in your name, in the names of both spouses, or in which you have an interest, including checking, savings, credit union, and certificates of deposit.

Bank and Branch Location	Type of Account	Account # (last 4 digits)	Average Balance

List all cash under your control and any stocks, shares, and/or bonds in your name, in the names of both spouses, or in which you or both you and your spouse have an interest.

\_\_\_\_\_

**Attorney fees** paid to date \$ \_\_\_\_\_ **Court costs** paid to date \$ \_\_\_\_\_

**STATE OF ARIZONA**            )  
                                                   ) **ss.**  
**County of Pima**                )

\_\_\_\_\_, being first duly sworn, deposes and says that he/she has read the foregoing Financial Affidavit and knows the contents thereof, and that the allegations therein contained are true in substance and in fact, except those made on information and belief, when are believed to be true.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature: \_\_\_\_\_  
 Petitioner  Respondent

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_  
 \_\_\_\_\_  
 Notary Public

## **Rule 8.5 Affidavits Required; Pleading and Practice**

### **(A) Financial Affidavits; Production of Documents.**

**(1) Forms of Financial Affidavits.** There shall be two forms of financial affidavits: a) a child support financial affidavit and, b) a spousal maintenance financial affidavit as permissible alternatives to the Affidavit of Financial Information in the Appendix to Rule 97, Arizona Rules of Family Law Procedure. Wherever the term financial affidavit is used in this rule, it shall refer to the relevant court-approved financial affidavit. In any proceeding where the establishment or modification of child support or a request for an award of attorney fees and/or expenses is in issue, but not spousal maintenance, a child support financial affidavit shall be filed. In all other proceedings where the establishment or modification of spousal maintenance alone, or in combination with child support or a request for an award of attorney fees and/or expenses is in issue, a spousal maintenance financial affidavit shall be filed. No filing or appearance fee shall be charged for the filing of the opposing party's financial affidavit, unless otherwise provided by law. In all cases a party may choose to use the Affidavit of Financial Information in the Appendix to Rule 97, Arizona Rules of Family Law Procedure.

**(2) Duty to Document Change in Financial Circumstances in the Financial Affidavit.** In any proceeding for establishment or modification of child support or spousal maintenance, a request for an award of attorney fees and/or expenses, or a proceeding for failure to pay any of the foregoing, a party may not present testimony regarding any change in his or her financial circumstances between the date of the most recent financial affidavit and the date of the hearing or trial, unless an amended financial affidavit setting forth the changes has been filed or good cause is shown.

**(3) Documents to Be Provided to the Other Party.** The documents listed below shall not be filed with the Clerk of the Court, or attached to any papers filed with the Clerk of the Court, but must be provided to the other party. In any proceeding for establishment or modification of child support, spousal maintenance or attorney's fees and expenses, within the time provided by this Rule, each party shall provide to the other party, copies of the following documents:

- (a) that party's most recently filed federal and state income tax returns;
- (b) that party's four most recent consecutive wage statements from all employment;
- (c) that party's most recent W-2, 1099, and K-1 forms;
- (d) for establishment or modification of child support proceedings, employer provided statement of cost of health and dental insurance coverage for the parties' minor children.

The Order to Appear shall specifically direct both parties to comply with this rule. The Order to Appear shall not require the production of any additional documents, but this does not preclude the applicant from requesting additional documents through discovery procedures.

**(B) Time.** Whenever this rule requires a party to provide documents or the relevant financial affidavit, a copy shall be provided to the other party no later than 4 court days prior to the date set for hearing or 2 court days after service of the Order to Appear, whichever is later.

**(C) Order to Appear for Temporary Orders.** When a request for an Order to Appear is made for temporary spousal maintenance, child support, or a request for an award of attorney fees and/or expenses, the applicant shall file the original petition and the required financial affidavit

with the Clerk of the Court. A copy of the petition and required financial affidavit shall be provided to the assigned division at the time of the request for issuance of the Order to Appear. A copy of each shall also be served upon the opposing party, along with a blank copy of the required financial affidavit and a copy of Pima County Local Rule 8.5. The opposing party shall file the required financial affidavit, a copy of which shall be provided to the applicant's attorney, or, if unrepresented, to the applicant within the time provided by this rule.

**(D) Petition for Modification of Spousal Maintenance or Child Support.**

**(1) Petition for Modification of Spousal Maintenance.** A petition for modification of a prior order for spousal maintenance shall set forth verbatim in the body of the petition the order sought to be modified, or shall comply with Pima County Local Rule 8.2(C). The applicant shall file the original of the petition and two required spousal maintenance financial affidavits. The first financial affidavit shall demonstrate the current financial circumstances of the party seeking the modification. The second financial affidavit shall demonstrate the financial circumstances of the party seeking the modification as of the date of the order sought to be modified. If a financial affidavit reflecting a party's financial circumstances at that time was previously filed with the Court a copy shall be attached to the petition for modification. A copy of the petition and the financial affidavits shall be provided to the assigned division at the time of the request for issuance of the Order to Appear. A copy of each financial affidavit shall be served upon the opposing party, along with blank copies of the required financial affidavits and a copy of Pima County Local Rule 8.5. The opposing party shall file the required financial affidavits, and provide a copy to the applicant's attorney, or if unrepresented, the applicant, within the time provided by this rule.

**(2) Petition for Modification of Child Support.** A petition for modification of child support shall set forth the amount of child support currently in effect or shall set forth verbatim in the body of the petition the order sought to be modified, or shall comply with Pima County Local Rule 8.2(c). The applicant shall file the petition to modify and a child support financial affidavit, which reflects the current circumstances of the party seeking a modification. A copy of the petition and the financial affidavit shall be provided to the assigned division at the time of the request for issuance of the Order to Appear. A copy of each shall be served upon the opposing party, along with a blank copy of the required financial affidavit and a copy of Pima County Local Rule 8.5. The opposing party shall file the required financial affidavit, and provide a copy to the applicant's attorney, or if unrepresented, the applicant, within the time provided by this rule. This provision does not apply to modifications filed pursuant to the Simplified Procedure set forth in the Arizona Child Support Guidelines. An agency authorized by law to request a modification of an existing Order on behalf of the State of Arizona shall not be required to strictly comply with the provisions of this local rule requiring a child support financial affidavit if the information is not reasonably available to the agency prior to filing the petition.

**(3) Stipulation to Modify Child Support.** Should the parties reach an agreement and submit a stipulation to the court to modify child support they shall submit a proposed form of Child Support Order, Order of Assignment and a worksheet containing detailed information supporting compliance with or a deviation from the Child Support Guidelines.

**(E) Failure to Pay Child Support, Spousal Maintenance, or Attorney Fees and Expenses.**

In an action for failure to pay child support, spousal maintenance, or attorney fees and expenses, the opposing party shall file with the Court the required financial affidavit and provide a copy to the applicant's attorney, or if unrepresented, the applicant, within the time provided by Pima County Local Rule 8.5. The documents listed below shall not be filed with the Clerk of the Court or attached to any papers filed with the Clerk of the Court but must be provided to the

other party. The opposing party shall also provide the applicant's attorney, of if unrepresented, the applicant, copies of the following documents:

- (1) that party's most recently filed federal and state income tax returns;
- (2) that party's four most recent consecutive wage statements from all employment;
- (3) that party's most recent W-2, 1099, and K-1 forms.

These documents shall not be filed with the Clerk of the Court.

The Order to Appear shall specifically direct the respondent to comply with Pima County Local Rule 8.5. The Order to Appear shall not require the production of any additional documents, but this does not preclude the applicant from requesting additional documents through discovery procedures.

**(F) Failure to Comply with Pima County Local Rule 8.5.** If either party fails to comply with any part of Pima County Local Rule 8.5, upon the complying party's request or the court's own motion and in the absence of good cause, the court may:

- (1) vacate or continue the hearing;
- (2) enter an interim award of relief in favor of a complying party and against a non-complying party based on the complying party's financial affidavit;
- (3) award a complying party his or her attorney fees and expenses incurred in preparing for and attending the hearing;
- (4) enter other appropriate relief.

For purposes of making an interim award the court may, on its own motion, examine either party if it deems such examination necessary. The non-complying party may be precluded from introducing any evidence and/or cross-examination for purposes of making an interim award.

**(G) Petitions to Modify Legal Decision-Making.**

(1) A party seeking and a party responding to a Petition for Modification of Legal Decision-Making shall file with the Clerk of the Court an Affidavit Regarding Minor Children required by A.R.S. § 25-1039.

(2) Five days after expiration of the time permitted for the filing of the response and/or the controverting affidavits, either party or attorney shall provide the approved form for a Request for Order Granting or Denying Legal Decision-Making Hearing, and a separate Order Granting or Denying Request for Legal Decision-Making Hearing to the Presiding Judge of the Family Law Bench.

(3) The Presiding Judge of the Family Law Bench shall rule on the Request for Order Granting or Denying Legal Decision-Making Hearing or refer the matter to the assigned division for a ruling.

(4) Copies of the Petition, Response, or Controverting Affidavits shall not be provided to the

Presiding Judge of the Family Law Bench or the assigned division.

A trial for modification of a legal decision-making order or decree shall not be set unless there is compliance with A.R.S. § 25-411 and Rule 91(d), Arizona Rules of Family Law Procedure.

**(H) Hearings.** Matters set for hearing shall proceed by oral argument only, without testimony or other evidence, unless notice has been given that testimony or other evidence will be presented.