

PATERNITY JUDGMENT

Packet #20

*Separate form from
packet before filing*

PIMA COUNTY SUPERIOR COURT SELF-SERVICE PACKET

ESTABLISHING PATERNITY

GENERAL INFORMATION

USE AND DISCLAIMER

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 the users of these forms or in reliance upon the instructions or information provided.

Court cases can be very complicated, and even if you are representing yourself you should see a lawyer for legal advice as to how the law applies to you, and what is best in your particular situation. This might save you time, money, trips to the courthouse, and avoid serious mistakes. There are lawyers who will help you help yourself. This means that they will only charge you for giving you the help you need, and you can complete the court papers on your own or ask the lawyer for additional help with your papers.

There are professional mediators in the community who can help you with your problems. They help you solve your present problem, and anticipate future problems and how to solve them. Mediators work with both parties in a dispute to help resolve areas of disagreement or trouble.

A list of individuals, agencies and other resources available to help people resolve legal problems is available at the Self-Service Center.

HOW TO ASSEMBLE THESE DOCUMENTS

This packet contains general information, instructions and a court form for Judgment and Order for Paternity to complete and file with the court. Look at the lower right-hand corner of the document for the document number. Documents that end with "info" are instructions and/or general information. Documents that end with "form" are court forms that MUST be completed and filed with the court.

| Title | Form Name |
|---|---|
| Use and Disclaimer (1 page) | paternityjudgment-use and disclaimer.info |
| Instructions on How to Fill Out Form and Order for Paternity (2 pages) | paternityjudgment-instructions.info |
| Judgment and Order for Paternity, Child Custody, Parenting Time and Support (4 pages) | paternityjudgment-judgment and order.form |

INSTRUCTIONS ON HOW TO FILL OUT FORM JUDGMENT AND ORDER FOR PATERNITY

*PLEASE TYPE OR PRINT WITH BLACK INK ONLY
WHEN FILLING OUT ANY COURT FORMS*

IMPORTANT NOTICE: DO NOT COMPLETE THIS COURT ORDER UNTIL YOU ARE READY TO GO TO THE DEFAULT HEARING, OR UNTIL YOU AND THE OTHER PARTY ARE READY TO GO TO TRIAL.

The Judgment and Order is the final legal document relating to the paternity action. The signed Order is important because it determines the rights and responsibilities of both you and the opposing party. If either party does not follow the Order, then the other can ask the court for help in enforcing the terms of the Order.

The Judgment in this packet is for use by parties who have filed a Complaint for Paternity and the other party either did not file an Answer and the case is proceeding through a Default Hearing OR the other party DID file an Answer and the matter will go to trial.

IMPORTANT REMINDER!! Your Paternity Judgment and Order should repeat as closely as possible what you requested in your Complaint, unless the other party has provided written consent to any changes. YOU CANNOT MARK SOMETHING DIFFERENT IN THE ORDER FROM WHAT YOU ASKED FOR IN THE COMPLAINT, UNLESS THE CHANGE CLEARLY BENEFITS THE OTHER PARTY. IF YOU TRY TO DO THIS, THE JUDGE OR COMMISSIONER WILL NOT SIGN THE ORDER. IF YOU WANT TO CHANGE YOUR REQUESTS TO THE COURT, YOU MUST FILE AN AMENDED COMPLAINT. IT IS A GOOD IDEA TO HAVE YOUR ORIGINAL COMPLAINT HANDY WHEN YOU FOLLOW THE INSTRUCTIONS TO FILL OUT THE ORDER.

- Enter your name, address and telephone number in the space provided in the upper-left corner of the Order.
- Enter the names of the children affected by this Order and your own name and the Defendant's name exactly as they appear on the Complaint. Enter the case number.

COMPLETE AS MUCH OF THIS FORM AS YOU CAN. IF YOU ARE UNSURE OF A CERTAIN PORTION, LEAVE IT BLANK AND THE JUDGE/COMMISSIONER WILL COMPLETE THOSE PORTIONS. IF YOU HAVE ANY DOUBT AS TO WHAT TO PUT IN A CERTAIN SPACE, LEAVE THAT SPACE BLANK.

The first part of the Judgment and Order--the Court Findings:

1. This states that the court has all information necessary to enter a Judgment and Order.
2. This states that this court is able to make the orders relating to you, the children, and the opposing party.
3. This states that the court will make only those orders that are legally proper under the circumstances of your case.
4. Print the full name(s) and birth dates of the child(ren) for whom paternity is established by this Order.
5. If you are asking for supervised or no parenting time for the other party, you must have a very good reason. Check the appropriate blocks and write that reason in the space provided.

The second part of the Judgment and Order--The Court Orders That:

1. Print or type the full name of the father of the child(ren).
2. Mark this box if you want father's name added to the birth certificate. Leave this blank if the father's name is already on the child(ren)'s birth certificate.
3. Mark this box if you want to legally change the child(ren)'s last name(s) and put in the new last name(s).
4. **CHILD CUSTODY: MARK THE BOX FOR EITHER SOLE OR JOINT CUSTODY.** The custody box you mark should be the same as you did in your Complaint for Paternity, unless you and the other party have signed a Joint Custody Agreement or Parenting Plan specifying a different custody arrangement. A copy of such Agreement or Plan must be attached to this Judgment. See the packet entitled "Child Custody."

- For Sole Custody of the child(ren), mark who is to have sole custody. Then mark only one of the three types of parenting time; reasonable, supervised, or no parenting time. If parenting time is supervised, mark who will be supervising the parenting time and list any specific restrictions you want the judge to order. Mark which party should be ordered to pay for costs of supervision.
 - If you are requesting joint custody, you should not have marked the first box, but should mark the Joint Custody box only. Remember, you will have to attach a copy of the Joint Custody Agreement or Parenting Plan signed by both parents, if you desire joint custody. The Agreement or Plan will be included as part of the court Order relating to the Paternity action.
5. **CHILD SUPPORT:** Mark who is to pay the child support. **NOTE: If there is a previous Child Support Order still in effect FROM A COURT IN ANOTHER STATE OR COUNTY, DO NOT MARK THIS BOX.** Enter the amount of monthly child support as computed on the Parent's Worksheet for Child Support, located in the packet entitled "**Child Support.**"
 6. **EXPENSES OF MOTHER:** Mark first who is to pay the money (the father) and then who is to receive the money (the mother) for the costs related to the birth of the children. Be prepared to tell the judge what amount is fair and allow the judge to enter the appropriate amount.
 7. **MEDICAL AND DENTAL INSURANCE:** Mark who will be responsible for medical and dental insurance, based on the request made in your Complaint for Paternity. Also mark what percentage each party should pay of any medical and dental expenses that are not covered by insurance. If there are past medical expenses incurred for the children, list the total amount, who should pay this and how much per month should be paid.
 8. **FINANCIAL INFORMATION:** both parents must exchange ongoing financial information every 24 months.
 9. **TAX EXEMPTION:** Mark which party will claim which child(ren) as dependents on income tax returns and for which year(s). The Arizona Child Support Guidelines and federal and state laws apply here – if you are not sure what to do, ask a lawyer or accountant for advice.
 10. **TESTING AND COSTS:** Check the appropriate party. If genetic testing was ordered by the court because the father denied paternity, that party is required to pay for the cost of the testing if the test proves that he is the father.
 11. **LIMITATION ON JURISDICTION:** This indicates that the court only has jurisdiction to order a party to make payments if that party has been personally served. This means that if you served the Defendant by publication, you may not be able to get child support, health insurance or reimbursement for medical and other expenses related to the child's birth unless you find and serve the father. You will be able to get the paternity, custody, and visitation orders without personal service.
 12. **OTHER ORDERS:** Leave this blank. If there is some specific thing that you want the judge to order in your case, tell the judge what additional orders you believe should be included. The judge will put in anything he or she feels should be ordered that is not covered elsewhere in the Judgment and Order.

Judge's signature, and copy for other party:

You do not have a valid court order until the judge signs and dates the original Judgment, which will occur at or after the default hearing or at the trial on the case. Be sure to get a certified copy of the signed Judgment for your records. Also, if the other party does not have a copy, mail a copy of the signed and dated Judgment to him or her.

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Case No. _____

Plaintiff

and

Defendant

JUDGMENT AND ORDER FOR PATERNITY, CHILD CUSTODY, PARENTING TIME AND SUPPORT

THE COURT FINDS AS FOLLOWS:

1. This case has come before this court for a final Order. The Court has taken all testimony needed to enter final orders.
2. This court has jurisdiction over the parties under the law.
3. Where it has the legal power to do so and where it is applicable to the facts of this case, this court has considered, approved, and made orders relating to child custody, support, parenting time, and expenses related to birth of the child(ren).
4. Plaintiff and Defendant are natural parents of these children:

| NAME | DATE OF BIRTH | NAME | DATE OF BIRTH |
|-------|---------------|-------|---------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

5. **Check and complete only if supervised or no parenting time is ordered**

- SUPERVISED PARENTING TIME between the children and the
- Plaintiff Defendant

OR

- NO PARENTING TIME by the
- Plaintiff Defendant

is in the best interests of the children because: (explain here reasons for the requirement of supervised parenting time or no parenting time):

THE COURT ORDERS THAT:

- 1. **PATERNITY:** _____, is declared to be the natural father of the minor child(ren).
- 2. **BIRTH CERTIFICATE:** The father’s name be added to each child's birth certificate. The records of the Office of Vital Records should be amended, if necessary, to reflect this adjudication of paternity.
- 3. **LAST NAMES:** The child(ren)'s last name shall be changed to the last name of _____.
- 4. **CHILD CUSTODY AND PARENTING TIME:**

Plaintiff Defendant have completed the Domestic Relations Education on Children’s Issues Course

SOLE CUSTODY of the minor child(ren) is awarded to: Plaintiff Defendant subject to parenting time as follows:

Reasonable parenting time to the parent not having custody according to the terms of the Parenting Plan attached to and made a part of this Order .

Supervised parenting time between the children and Plaintiff Defendant based on finding “5” above, according to the terms of the Parenting Plan attached to and made a part of this Judgment, but such parenting time is to take place only in the presence of another person named below or otherwise approved by the court.

Name of supervising person: _____

Restrictions to parenting time:

The cost of supervised parenting time shall be paid by:

Plaintiff Defendant shared equally by the parties.

No parenting time rights to Plaintiff Defendant based on finding “5” above.

OR:

JOINT CUSTODY - Plaintiff and Defendant agree to act as joint custodians of the children, pursuant to A.R.S. § 25-403, as set forth in the Parenting Plan, signed by both parties and attached to and incorporated in this document as Part B, and made a part of this order. There have been no significant acts of domestic violence under A.R.S. § 13-3601 by either parent. The court adopts the agreed terms of the Parenting Plan describing the custody and parenting time agreement between the parties. By attaching the Parenting Plan to this Order, the Parenting Plan becomes part of the final Order and carries the same legal weight as any other order of this court.

5. **CHILD SUPPORT:**

Plaintiff Defendant shall pay child support to Plaintiff Defendant in the amount of \$ _____ per month, beginning _____ 20__ , according to the Child Support Order signed by the court on _____ 20__. All child support payments shall be made through The Support Payment Clearinghouse. This support obligation shall end when a child reaches age 18, OR if still attending high school or a certified high school equivalency program, support shall continue to be provided while the child is actually attending high school or the equivalency program but only until the child reaches age 19, OR is otherwise emancipated, OR at his or her death.

Further, that costs for past child support and care for child(ren) in the amount of \$_____ shall be paid by Plaintiff Defendant in the amount of \$_____ each month until paid in full. Payments shall be made as stated above.

6. **EXPENSES OF MOTHER:**

Plaintiff Defendant shall pay \$_____ to Plaintiff Defendant to cover unreimbursed expenses incurred by the mother related to the birth of each child.

7. **MEDICAL AND DENTAL INSURANCE, PAYMENTS, AND EXPENSES:**

Plaintiff Defendant is ordered to provide medical, dental insurance for the minor child(ren). Payment shall be according to the Child Support Order. The party ordered to pay shall keep other party informed of the insurance company name, address, and telephone number, and provide other party with documents necessary to submit insurance claims.

Plaintiff is ordered to pay _____ % and Defendant is ordered to pay _____ % of all reasonable uncovered and/or uninsured medical, dental, prescription, and other health care charges for the minor child(ren), including co-payments.

Costs for past medical expenses for child(ren) in the amount of \$_____ shall be paid by Plaintiff Defendant in the amount of \$_____ each month until paid in full. Payments shall be made as stated above.

8. **FINANCIAL INFORMATION EXCHANGES:**

The parties shall exchange financial information (tax returns, spousal affidavits, earning statements and/or other related financial statements) every twenty-four months.

9. **TAX EXEMPTION:**

The parties shall claim as income tax dependency exemptions on federal and state income tax returns as follows:

| Parent entitled to claim child | Name of child | Current tax year | Later tax years |
|---|---------------|------------------|-----------------|
| <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant | _____ | _____ | _____ |
| <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant | _____ | _____ | _____ |
| <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant | _____ | _____ | _____ |
| <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant | _____ | _____ | _____ |

10. **TESTING and COSTS:**

Plaintiff Defendant must pay all costs and expenses of this lawsuit under Arizona law, A.R.S. § 25-809, including the costs of blood tests or other genetic testing; filing each child's birth certificate; attorney's fees and court costs.

11. **LIMITATION ON JURISDICTION:**

This court cannot make a legal order, without personal service on Defendant, with respect to issues of child support, medical and dental insurance, payments, expenses for the minor children or costs relating to birth of the child.

12. **OTHER ORDERS:**

The court further orders that: _____

DATED _____

Judge/Commissioner of the Superior Court