

YAVAPAI COUNTY
Self-Service Center

INFORMATION & INSTRUCTIONS: ORDERS OF PATERNITY, LEGAL DECISION-MAKING, PARENTING TIME AND CHILD SUPPORT

You can use this Order when you have filed a Petition for Orders of Paternity, Legal Decision-Making, Parenting Time and Child Support AND:

1. You will have a Default Hearing **OR**
2. You will have a Short Cause Hearing **OR**
3. You had a Hearing and the Judge told you to file an Order of Paternity **OR**
4. All requirements of local Rule 8.1 have been met, and consent Orders of Paternity, Legal Decision-Making, Parenting Time, and Child Support are to be entered.

IMPORTANT INFORMATION ABOUT THE ORDER

GETTING YOUR ORDER FINALIZED. Before your Order is effective, a judge must sign the Order. The Order names the parents of the child(ren), tells who has legal decision-making and what kind of legal decision-making, what kind of parenting time is ordered and who pays child support, when and how much.

WHAT THE ORDER MEANS TO YOU. The Order, once the judge or commissioner has signed it, is important because it determines the rights and responsibilities of both parties. It tells the parties what they can and cannot do. If either party does not do what the Order tells him or her to do, then the other party may ask the Court for help. **This is a very important document.** Once it has been signed by the judge, your rights and responsibilities are affected forever. You should see a lawyer before you sign this document or any other legal document.

FAILURE TO DO WHAT THE ORDER TELLS YOU TO DO COULD GET YOU INTO TROUBLE WITH THE COURT. This does not mean that the Court will monitor whether you are following the Order. It does mean one party can request a Contempt Order or an Order to Enforce parts of the Paternity Order if the other fails to do what the Paternity Order requires.

JUDGMENT BY DEFAULT. If you have a Default Hearing, you must repeat exactly what you requested in your Petition for Orders of Paternity, Legal Decision-Making, Parenting Time and Child Support, unless the other parent has provided written consent to any changes. You cannot mark something different in the Order from what you asked for in the Petition, unless your spouse has provided written consent. If you try to do this, the Judge may not sign the Order. (If you want to change your requests after you file your Petition, you must file an Amended Petition.) It helps to have your Petition handy when you follow the instructions to fill out your Order.

JUDGMENT BY SHORT CAUSE. After the Respondent filed a Response, both parties reached an agreement about all the disputed issues in the original Petition and you will have a Short Cause Hearing with a Consent Order. Complete the Order as you have agreed, and both parties must sign approving the Order.

JUDGMENT AFTER A HEARING. You and the Respondent appeared for a hearing in front of the Judge who made decisions about the disputed issues. The Judge ordered you to complete an Order which includes the decisions and agreements made at the hearing. Complete the Order as the Judge ordered. Both parties must sign approving the Order.

JUDGMENT BY ENTRY OF CONSENT DECREE: ORDERS OF PATERNITY, LEGAL DECISION-MAKING, PARENTING TIME, AND CHILD SUPPORT BY CONSENT.

If both parties have reached an agreement about all issues, including paternity, legal decision-making, parenting time (visitation), and child support, and have met all requirements of local Rule 8.1, including the preparation and filing of a Stipulation to File by Consent Order (see pkt. 7d), in the Court's sole discretion the Court can enter Orders of Paternity, Legal Decision-Making, Parenting Time, and Child Support without a hearing. Complete the Stipulation and "Orders" as you have agreed. The Stipulation and "Orders" must be signed by both parties, and the signatures must be notarized by a Notary Public if a party is not represented by counsel; if either party is represented by an attorney, the party's attorney must also sign the Stipulation and the "Orders." *See detailed instructions below for completion of the "Order"; the "Stipulation to Proceed by Consent Order" is available in Packet #7d, and instructions for completion of the Stipulation are included in that packet.*

THE ORDER. Fill out the Order as instructed below. **Do not fill in the Judge's signature or date.** If the Judge disagrees with anything you have written, he or she will change it before signing the Order.

INSTRUCTIONS: Completing the Order

Note: The letters and numbers of the instructions match the letters and numbers of the form.

REMEMBER:

- * If this Order is for a Default Hearing, it must match your original Petition exactly, unless a change clearly benefits the other parent.
- * If this Order is for a Short Cause Hearing, it must match your agreement with the other parent and be signed by both parties on the last page.
- * If this Order is submitted for the judge's signature after a hearing, it must match the agreements made by the parties and the decisions made by the judge at the hearing and must be signed by both parties on the last page.
- * If this Order is submitted pursuant to the parties' agreements, and the parties have met the requirements of local Rule 8.1 regarding entry of a consent order, both parties must sign the Order in front of a notary; if either party is represented by an attorney, the party's attorney must also sign the Order.

TYPE OR WRITE IN BLACK INK ONLY.

- (A) Fill in the Petitioner (or attorney) information.
- (B) Fill in the Respondent (or attorney) information.
- (C) Write the Petitioner's and Respondent's names.
- (D) Write your case number.
- (E) Check this box if you are requesting a Consent Order.
- (1)-(3) No instructions needed.
- (4) Complete only for the child(ren) covered by this Order.
- (5a)-(5c) Check the box in front of the true statement. At least **one** box must be marked.
- (5d)-(5f) Check the box in front of the true statement. At least **one** box must be marked.
- (6) Mark this box if you agree with the legal decision-making plan that was filed.
- (7a) If supervised parenting time is requested for one of the parents, mark the appropriate box.
- (7b) If no parenting time for one of the parents is requested, mark the appropriate box.
- (8) Mark this box if a Consent Order is requested.

INSTRUCTIONS: Completing the “COURT ORDERS” section of the Order

1. **MATERNITY:** Fill in the name of the person who is the biological mother of the child(ren).
2. **PATERNITY:** Fill in the name of the person to be named the biological or legal father of the child(ren).
3. **BIRTH CERTIFICATE:** Mark the box and fill in the legal father’s full name, as on your Petition, or as you and the other parent have agreed (both parties will have to sign approving the Order), or as the Judge ordered at a hearing.
4. **LAST NAME:** If the child(ren)’s last name is to be changed to last name of the legal father, mark the box and fill in the legal father’s last name, as on your Petition, or as you and the other parent have agreed (both parties will have to sign approving the Order) or as the Judge ordered at a hearing.
Thereafter, in the space provided, for each child whose last name is to be changed:
 - a) enter the child’s full name as it appears on the existing birth certificate;
 - b) enter the child’s date of birth;
 - c) enter the child’s place of birth (city and state);
 - d) enter the child’s full new name as it is to appear on the new birth certificate.
5. **ENFORCEMENT OF TEMPORARY ORDERS.** Mark any boxes and fill in spaces with information on any temporary orders.
6. **LEGAL DECISION-MAKING AND PARENTING TIME:** This section deals with legal decision-making and parenting time.
 - (6b1) Mark this box if there were children common to the parties who were born prior to the marriage and the judge/commissioner will make an order about paternity. Fill in the name of the person the judge/commissioner will name as the father.
 - (6b2) Fill in the name(s) of the child(ren) you have with your spouse.
 - (6c1) Mark this box if either the Petitioner or the Respondent is to be awarded sole legal decision-making for the minor child(ren). If joint legal decision-making is to be awarded, skip to 5c7.
 - (6c2) If sole legal decision-making is to be awarded, mark who is to have it and complete sections 5c3 through 5c6.
 - (6c3) Mark this box if visitation is to occur according to a Parenting Plan.
 - (6c4) Mark this box if there is no Parenting Plan and visitation is to occur according to the Yavapai County Parenting Time Guidelines.
 - (6c5) Complete this section if visitation is to be supervised.
 - (6c6) Mark the box if no parenting time is to be awarded to one or both of the parties.
 - (6c7) Mark this box if Joint Legal Decision-Making is to be awarded.

EDUCATION ORDER: COMPLETE ONE OF THE TWO INCLUDED ORDERS: Beginning January 2024, all final orders involving legal decision-making and parenting time will require that the court also issue a separate education order. The Orders are for either **joint** legal decision-making or for **sole** decision-making. The education order will serve to guide the schools regarding education-related issues. Parents are required to provide a copy of the signed order to the child(ren)’s school(s).

7. CHILD SUPPORT:

- (7a) Mark who is to pay the child support to the other party based on the request in the Petition or on the parties’ agreement or the Judge’s order. Fill in the amount of child support due either from the Parent’s Worksheet for Child Support Amount or the Judge’s

- order. Remember, if you are the person who filed the original Petition, you are the Petitioner, and the other parent is the Respondent. The Court will also sign the Child Support Order from your Paternity Packet. Be sure you read and understand the Order.
- (7b) If you asked for, or offered to pay, past child support in your Petition, or both parties agreed to an amount to be paid, or the judge ordered back child support, fill in the amount due and the monthly payment amount.

NOTICE: The right to recover past due child support may be lost unless the support-receiving parent complies with the requirements and time limits of A.R.S. 25-503(I).

8. MEDICAL AND DENTAL INSURANCE, PAYMENTS AND EXPENSES:

Insurance. Mark who will be responsible for medical and dental insurance, based on the request made in your Petition or the parties' agreement or the Judge's order.

Non-Covered Expenses. Mark what percent each party will pay for uninsured expenses. If payment for costs of past medical expenses for the child(ren) were asked for or offered in the Petition, or agreed upon by the parties, or ordered by the judge, fill in the amount due and the monthly payment amount.

- 9. FINANCIAL INFORMATION EXCHANGES:** This shows that the parties must share or exchange financial information every 24 months. This information is important in determining amounts of child support or other related issues.
- 10. OTHER COSTS:** Mark this box if you asked for or offered to pay medical and other expenses related to the birth(s) of the child(ren) in your Petition, or if both parents agreed to this, or the judge ordered this at a hearing. Fill in the amount due and the party who will pay that amount.
- 11. LIMITATION ON JURISDICTION:** Mark this box if you served the Respondent by publication. This shows that the Court has jurisdiction to order a party to make payments only if that party has been personally served. This means that if you served the other parent by publication, you cannot get a child support or similar order until you find and personally serve the other parent.
- 12. EXHIBITS.** List and attach any exhibits, marking appropriate boxes.
- 13. OTHER ORDERS.** List any other orders from the original Petition, or that were agreed upon by the parties, or were ordered by the judge at a hearing.
- 14. FINAL APPEALABLE ORDER.** Leave blank for judge.

SIGNATURES: The Petitioner must sign in front of a notary, or a Deputy Clerk at the time of filing. If there was a trial or this is a Consent Order, the Respondent must also sign in front of a notary. If either party has an attorney, the attorney must also sign.

WHAT TO DO NEXT

JUDGMENT BY DEFAULT WITH A HEARING: In most cases, it is best if you file the completed Order, Child Support Order and Income Withholding Order with the Clerk when you file the Application and Affidavit for Default. You also need to file two 9" x 12" manila envelopes with four first class postage stamps: one addressed to you, one addressed to the other parent. The Clerk mails copies of the signed Order and other documents in these envelopes. If these items are not filed, the Clerk mails you a letter before the Default hearing listing the missing documents. **THE DEFAULT WILL NOT PROCEED IF DOCUMENTS ARE MISSING!**

JUDGMENT BY SHORT CAUSE: If you have a Short Cause Hearing, in most cases, it is best if you file the completed Order, Child support Order and Income Withholding Order with the Clerk when you file the Request for Short Cause Hearing. You also need to file two 9" x 12" manila envelopes with four first class postage stamps: one addressed to you, one addressed to other parent. The Clerk mails copies of the signed Decree and other documents in these envelopes.

JUDGMENT AFTER A HEARING: If you had a hearing, and you are bringing in a completed Order, Child Support Order and Income Withholding Order for the Judge to sign, take the documents to the Clerk's office. Also bring two 9" x12" manila envelopes with four first class postage stamps; one addressed to you, one addressed to the other parent. After the Judge signs your Order and other documents, the Clerk mails copies to you and to the other parent in the envelopes you provide. Be sure to tell the Clerk the Judge told you to bring in the documents. The Clerk will send them to the Judge's office.

You should receive the copies in the mail about a week after the Judge signs the Order.

PATERNITY BY CONSENT ORDER: If both parties have agreed to all issues and complied with all requirements of local Rule 8.1, in the Court's discretion by consent the Orders of Paternity, Legal Decision-Making, Parenting Time, and Support may be entered by the Court.

General. Whenever the parties agree to paternity and the terms of legal decision-making, parenting time, and support, they may elect to proceed by a Consent Order upon a showing that the required appearance fees by the parties have been paid or deferred. Additionally, sixty days must have passed since the service of process or acceptance of service prior to the submission of the Consent Order. To proceed, the parties shall jointly file a Stipulation to File Orders of Paternity, Legal Decision-Making, Parenting Time, and Child Support and submit a form of Consent Order that states the terms upon which the parties have agreed. The Judge or Commissioner shall determine whether the parties have met the requirements for entry of a Consent Order.

Prior to submission of a Consent Order, the parties must complete and file or submit the following:

- (1) Stipulation to File Consent Order.
- (2) Parent's Worksheet for Child Support, signed by at least one party or the party's counsel;
- (3) Certificate of Completion/Attendance of a Parent Education class;
- (4) Parenting Plan must state clear and specific legal decision-making and parenting time provisions and be signed by both parents.
- (5) Child Support Order that sets forth the amount of child support, effective date, a calculation of any arrearage, an assignment of responsibility for medical and dental insurance, the allocation of uncovered medical and dental expenses and the allocation of the dependency exemptions; the presumptive emancipation date must be stated for each child for whom support is to be ordered;
- (6) Income Withholding Order that states the presumed emancipation date for the youngest child, including a current employer information sheet.

THE INCOME WITHHOLDING ORDER WILL BE PROCESSED BY THE CLERK'S OFFICE AND MAILED TO THE PAYING PARENT'S EMPLOYER. CHILD SUPPORT SHOULD BEGIN WITHIN FOUR TO SIX WEEKS AFTER THE JUDGE SIGNS THE ORDER.