

PATERNITY

ANSWER

Separate forms from packet before filing.

SOUTHERN ARIZONA LEGAL AID, INC.

PATERNITY

THE ANSWER

USE AND DISCLAIMER

These forms shall not be used to engage in the unauthorized practice of law. 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 help with your papers.

There are also 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.

HOW TO ASSEMBLE THESE DOCUMENTS

This packet contains general information, instructions and court forms to complete and file. 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)	paternity-use and disclaimer.info
Instructions to fill out forms (5 pages)	paternity-instructions.info
Answer to Paternity Complaint (4 pages)	paternity-answer.form
Affidavit Re: Minor Children (2 pages)	paternity-affidavit re minor child

INSTRUCTIONS TO FILL OUT FORMS

PATERNITY ANSWER

PLEASE TYPE OR PRINT WITH PEN

IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE:

Unfortunately, domestic violence can be part of any relationship. Domestic violence can include physical violence directed against you or your children such as hitting, slapping, pushing, or kicking. Domestic violence can also include **threats of physical violence made against you and your children**, or regular verbal abuse used to control you. The other parent does NOT need to have been convicted of domestic violence or assault for you to be a domestic violence victim, and you do not need to have sought medical care or been admitted to a hospital to be a victim.

If you are a victim of domestic violence or threats of domestic violence, you can obtain an **Order of Protection from this Court**. This Order of Protection must be served on the other parent and will order him/her to stay away from you and from your children if they are also victims or potential victims of the other parent's abuse. You can get an emergency Order of Protection at any time, 24 hours a day.

If you have an existing Order of Protection from City Court or Justice Court, it will have to be transferred to Superior Court. Ask the Clerk at City Court or Justice Court for assistance in doing this.

ALL COURT DOCUMENTS WILL 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 IN ORDER TO PROTECT YOURSELF OR YOUR CHILDREN, IF POSSIBLE, GET A P.O. BOX OR USE ANOTHER VALID ADDRESS ON THESE PAPERS.

INFORMATION ABOUT PAPERS YOU SHOULD HAVE RECEIVED FROM THE OTHER PARENT WITH THE PATERNITY COMPLAINT:

SUMMONS You have been summoned to appear in court. You "appear" by filing a written **Answer** with the Court and sending a copy of this **Answer** to the Plaintiff or his/her attorney. The Summons tells you how many calendar days you have to file an **Answer**, depending on how and where you were served with the court papers. Be sure to file your written **Answer** on time. If the time for you to file a written **Answer** has passed, the Plaintiff must complete an **Application and Affidavit for Entry of Default** and send you a copy of that. Then you have 10 more working days in which to file your written Answer. If you do not file a written **Answer** by the end of this grace period, a default judgment can be entered, which means that you might not get to tell the judge your side of the story.

AFFIDAVIT REGARDING MINOR CHILDREN

ORDER TO COMPLETE COURSE IN DOMESTIC RELATIONS EDUCATION CHILDRENS ISSUES

PATERNITY COMPLAINT: This is the form the other parent completed to tell the court his/her side of the story about the children, parenting time and child support. **Read each and every word very carefully**, and decide what you want to do. Here are your choices:

1. **DO NOTHING** - If you do nothing, the other parent can still obtain a judgment of paternity and tell the judge his/her side of the story without you telling your side at all. Generally, the other parent will then get a judgment for what he or she asked for in the Complaint. **This is called default**. Even in these cases, the judge will try to decide what is best for both parties, but it is never a good idea to ignore the court proceeding and have a court order something that you had no input on.

2. **WORK OUT AN AGREEMENT WITH THE OTHER PARENT** - Try to decide with the other parent how you want to handle everything: if you agree on the paternity, parenting time and child support. Then you and the other parent file papers in the court stating your agreement on everything. This is called a **Consent or Stipulation**. This is often the best way to proceed if you and the other parent can talk about the critical issues to decide how you both want to handle the issues. Professional mediators can help you with this.
3. **FILE A WRITTEN ANSWER** - If you do not agree with what the other parent asked for in the Complaint and you cannot reach an agreement, you should file a written **Answer** stating your side of the story, and how you want to handle everything: paternity, legal custody, parenting time, child support. **This is called a contested matter**. Even if you originally file an **Answer**, you and the other parent can still decide to agree on something, or everything, and file court papers for a **Consent or Stipulation**. Professional mediators can help you with this. If you file an **Answer** and do not settle everything with the other parent, either you or the other parent must file further court papers to set (schedule) the case for trial.
4. **REQUEST PATERNITY TESTING IN YOUR ANSWER** – If you believe that the father of the child is not as stated in the Complaint, you may request paternity testing to determine whether or not paternity should be established.

HELP ON COMPLETING YOUR WRITTEN ANSWER TO THE COMPLAINT

- Make sure your form is titled **ANSWER TO PATERNITY COMPLAINT**.
- In the top left corner of the first page, fill out the following: YOUR name, address, city, state and ZIP code, and telephone number. See note above regarding Domestic Violence.
- Fill in the name of "Plaintiff" and "Defendant" exactly the same way as it looks on the Complaint. Do that for every document you ever file in this case from now on.
- Use the case number that is stamped in the upper right-hand corner of the Complaint. Do that for every document you ever file in this case from now on.
- Fill in the other parent's name, address, date of birth and occupation. This is basic information about the PLAINTIFF.
- Fill in your name, address, date of birth and occupation. This is basic information about YOU, the DEFENDANT.

INFORMATION ABOUT CHILDREN LESS THAN 18 YEARS OF AGE

Domestic Violence – This tells the Court if there was ANY domestic violence in the relationship, and relates to a request for joint custody, if either party intends to ask for joint custody. If you are not sure what this means, see the **IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE** on the first page of these instructions. Mark the first box if there has been domestic violence. If domestic violence has not occurred, mark the second box.

Summary on Domestic Violence – Here you should summarize what is different between what the Plaintiff says and what you say about domestic violence. This is because the form of Complaint the Plaintiff used might be arranged a little differently than this form of Answer.

Information about Children Under 18 Years of Age – Provide the name, birth date and current home address for each child. If you dispute the paternity, check the request for paternity test and add any other issues such as the reasons why you believe paternity should not be established. Place these discussions in the "Other" section.

Written Parenting Plan - Check this box ONLY if you and the Plaintiff already have a written agreement regarding custody, parenting time and child support. If you have only discussed these issues and do not have a written agreement, do NOT mark this box.

Jurisdiction of the Court to Award Child Support - The court must have jurisdiction over the party in order to award child support against that party. If that party is a resident of Arizona, this does not present a problem. However, if the other party is NOT an Arizona resident, the Court cannot award child support against that party unless he or she has had some specific connection with Arizona. Be sure to check every block that applies to that party.

Summary About Children – Here summarize what is different between what you say about the children and what the Plaintiff said in the Complaint. This is because the form of Complaint the Plaintiff used might be arranged a little differently than this form of Answer.

General Denial - this tells the Court that even if you did not answer each and everything said in the Complaint, you deny anything that you did not address. This is extra protection for you.

OTHER STATEMENTS MADE TO THE COURT UNDER OATH

Each of these statements must be true at the time you file your Answer. If any of these statements is NOT true, the Plaintiff cannot proceed. You can request the Court to dismiss this case below.

REQUESTS I MAKE TO THE COURT - In this portion of the Answer you are telling the Court what you want ordered in the final judgment.

1. **Child Custody and Parenting Time** – Select which custody and parenting time you believe is appropriate and check the boxes.
2. **Child Support** - Indicate which parent is to pay child support. The person who has custody of the child(ren), or who has physical care of the child(ren) more than 50% of the time, is the person who should receive the support. The other parent must pay the support. The amount of the support is generally determined by income of the parties according to the Arizona Child Support Guidelines. The amount of child support does not have to be specifically stated at this time, but it will need to be computed later so that it can be specifically listed in the Judgment.
3. **Insurance and Health Care Expenses for Children** – Mark one box only. Tell the Court which parent should be required to provide insurance for the children. Whichever parent has the most affordable plan available through their employment, where applicable, should generally pay the insurance. Adjustments can be made to Child Support to reflect costs of insurance for the children.
4. **Tax exemption** – Decide how you and the Plaintiff will declare tax dependency exemptions, for which children, for which years. This is also determined by Federal Tax Law. If you are not sure, see a lawyer or accountant for help on this.
5. **Other Orders** - tell the Court anything else you may want Ordered in your Judgment that has not been covered elsewhere in your Answer. If none, enter "NONE."

OATH AND VERIFICATION OF DEFENDANT: Sign this form in front of a notary. By doing so you are telling the court that everything contained in the Answer is true. Generally, you should sign all papers which you are filing at the Superior Court Clerk's Office. The Clerk will notarize the papers.

You will also have to complete the following form:

AFFIDAVIT RE: MINOR CHILDREN: (paternity-affidavit re minor child.form)

Enter the names of Plaintiff and Defendant.

1. Check "Paternity."
2. Check whether the mother is presently pregnant.
3. Check whether there are minor children of either or both parties who are in the custody of either or both of the parties.
4. Check that there were no prior cases involving custody or parenting time of your minor children in this or any other state. If there are other cases, mark the first box and give as much information as possible. This information could affect you or your children's rights in this case.
5. Check that there are no PENDING cases involving custody of your minor children in this or any other state. If there are other cases, mark the first box and give as much information as possible. This information could affect you or your children's rights in this case.
6. Check that you know of no other person OTHER THAN THE OTHER PARENT who has physical custody or is claiming custody or parenting time rights to any of the children. If you do know of such person, mark the first box and put the information here, including the child's name and the person who believes he/she has a custody or parenting time claim.
7. List the mother's mailing address.
8. List the father's mailing address.
- 9a. Enter each child's name, birthdate, and birthplace.
- 9b. Enter where the children from your relationship have been living for the past 5 years; if any children are under age 5, simply put information since their birth. Write the dates of residence, the address where the child lived during the period, the name and present address of the person having physical custody of the child during the period, and the relationship of that person to the child. While you may not remember exact dates when you moved from one location to another, fill this information out as completely as possible.

Sign this document before the Clerk of the Court or a Notary Public and check the box labeled "Defendant."

WHAT TO DO NEXT:

1. **Copies of Answer:** After completing your Answer, make 3 copies before you file. One copy will be for you, and one copy you will mail or hand-deliver to the other party (or the person's attorney, if he/she is represented by an attorney. If the person is represented by an attorney, the attorney's name and address will be on the Complaint.)
2. **Copies of Affidavit Re: Minor Children:** Complete the Affidavit Re: Minor Children (paternity-affidavit re minor child.form) and make 3 copies before you file. One copy will be for you, and one copy you will mail or hand-deliver to the other party (or the person's attorney, if he/she is represented by an attorney. If the person is represented by an attorney, the attorney's name and address will be on the Complaint.)

3. **Filing the Answer, and payment of court fee:** File your Answer with the Clerk of the Court at the Superior Court of Pima County, 110 W. Congress, Tucson, Arizona 85701. **Be sure you file within the time limit set, or you might lose significant rights.** There is a filing fee, but if you qualify you might be able to have the fees deferred or waived, so that you can make a payment arrangement with the court. You do not need to send a copy of this request to the Plaintiff or his/her attorney.

Nothing further will happen in this case unless one of the parties does something to move the case forward. This is usually done by filing a Motion to Set and requesting a trial date. If neither party does anything further for 6 months, the Court will dismiss the case. Additionally, you or the Plaintiff may make a request for temporary orders. See packet entitled "Temporary Orders."

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

_____ Plaintiff

and

_____ Defendant

Case No. _____

ANSWER TO PATERNITY COMPLAINT

STATEMENTS MADE TO THE COURT, UNDER OATH

1. **ABOUT THE OTHER PARENT**

Name: _____

Address: _____

Date of Birth: _____

Occupation: _____

2. **ABOUT ME, THE DEFENDANT**

Name: _____

Address: _____

Date of Birth: _____

Occupation: _____

INFORMATION ABOUT OUR CHILDREN LESS THAN 18 YEARS OF AGE:

3. **DOMESTIC VIOLENCE** – check the box that is true if you or the Plaintiff intends to ask for joint custody.
Domestic violence has has not occurred during this relationship.

4. **SUMMARY OF WHAT I SAY ABOUT DOMESTIC VIOLENCE THAT IS DIFFERENT FROM WHAT THE PLAINTIFF SAID IN THE COMPLAINT:** (here summarize what is different between what the Plaintiff says and what you say about domestic violence):

5. **CHILDREN OF THE PARTIES WHO ARE LESS THAN 18 YEARS OLD** – check one box

The following child(ren) are under age 18 and was/were born to me and the Plaintiff: (Attach extra pages if necessary).

1. Name:	2. Name:
Birthdate:	Birthdate:
Address:	Address:
3. Name:	4. Name:
Birthdate:	Birthdate:
Address:	Address:

I deny that: I am the father that the Plaintiff is the father
 I request a paternity test prior to the entry of judgment in this matter.

Other: _____

6. **WRITTEN PARENTING PLAN** – check only if true

The Plaintiff and I have a written agreement signed by both of us about the parenting plan for our child(ren). I have attached a copy of this agreement.

7. **CHILD SUPPORT JURISDICTION** – This Court has jurisdiction under A.R.S § 25-623 to order the other party to pay child support because:

- That person is a resident of Arizona
- I believe I will personally serve that person in Arizona
- That person agrees to have the case heard here and will file written court papers in this case
- That person resided with the child in this state
- That person resided in this state and provided pre-birth expenses or support for the child
- The child resides in this state as the result of the acts or directives of that person
- The person had sexual intercourse in this state and the child may have been conceived by that act of intercourse
- That person signed a birth certificate that is filed in this state
- That person did other acts, which substantially connect that person with this state

8. **SUMMARY OF WHAT I SAY ABOUT OUR CHILDREN THAT IS DIFFERENT FROM WHAT THE PLAINTIFF ASKED FOR IN THE COMPLAINT:** (here summarize what is different between what you say about the children and what the Plaintiff said in the Complaint):

9. **GENERAL DENIAL:** I deny anything stated in the Complaint that I have not specifically admitted, qualified or denied here.

REQUESTS I MAKE TO THE COURT:

- Last Name:** Order that each child's last name be changed to: _____.
- Child Custody and Parenting Time:** Award custody and parenting time of the children common to the parties and less than 18 years old as follows:
 - SOLE CUSTODY** of the minor child(ren) awarded to: Plaintiff OR Defendant, subject to parenting time as follows:
 - Reasonable parenting time to the parent not having custody, according to the terms of the Pima County Access Guidelines or the Parenting Plan attached to this Petition.

OR
 - Supervised parenting time between the child(ren) and the Plaintiff OR Defendant is in the best interest of the child(ren) because _____
The cost of supervised parenting time will be paid by the parent being supervised; the parent having custody; shared equally by the parties.

OR
 - No parenting time to the parent not having custody is in the best interest of the child(ren) because _____
 - JOINT CUSTODY:** Plaintiff and Defendant agree to act as joint custodians of the child(ren).
- CHILD SUPPORT:** Order that child support shall be paid **by:**
 Plaintiff Defendant **to** Plaintiff Defendant
in an amount as determined by the court under the Arizona Child Support Guidelines (Child Support Order to be attached to the Paternity Order). Support payments to begin on the first day of the month after the Judge or Commissioner signs the Paternity Order or on the first day of the month after service of the Complaint with all payments, plus the statutory handling fee, to be paid through **The Support Payment Clearinghouse**, PO Box 52107, Phoenix, Arizona 85072-7107 to be paid by automatic wage assignment.
- EXPENSES OF MOTHER:**
Order that Plaintiff Defendant pay a reasonable amount to cover unreimbursed expenses incurred by the mother related to the birth of each child(ren).
- INSURANCE AND HEALTH CARE EXPENSES FOR CHILDREN:** Order that Plaintiff Defendant shall pay for medical and dental insurance coverage for the child(ren) common to the parties and less than the age of 18 years old. Plaintiff and Defendant will pay for all reasonable unreimbursed medical, dental, and health-related expenses incurred for the child(ren) in proportion to their respective incomes as described on the Parents' Worksheet, which shall be submitted with the Paternity Order.

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

Parent entitled to claim	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	_____	_____	_____

- TESTING and COSTS:** Order that if paternity is contested, Plaintiff and Defendant be ordered to submit to such blood and tissue tests as may be necessary by this court to establish paternity, AND that Defendant must pay all costs and expenses of this lawsuit under Arizona law, A.R.S. §25-809, if he/she unsuccessfully contests these proceedings, including the costs of the blood tests or other genetic testing; filing each child's birth certificate; attorney's fees and court costs.

- OTHER ORDERS THAT I AM REQUESTING:** (explain request here)

OATH AND VERIFICATION OF DEFENDANT:

STATE OF ARIZONA)
)ss.
 County of Pima)

I, the Respondent, being duly sworn and under oath, state that I have read this Answer. All the statements in the Response are true, correct and complete to the best of my knowledge and belief.

 Respondent's Signature

Subscribed and sworn to before me this _____ day of _____, 20__ by

 Respondent

 Notary Public

My Commission Expires:

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

IN THE SUPERIOR COURT OF ARIZONA, PIMA COUNTY

Case No. _____

Petitioner/Plaintiff
and

**AFFIDAVIT RE:
MINOR CHILDREN**

Respondent/Defendant

STATE OF ARIZONA)
) ss.
County of Pima)

1. The nature of this action is:
 Dissolution Legal Separation Paternity Annulment Child Custody Modification

2. The mother is is not presently pregnant.

3. There are are not minor children of either or both of the parties in this case who are in the custody of either or both of the parties.

4. I have have not participated as a party, witness, or in any other capacity in any other prior litigation concerning custody of a child mentioned below, in this or any other state. (If you have, state the name of each child, the manner in which you participated, the court, the state & county or district, case number, and date of order or judgment, if any.)

5. I do do not have any information of any custody proceeding concerning a child mentioned below pending in a court of this or any other state. (If you do, state the name of each child, nature of the proceeding, the court, the state & county or district, case number, and the status of the proceeding.)

6. I do do not know of any person not a party to this proceeding who has physical custody or claims to have custody or visitation rights with respect to any child mentioned below. (If you do have such knowledge, state the name and address of the person, whether that person has physical custody, is claiming custody rights, or is claiming visitation rights, and the name of the child involved.)

7. Mother's mailing address is:

8. Father's mailing address is:

9. a) The minor child(ren) affected or of this action are:

NAME

BIRTHDATE

BIRTHPLACE

b) All the children have resided together at the following locations during the last five years:

DATES OF RESIDENCE	ADDRESS OF CHILD DURING PERIOD	NAME AND PRESENT ADDRESS OF PERSON HAVING PHYSICAL CUSTODY DURING RESIDENCE PERIOD	RELATION TO CHILD
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NOTE: If any of the children have lived separately, give specific information for that child on an additional page.

 Plaintiff Defendant

SUBSCRIBED AND SWORN to before me this _____ day _____, 20 _____
by _____.

My Commission Expires:

Notary Public
