

*Ariz. R. Juv. P. ER 112*

ARIZONA COURT RULES ANNOTATED  
Copyright (c) 2010 by Matthew Bender & Company, Inc.  
a member of the LexisNexis Group.  
All rights reserved.

\*\*\* THIS DOCUMENT REFLECTS CHANGES RECEIVED BY THE PUBLISHER THROUGH APRIL 5,  
2010 \*\*\*

\*\*\*ANNOTATIONS ARE CURRENT THROUGH APRIL 5, 2010 \*\*\*

RULES OF PROCEDURE FOR THE JUVENILE COURT  
PART VI. APPEALS

Ariz. R. Juv. P. ER 112 (2010)

Review Court Orders which may amend this rule.

Appendix -- Arizona **Child Support Guidelines**

*BACKGROUND:* The Arizona **Child Support Guidelines** follow the Income Shares Model. The model was developed by the **Child Support Guidelines** Project of the National Center for State Courts. The total **child support** amount approximates the amount that would have been spent on the children if the parents and children were living together. Each parent contributes his/her proportionate share of the total **child support** amount.

Information regarding development of the **guidelines**, including economic data and assumptions upon which the Schedule of Basic **Support** Obligations is based, is contained in the February 6, 2003 report of Policy Studies, Inc., entitled Economic Basis for Updated **Child Support** Schedule, State of Arizona.

1. *PURPOSES*

A. To establish a standard of **support** for children consistent with the reasonable needs of children and the ability of parents to pay.

B. To make **child support** orders consistent for persons in similar circumstances.

C. To give parents and courts guidance in establishing **child support** orders and to promote settlements.

D. To comply with state law (Arizona Revised Statutes, Section 25-320) and federal law (42 United States Code, Section 651 et seq., 45 Code of Federal Regulations, Section 302.56) and any amendments thereto.

2. *PREMISES*

A. These **guidelines** apply to all natural children, whether born in or out of wedlock, and to all adopted children.

B. The **child support** obligation has priority over all other financial obligations; the existence of non-**support**-related financial obligations is generally not a reason for deviation from the **guidelines**.

C. The fact that a custodial parent receives **child support** does not mean that he or she may not also be entitled to spousal maintenance.

If the court is establishing both **child support** and spousal maintenance, the court shall determine the appropriate amount of spousal maintenance first.

The receipt or payment of spousal maintenance shall be treated in accordance with sections 5.A and 6.A. The addition to or adjustment from gross income under these sections shall apply for the duration of the spousal maintenance award.

D. A parent's legal duty is to **support** his or her natural or adopted children. The "**support**" of other persons such as stepchildren or parents is deemed voluntary and is not a reason for an adjustment in the amount of **child support** determined under the **guidelines**.

E. In appropriate cases, a custodial parent may be ordered to pay **child support**.

F. Monthly figures are used to calculate the **child support** obligation. Any adjustments to the **child support** amount shall be annualized so that each month's **child support** obligation is increased or decreased in an equal amount, instead of the obligation for particular months being abated, increased or decreased.

EXAMPLE: At a **child support** hearing in a paternity action a custodial parent requests an adjustment for childcare costs (Section 9.B.1.). The parent incurs childcare costs of \$ 150 per month but only for nine months of the year. The adjustment for childcare costs must be annualized as follows: Multiply the \$ 150 monthly cost times the nine months that the cost is actually paid each year, for an annual total of \$ 1,350. Divide this total by 12 months to arrive at an annualized monthly adjustment of \$ 113 that may be added to the Basic **Child Support** Obligation when determining the **child support** order.

G. When determining the Basic **Child Support** Obligation under Section 8, the amount derived from the Schedule of Basic **Child Support** Obligations shall not be less than the amount indicated on the Schedule:

1. For six children where there are more than six children.
2. For the Combined Adjusted Gross Income of \$ 20,000 where the actual Combined Adjusted Gross income of the parents is greater than \$ 20,000.

### 3. PRESUMPTION

In any action to establish or modify **child** custody, and in any action to establish **child support** or past **support** or to modify **child support**, whether

temporary or permanent, local or interstate, the amount resulting from application of these **guidelines** shall be the amount of **child support** ordered. These include, without limitation, all actions or proceedings brought under Title 25 of the Arizona Revised Statutes (including maternity and paternity) and juvenile court actions in which a **child support** order is established or modified. However, if application of the **guidelines** would be inappropriate or unjust in a particular case, the court shall deviate from the **guidelines** in accordance with Section 20.

#### *4. DURATION OF CHILD SUPPORT*

Duration of **child support** is governed by Arizona Revised Statutes, Sections 25-320 and 25-501, except as provided in Arizona Revised Statutes, Section 25-1304.

Upon entry of an initial or modified **child support** order, the court shall, or in any subsequent action relating to the **child support** order, the court may, establish a presumptive date for the termination of the current **child support** obligation. The presumptive termination date shall be the last day of the month of the 18th birthday of the youngest **child** included in the order unless the court finds that it is projected that the youngest **child** will not complete high school by age 18. In that event, the presumptive termination date shall be the last day of the month of the anticipated graduation date or age 19, whichever occurs first. The administrative income withholding order issued by the department or its agent in Title IV-D cases and an Order of Assignment issued by the court shall include the presumptive termination date. The presumptive date may be modified upon changed circumstances.

An employer or other payor of funds honoring an Order of Assignment or an administrative income withholding order that includes the presumptive termination date and is for current **child support** only, shall discontinue withholding monies after the last pay period of the month of the presumptive termination date. If the Order of Assignment or administrative income withholding order includes current **child support** and arrearage payment, the employer or other payor of funds shall continue withholding the entire amount listed on the Order of Assignment or administrative income withholding order until further order.

For purposes of determining the presumptive termination date, it is further presumed:

A. That a **child** not yet in school will enter 1st grade if the **child** reaches age 6 on or before September 1 of the year in which the **child** reaches age 6; otherwise, it is presumed that the **child** will enter 1st grade the following year; and,

B. That a **child** will graduate in the month of May after completing the 12th grade.

#### *5. DETERMINATION OF THE GROSS INCOME OF THE PARENTS*

NOTE: Terms such as "Gross Income" and "Adjusted Gross Income" as used in these **guidelines** do not have the same meaning as when they are used for tax purposes.

A. Gross income includes income from any source, and may include, but is not limited to, income from salaries, wages, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits (subject to Section 26), worker's compensation benefits, unemployment insurance benefits, disability insurance benefits, recurring gifts, prizes, and spousal maintenance. Cash value shall be assigned to in-kind or other non-cash benefits. Seasonal or fluctuating income shall be annualized. Income from any source which is not continuing or recurring in nature need not necessarily be deemed gross income for **child support** purposes. Generally, the court should not attribute income greater than what would have been earned from full-time employment. Each parent should have the choice of working additional hours through overtime or at a second job without increasing the **child support** award. The court may, however, consider income actually earned that is greater than would have been earned by full-time employment if that income was historically earned from a regular schedule and is anticipated to continue into the future.

The court should generally not attribute additional income to a parent if that would require an extraordinary work regimen. Determination of what constitutes a reasonable work regimen depends upon all relevant circumstances including the choice of jobs available within a particular occupation, working hours and working conditions.

B. Gross income does not include sums received as **child support** or benefits received from means-tested public assistance programs including, but not limited to, Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), Food Stamps and General Assistance.

C. For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, gross income means gross receipts minus ordinary and necessary expenses required to produce income. Ordinary and necessary expenses do not include amounts determined by the court to be inappropriate for determining gross income for purposes of **child support**. Ordinary and necessary expenses include one-half of the self-employment tax actually paid.

D. Expense reimbursements or benefits received by a parent in the course of employment or self-employment or operation of a business shall be counted as income if they are significant and reduce personal living expenses.

E. If a parent is unemployed or working below full earning capacity, the court may consider the reasons. If earnings are reduced as a matter of choice and not for reasonable cause, the court may attribute income to a parent up to his or her earning capacity. If the reduction in income is voluntary but reasonable, the court shall balance that parent's decision and benefits therefrom against the impact the reduction in that parent's share of **child support** has on the children's best interest. In accordance with Arizona Revised Statutes Section 25-320, income of at least minimum wage shall be attributed to a parent ordered to pay **child support**. If income is attributed to the parent receiving **child support**, appropriate childcare expenses may also be attributed.

The court may decline to attribute income to either parent. Examples of cases in which it may be inappropriate to attribute income include, but are not limited to, the following circumstances:

1. A parent is physically or mentally disabled,
2. A parent is engaged in reasonable career or occupational training to establish basic skills or reasonably calculated to enhance earning capacity,
3. Unusual emotional or physical needs of a natural or adopted **child** require that parent's presence in the home, or
4. The parent is a current recipient of Temporary Assistance to Needy Families.

F. Only income of persons having a legal duty of **support** shall be treated as income under the **guidelines**. For example, income of a parent's new spouse is not treated as income of that parent.

G. The court shall not take into account the impact of the disposition of marital property except as provided in Arizona Revised Statutes Section 25-320.A.6. ("Excessive or abnormal expenditures, destruction, concealment or fraudulent disposition of community, joint tenancy and other property held in common.") or to the extent that such property generates income to a parent.

H. The Schedule of Basic **Child Support** Obligations is based on net income and converted to gross income for ease of application. The impact of income taxes has been considered in the Schedule (Federal Tax including Earned Income Tax Credit, Arizona State Tax, and FICA).

#### *6. ADJUSTMENTS TO GROSS INCOME*

For purposes of this section, "children of other relationships" means natural or adopted children who are not the subject of this particular **child support** determination.

Adjustments to Gross Income for other **support** obligations are made as follows:

A. The court-ordered amount of spousal maintenance resulting from this or any other marriage, if actually being paid, shall be deducted from the gross income of the parent paying spousal maintenance. Court-ordered arrearage payments shall not be included as an adjustment to gross income.

B. The court-ordered amount of **child support** for children of other relationships, if actually being paid, shall be deducted from the gross income of the parent paying that **child support**. Court-ordered arrearage payments shall not be included as an adjustment to gross income.

C. An amount shall be deducted from the gross income of a parent for children of other relationships covered by a court order for whom they are the custodial parent. The amount of the adjustment shall be determined by a simplified application of the **guidelines** (defined in example below).

D. An amount may be deducted from the gross income of a parent for **support** of natural or adopted children of other relationships not covered by a court order. The amount of any adjustment shall not exceed the amount arrived at by a simplified application of the **guidelines** (defined in example below).

EXAMPLE: A parent having gross monthly income of \$ 2,000 **supports** a natural or adopted minor **child** who is not the subject of the **child support** case before the court and for whom no **child support** order exists. To use the Simplified Application of the **Guidelines**, locate \$ 2,000 in the Combined Adjusted Gross Income column of the Schedule. Select the amount in the column in for one **child**, \$ 420. The parent's income may be reduced up to \$ 420, resulting in an Adjusted Gross Income of \$ 1,580.

#### *7. DETERMINING THE ADJUSTED GROSS INCOME OF THE PARENTS*

Adjusted Gross Income is gross income minus the adjustments provided in Section 6 of these **guidelines**. The Adjusted Gross Income for each parent shall be established. These amounts shall be added together. The sum is the Combined Adjusted Gross Income.

#### *8. DETERMINING THE BASIC CHILD SUPPORT OBLIGATION*

Locate the income closest to the parents' Combined Adjusted Income figure on the Schedule of Basic **Child Support** Obligations and select the column for the number of children involved. This number is the Basic **Child Support** Obligation.

If the combined adjusted gross income of the parties is greater than \$ 20,000 per month, the amount set forth for combined adjusted gross income of \$ 20,000 shall be the presumptive Basic **Child Support** Obligation. The party seeking a sum greater than this presumptive amount shall bear the burden of proof to establish that a higher amount is in the best interests of the children, taking into account such factors as the standard of living the children would have enjoyed if the parents and children were living together, the needs of the children in excess of the presumptive amount, consideration of any significant disparity in the respective percentages of gross income for each party and any other factors which, on a case by case basis, demonstrate that the increased amount is appropriate.

#### *9. DETERMINING THE TOTAL CHILD SUPPORT OBLIGATION*

To determine the Total **Child Support** Obligation, the court:

A. Shall add to the Basic **Child Support** Obligation the cost of the children's medical, dental and/or vision insurance coverage, if any (this provision does not imply any obligation of either parent to provide dental or vision insurance). In determining the amount to be added, only the amount of

the insurance cost attributable to the children subject to the **child support** order shall be included. If coverage is applicable to other persons, the total cost shall be prorated by the number of persons covered. The court may decline to credit a parent for medical, dental and/or vision insurance coverage obtained for the children if the coverage is not valid in the geographic region where the children reside.

EXAMPLE: Through an employment-related insurance plan, a parent provides medical insurance that covers the parent, one **child** who is the subject of the **child support** case and two other children. Under the plan, the cost of an employee's individual insurance coverage would be \$ 50. This parent instead pays a total of \$ 170 for the "family option" that provides coverage for the employee and any number of dependents. Calculate the adjustment for medical insurance as follows: Subtract the \$ 50 cost of individual coverage from the \$ 170 paid for the "family option" to find the cost of dependent coverage. The \$ 120 remainder then is divided by three -- the number of covered dependents. The resulting \$ 40 is added to the Basic **Child Support** Obligation as the cost of medical insurance coverage for the one **child**.

An order for **child support** shall assign responsibility for providing medical insurance for the children who are the subject of the **child support** order. If medical insurance of comparable benefits and cost is available to both parents, the court should assign the responsibility to the parent having primary physical custody.

The court shall also specify the percentage that each parent shall pay for any medical, dental and/or vision costs of the children which are not covered by insurance. For purposes of this paragraph, non-covered "medical" means medically necessary medical, dental and/or vision care as defined by Internal Revenue Service Publication 502.

Except for good cause shown, any request for payment or reimbursement of uninsured medical, dental and/or vision costs must be provided to the other parent within 180 days after the date the services occur. The parent responsible for payment or reimbursement must pay his or her 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.

Both parents should use their best efforts to obtain services that are covered by the insurance. A parent who is entitled to receive reimbursement from the other parent for medical costs not covered by insurance shall, upon request of the other parent, provide receipts or other evidence of payments actually made.

B. May add to the Basic **Child Support** Obligation amounts for any of the following:

1. Childcare Costs

Childcare expenses that would be appropriate to the parents' financial abilities.

Expenses for childcare shall be annualized in accordance with Section 2.F.

A custodial parent paying for childcare may be eligible for a credit from federal tax liability for childcare costs for dependent children. The custodial parent is the parent who has physical custody of the children for the greater part of the year. In an equal physical custody situation, neither parent shall be entitled to the credit for purposes of calculating **child**

**support.** Before adding childcare costs to the Basic **Child Support** Obligation, the court may adjust this cost in order to apportion the benefit that the dependent tax credit will have to the parent incurring the childcare costs.

At lower income levels the head of household does not incur sufficient tax liability to benefit from the federal childcare tax credit. No adjustment should be made where the income of the custodial parent is less than indicated on the following chart:

MONTHLY GROSS INCOME OF THE CUSTODIAL PARENT

ONE <b>CHILD</b>	\$ 2,100
TWO CHILDREN	\$ 2,600
THREE CHILDREN	\$ 2,700
FOUR CHILDREN	\$ 2,800
FIVE CHILDREN	\$ 3,050
SIX CHILDREN	\$ 3,300

If the custodial parent's income is greater than indicated on the above chart, the court may adjust this cost for the federal childcare tax credit if the credit is actually claimed or will be claimed.

For one **child** with monthly childcare costs exceeding \$ 200, deduct \$ 50 from the monthly childcare amount. For two or more children with total monthly childcare costs exceeding \$ 400, deduct \$ 100 from the monthly childcare amount. See Example One

For one **child** with monthly childcare costs of \$ 200 or less, deduct 25% from the monthly childcare amount. For two or more children with total monthly childcare costs of \$ 400 or less, deduct 25% from the monthly childcare amount. See Example Two.

**EXAMPLE ONE:** For two children, a parent pays monthly childcare costs of \$ 550 for 9 months of the year. To adjust for the expected tax credit benefit, first determine whether the average cost of childcare exceeds \$ 400 per month. In this example, because the average cost of \$ 413 (\$ 550 multiplied by 9 months, divided by 12 months) exceeds the \$ 400 maximum for two or more children, \$ 100 per month may be subtracted from the average monthly cost. \$ 313 (\$ 413 less \$ 100) may be added to the Basic **Child Support** Obligation for adjusted childcare costs.

**EXAMPLE TWO:** A parent pays monthly childcare costs of \$ 175 for one **child**. Because this amount is less than the \$ 200 maximum for one **child**, multiply \$ 175 by 25% (\$ 175 multiplied by 25% = \$ 44). Subtract the adjustment from the monthly average (\$ 175 - \$ 44 \$ 131). The adjusted amount of \$ 131 may be added to the Basic **Child**

## **Support** Obligation.

Any adjustment for the payment of childcare costs with pre-tax dollars shall be calculated in a similar manner. A percentage adjustment other than 25% may be utilized if proven by the parent paying the childcare costs.

### *2. Education Expenses*

Any reasonable and necessary expenses for attending private or special schools or necessary expenses to meet particular educational needs of a **child**, when such expenses are incurred by agreement of both parents or ordered by the court.

### *3. Extraordinary **Child***

**These guidelines** are designed to fit the needs of most children. The court may increase the Basic **Child Support** Obligation to provide for the special needs of gifted or handicapped children.

### *4. Older **Child** Adjustment*

The average expenditures for children age 12 or older exceed the average expenditures for all children by approximately 10%. Therefore, the court may increase **child support** for a **child** who has reached the age of 12 years by an amount up to 10% of the **child support** shown on the Schedule. If the court chooses to make an adjustment, the following method of calculation shall be used.

EXAMPLE; The Basic **Child Support** Obligation for one **child**, age 12, is \$ 300. As much as \$ 30 may be added to the Basic **Child Support** Obligation, for a total of \$ 330. If not all children subject to the order are age 12 or over, the increase will be prorated as follows: assume the Basic **Child Support** Obligation for three children is \$ 300. If one of the three children is age 12 or over, assign 1/3 of the Basic **Child Support** Obligation to the older **child** (\$ 100). Up to 10% (\$ 10) of that portion of the Basic **Child Support** Obligation may be added as an older **child** adjustment, increasing the obligation to \$ 310. NOTE: This prorating method is limited to this section and should not be followed in Section 25.

## **10. DETERMINING EACH PARENT'S PROPORTIONATE SHARE OF THE TOTAL **CHILD SUPPORT OBLIGATION****

The Total **Child Support** Obligation shall be divided between the parents in proportion to their Adjusted Gross Incomes. The obligation of each parent is computed by multiplying each parent's share of the Combined Adjusted Gross Income by the Total **Child Support** Obligation.

EXAMPLE: Combined Adjusted Gross Income is \$ 1,000. The father's Adjusted Gross Income is \$ 600. Divide the father's Adjusted Gross Income by the Combined Adjusted Income. The result is the father's share of the Combined Adjusted Gross Income (\$ 600 divided by \$ 1,000 = 60%). The father's share is 60%; the mother's share is 40%.

### 11. ADJUSTMENT FOR COSTS ASSOCIATED WITH PARENTING TIME

Because the Schedule of Basic **Child Support** Obligations is based on expenditures for children in intact households, there is no consideration for costs associated with parenting time. When parenting time is exercised by the noncustodial parent, a portion of the costs for children normally expended by the custodial parent shifts to the noncustodial parent. Accordingly, unless it is apparent from the circumstances that the noncustodial parent will not incur costs for the children during parenting time, when proof establishes that parenting time is or is expected to be exercised by the noncustodial parent, an adjustment shall be made to that parent's proportionate share of the Total **Child Support** Obligation. To calculate **child support** in equal custody cases, see Section 12.

For purposes of calculating parenting time days, only the time spent by a **child** with the noncustodial parent is considered. Time that the **child** is in school or childcare is not considered.

To adjust for the costs of parenting time, first determine the total annual amount of parenting time indicated in a court order or parenting plan or by the expectation or historical practice of the parents. Using the following definitions, add together each block of parenting time to arrive at the total number of parenting time days per year. Calculate the number of parenting time days arising from any block of time the **child** spends with the noncustodial parent in the following manner:

A. Each block of time begins and ends when the noncustodial parent receives or returns the **child** from the custodial parent or from a third party with whom the custodial parent left the **child**. Third party includes, for example, a school or childcare provider.

B. Count one day of parenting time for each 24 hours within any block of time.

C. To the extent there is a period of less than 24 hours remaining in the block of time, after all 24-hour days are counted or for any block of time which is in total less than 24 hours in duration:

1. A period of 12 hours or more counts as one day.
2. A period of 6 to 11 hours counts as a half-day.
3. A period of 3 to 5 hours counts as a quarter-day.
4. Periods of less than 3 hours may count as a quarter-day if, during those hours, the noncustodial parent pays for routine expenses of the **child**, such as meals.

EXAMPLES:

1. Noncustodial parent receives the **child** at 9:00 p.m. on Thursday evening and brings the **child** to school at 8:00 a.m. on Monday morning, from which custodial parent picks up the **child** at 3:00 p.m. on Monday.

a. 9:00 p.m. Thursday to 9:00 p.m. Sunday is 3 days.

b. 9:00 p.m. Sunday to 8:00 a.m. Monday is 11 hours, which equals a half day.

Total is 3 1/2 days.

2. Noncustodial parent picks the **child** up from school at 3:00 p.m. Friday and returns the **child** to school at 8:00 a.m. on Monday.

a. 3:00 p.m. Friday to 3:00 p.m. Sunday is 2 days.

b. 3:00 p.m. Sunday to 8:00 a.m. Monday is 17 hours, which equals 1 day.

3. Noncustodial parent picks up **child** from soccer at noon on Saturday, and returns the **child** to custodial parent at 9:00 p.m. on Sunday.

a. Noon Saturday to noon Sunday is 1 day.

b. Noon Sunday to 9:00 p.m. Sunday is 9 hours, which equals 1/2 day.

c. Total is 1 1/2 days.

After determining the total number of parenting time days, refer to "Parenting Time Table A" below. The left column of the table sets forth numbers of parenting time days in increasingly higher ranges. Adjacent to each range is an adjustment percentage. The parenting time adjustment is calculated as follows: locate the total number of parenting time days per year in the left column of "Parenting Time Table A" and select the adjustment percentage from the adjacent column. Multiply the Basic **Child Support** Obligation determined under Section 8 by the appropriate adjustment percentage. The number resulting from this multiplication then is subtracted from the proportionate share of the Total **Child Support** Obligation of the parent who exercises parenting time.

#### PARENTING TIME TABLE A

Number of Parenting Time Days	Adjustment Percentage
0-3	0
04-20	.012
21-38	.031
39-57	.050
58-72	.085
73-87	.105
88-115	.161
116-129	.195

130-142	.253
143-152	.307
153-162	.362
163-172	.422
173-182	.486

EXAMPLE: The Basic **Child Support** Obligation from the Schedule is \$ 425 for two children. After making all applicable adjustments under Section 9, the Total **Child Support** Obligation is \$ 500 and the noncustodial parent's proportionate share is 60%, or \$ 300. The noncustodial parent has parenting time with the children a total of 100 days. On "Parenting Time Table A", the range of days for this amount of parenting time is from 88 to 115 days. The corresponding adjustment percentage is .161. Multiply the \$ 425 Basic **Child Support** Obligation by .161 OR 16.1%. The resulting \$ 68 is subtracted from \$ 300 (the noncustodial parent's proportionate share of the Total **Child Support** Obligation), adjusting the **child support** obligation to \$ 232.

As the number of parenting time days approaches equal time sharing (143 days and above), certain costs usually incurred only in the custodial household are assumed to be substantially or equally shared by both parents. These costs are for items such as the **child's** clothing and personal care items, entertainment and reading materials. If this assumption is rebutted by proof, for example, that such costs are not substantially or equally shared in each household, only "Parenting Time Table B" must be used to calculate the parenting time adjustment for this range of days. Locate the total number of parenting time days per year in the left column of "Parenting Time Table B" and select the adjustment percentage from the adjacent column. Multiply the Basic **Child Support** Obligation determined under Section 8 by the appropriate adjustment percentage. The number resulting from this multiplication then is subtracted from the proportionate share of the Total **Child Support** Obligation of the parent who exercises parenting time.

#### PARENTING TIME TABLE B

Number of Parenting Time Days	Adjustment Percentage
143-152	.275
153-162	.293
163-172	.312
173-182	.331

## 12. EQUAL CUSTODY

If the time spent with each parent is essentially equal, the expenses for the children are equally shared and adjusted gross incomes of the parents also are essentially equal, no **child support** shall be paid. If the parents' incomes are not equal, the total **child support** amount shall be divided equally between the two households and the parent owing the greater amount shall be ordered to pay what is necessary to achieve that equal share in the other parent's household.

EXAMPLE: After making all applicable adjustments under Sections 9 and 13, the remaining **child support** obligation is \$ 1500. The parents' proportionate shares of the obligation are \$ 1000 and \$ 500. To equalize the **child support** available in both households, deduct the lower amount from the higher amount ( $\$ 1000 - \$ 500 = \$ 500$ ), then divide the balance in half ( $\$ 500 \div 2 = \$ 250$ ). The resulting amount, \$ 250, is paid to the parent with the lower obligation.

## 13. ADJUSTMENTS FOR OTHER COSTS

If a parent pays a cost under Section 9.A. or 9.B. (except 9.B.4.), deduct the cost from that parent's Proportionate Share of income to arrive at the Preliminary **Child Support** Amount.

EXAMPLE: A noncustodial parent pays for medical insurance through his or her employer. This cost is added to the Basic **Child Support** Obligation pursuant to section 9.A., then prorated between the parents to arrive at each parent's proportionate **child support** obligation. Because the cost has already been paid to a third party (the insurance company), the cost must be deducted from the noncustodial parent's **child support** obligation because this portion of the **child support** obligation has already been paid.

## 14. DETERMINING THE **CHILD SUPPORT** ORDER

The court shall order the noncustodial parent to pay **child support** in an amount equal to his or her proportionate share of the Total **Child Support** Obligation. The custodial parent shall be presumed to spend his or her share directly on the children.

EXAMPLE: On the Schedule, the Basic **Child Support** Obligation for a Combined Adjusted Gross Income of \$ 1,500 for one **child** is \$ 329. To this the court adds \$ 33 because the **child** is over 12 years of age (10% in this example). The Total **Child Support** Obligation is \$ 362.

The father's share is 60% of \$ 362, or \$ 217. The mother's share is 40% of \$ 362, or \$ 145. Custody is granted to the mother and under the court-approved parenting plan, parenting time will be exercised by the father a total of 100 days per year resulting in an adjustment of \$ 53 ( $\$ 329 \times 16.1\%$ ). After adjusting for parenting time, the father's share is \$ 164 ( $\$ 217$  less \$ 53). The father shall pay the **child support** amount of \$ 164 per month. The value of

the mother's contribution is \$ 145, and she spends it directly on the **child**.

#### 15. SELF **SUPPORT** RESERVE TEST

In each case, after determining the **child support** order, the court shall perform a Self **Support** Reserve Test to verify that the noncustodial parent is financially able both to pay the **child support** order and to maintain at least a minimum standard of living, as follows:

Deduct \$ 775 (the Self **Support** Reserve amount) from the noncustodial parent's Adjusted Gross income, except that the court may deduct from such parent's Adjusted Gross income for purposes of the Self **Support** Reserve Test only, court-ordered arrears on **child support** for children of other relationships or spousal maintenance, if actually paid. If the resulting amount is less than the **child support** order, the court may reduce the current **child support** order to the resulting amount after first considering the financial impact the reduction would have on the custodial parent's household. The test applies only to the current **child support** obligation, but does not prohibit an additional amount to be ordered to reduce an obligor's arrears.

EXAMPLE: Before applying the Self **Support** Reserve Test, the **child support** order is calculated under the **guidelines** to be \$ 175. The Adjusted Gross Income of the noncustodial parent is \$ 850. Subtracting the self-**support** reserve amount of \$ 775 from the noncustodial parent's adjusted gross income of \$ 850 leaves \$ 75. Because this resulting amount is less than the \$ 175 **child support** order, the court may reduce the **child support** order to the resulting amount. However, before making any reduction, the court shall examine the self-**support** capability of the non-paying parent, using the same Self **Support** Reserve Test applied to the noncustodial parent.

In this example, the non-paying parent's proportionate share of the total **child support** obligation is calculated under the **guidelines** to be \$ 200. This parent's adjusted gross income is \$ 892. Subtracting the self **support** reserve of \$ 775 from the non-paying parent's adjusted gross income of \$ 892 leaves \$ 117. Because this resulting amount is less than the parent's proportionate share of the Total **Child Support** Obligation, it is evident that both parents have insufficient income to be self supporting. In this situation, the court has discretion to determine whether and in what amount the **child support** order (the amount the noncustodial parent is ordered to pay) may be reduced.

#### 16. MULTIPLE CHILDREN, DIVIDED CUSTODY

When each parent is granted physical custody of at least one of the parties' children, each parent is obligated to contribute to the **support** of all the children. However, the amount of current **child support** to be paid by the parent having the greater **child support** obligation shall be reduced by the amount of **child support** owed to that parent by the other parent.

EXAMPLE: (For simplicity, this example does not consider parenting time.) Combined Adjusted Gross Income is \$ 3,000 per month. Father's gross income is \$ 1,000 per month (33.3%) and he has custody of one **child**. Mother's gross

income is \$ 2,000 per month (66.6%) and she has custody of two children.

Prepare a Parent's Worksheet to determine **child support** for children in the mother's household. Locate the Combined Adjusted Gross Income figure of \$ 3,000 on the Schedule. Select the **child support** figure in the column for the two children in this household, \$ 817. The father's share is 33.3% of \$ 817 or \$ 272.

The mother is obligated to pay the father \$ 392 for **child support**. This amount is reduced by the \$ 272 obligation owed by the father to the mother. Thus, the mother shall pay \$ 120 per month.

#### *17. CHILD SUPPORT ASSIGNED TO THE STATE*

If **child support** has been assigned to the state under Arizona Revised Statutes Section 46-407, the obligation of a parent to pay **child support** shall not be offset by **child support** arrearages that may be owed to that parent.

#### *18. TRAVEL EXPENSES ASSOCIATED WITH PARENTING TIME*

The court may allocate travel expenses of the **child** associated with parenting time in cases where one-way travel exceeds 100 miles. In doing so, the court shall consider the means of the parents and may consider how their conduct (such as a change of residence) has affected the costs of parenting time. To the extent possible, any allocation shall ensure that the **child** has continued contact with each parent. A parent who is entitled to receive reimbursement from the other parent for allocated parenting time expenses shall, upon request of the other parent, provide receipts or other evidence of payments actually made. The allocation of expenses does not change the amount of the **child support** ordered.

#### *19. GIFTS IN LIEU OF MONEY*

Once **child support** has been ordered by the court, the **child support** is to be paid in money. Gifts of clothing, etc. in lieu of money are not to be offset against the **child support** order except by court order.

#### *20. DEVIATIONS*

A. The court shall deviate from the **guidelines**, i.e., order **child support** in an amount different from that which is provided pursuant to these **guidelines**, after considering all relevant factors, including those set forth in Arizona Revised Statutes Section 25-320, and applicable case law, only if

all of the following criteria are met:

1. Application of the **guidelines** is inappropriate or unjust in the particular case,

2. The court has considered the best interests of the **child** in determining the amount of a deviation. A deviation that reduces the amount of **child support** paid is not, by itself, contrary to the best interests of the **child**,

3. The court makes written findings regarding 1. and 2. above in the **Child Support** Order Minute Entry or **Child Support** Worksheet,

4. The court shows what the order would have been without the deviation, and

5. The court shows what the order is after deviating.

B. The court may deviate from the **guidelines** based upon an agreement of the parties only if all of the following criteria are met:

1. The agreement is in writing or stated on the record pursuant to the Arizona Rules of Civil Procedure, Rule 80(d),

2. All parties have entered into the agreement with knowledge of the amount of **child support** that would have been ordered under the **guidelines** but for the agreement,

3. All parties have entered into the agreement free of duress and coercion, and

4. The court complies with the requirements of Section 20.A.

### *21. THIRD-PARTY CARE GIVERS*

When a **child** lives with a third-party caregiver by virtue of a court order, administrative placement by a state agency or under color of authority, the third-party caregiver is entitled to receive **child support** payments from each parent on behalf of the **child**.

### *22. COURT'S FINDINGS*

The court shall make findings in the record as to: Gross Income, Adjusted Gross Income, Basic **Child Support** Obligation, Total **Child Support** Obligation, each parent's proportionate share of the **child support** obligation, and the **child support** order.

The findings may be made by incorporating a worksheet containing this information into the file.

If the court attributes income above minimum wage income, the court shall explain the reason for its decision.

The **child support** order shall be set forth in a sum certain and start on a date certain. A new **child support** order shall be filed upon any change in the amount or due date of the **child support** obligation.

### *23. EXCHANGE OF INFORMATION*

The court shall order that every twenty-four months, financial information such as tax returns, financial affidavits, and earning statements be exchanged between the parties.

Unless the court has ordered otherwise, at the time the parties exchange financial information, they shall also exchange residential addresses and the names and addresses of their employers.

### *24. MODIFICATION*

#### A. Standard Procedure

Pursuant to Arizona Revised Statutes Sections 25-327 and 25-503, either parent or the state Title IV-D agency may ask the court to modify a **child support** order upon a showing of a substantial and continuing change of circumstances.

#### B. Simplified Procedure

Either parent or the state Title IV-D agency may request the court to modify a **child support** order if application of the **guidelines** results in an order that varies 15% or more from the existing amount. A fifteen percent variation in the amount of the order will be considered evidence of substantial and continuing change of circumstances. A request for modification of the **child support** amount must be accompanied by a completed and sworn "Parent's Worksheet for **Child Support** Amount," and documentation supporting the incomes if different from the court's most recent findings regarding income of the parents. If the party requesting the modification is unable to provide documentation supporting the other party's income, the requesting party shall indicate that the income amount is attributed/estimated and state the basis for the amount listed. The state Title IV-D agency may submit a parent's worksheet.

The simplified procedure also may be used by either parent or the state Title IV-D agency to modify a **child support** order to assign or alter the responsibility to provide medical insurance for a **child** who is the subject of a **child support** order. A modification of the medical assignment or responsibility does not need to vary by 15% or more from the existing amount to use the simplified procedure.

A copy of the request for modification of **child support** and the "Parent's Worksheet for **Child Support** Amount," including supporting documentation, showing that the proposed **child support** amount would vary 15% or more from the existing **child support** order shall be served on the other parent, or on both parents if filed by the state Title IV-D agency, pursuant to Rules 4.1 and

#### 4.2, Rules of Civil Procedure.

If the requested modification is disputed, the parent receiving service must request a hearing within 20 days of service. If service is made outside the state, as provided in Rule 4.2, Rules of Civil Procedure, the parent receiving service must request a hearing within 30 days of service.

A party requesting a hearing shall file a written request for hearing accompanied by a completed and sworn "Parent's Worksheet for **Child Support Amount**." Copies of the documents filed, together with the notice of hearing, shall be served on the other party and, if appropriate, the state Title IV-D agency by first class mail not less than 10 judicial days prior to the hearing.

Upon proof of service and if no hearing is requested within the time allowed, the court will review the request and enter an appropriate order or set the matter for hearing.

If any party requests a hearing within the time allowed, the court shall conduct such hearing. No order shall be modified without a hearing if one is requested.

If any party requests a hearing within the time allowed, the court shall conduct such hearing. No order shall be modified without a hearing if one is requested.

The notice provision of Rule 55, Rules of Civil Procedure, does not apply to this simplified modification procedure.

A request to modify **child support**, request for a hearing and notice of hearing, "Parent's Worksheet for **Child Support Amount**" and **child support** order filed or served pursuant to this subsection must be made using forms approved by the Arizona Supreme Court or substantially similar forms.

Approved forms are available from the Clerk of the Supreme Court.

#### *25. EFFECT OF CESSATION OF **CHILD SUPPORT** FOR ONE **CHILD***

If **child support** for more than one **child** was ordered under these **guidelines** and thereafter the duty to **support** one of the children stops, the order is not automatically reduced by that **child's** share. To obtain a modification to the **child support** order, a request must be made in writing to the court to recalculate the **child support** obligation pursuant to these **guidelines**. The procedure specified in Section 24 may be used for this purpose.

EXAMPLE: The **child support** order for a Combined Adjusted Gross Income of \$ 1,500, with four children is \$ 600. One **child** graduates from high school and turns 18. In determining the new **child support** amount, do not deduct one-fourth of the order for a new order of \$ 450. Instead, determine a new **child support** order by applying the **guidelines**. (NOTE: This method varies from the one used in Section 9.B.4.).

## 26. INCOME AND BENEFITS RECEIVED BY OR ON BEHALF OF A **CHILD**

A. Income earned or money received by a **child** from any source other than court-ordered **child support** shall not be counted toward either parent's **child support** obligation except as stated herein. However, income earned or money received by or on behalf of a person for whom **child support** is ordered to continue past the age of majority pursuant to Arizona Revised Statute Sections 25-320.B and 25-809.F may be credited against any **child support** obligation.

B. Benefits, such as Social Security Disability or Insurance, received by a custodial parent on behalf of a **child**, as a result of contributions made by the parent paying **child support** shall be credited as follows:

1. If the amount of the **child's** benefit for a given month is equal to or greater than the paying parent's **child support** obligation, then that parent's obligation is satisfied.

2. Any benefit received by the **child** for a given month in excess of the **child support** obligation shall not be treated as an arrearage payment nor as a credit toward future **child support** payments.

3. If the amount of the **child's** benefit for a given month is less than the parent's **child support** obligation, the parent shall pay the difference unless the court, in its discretion, modifies the **child support** order to equal the benefits being received at that time.

C. Except as otherwise provided in section 5.B, any benefits received directly, and not on behalf of a **child**, by either the custodial parent or the parent paying **child support** as a result of his or her own contributions, shall be included as part of that parent's gross income.

## 27. FEDERAL TAX EXEMPTION FOR DEPENDENT CHILDREN

In any case in which the current **child support** obligation is at least \$ 1,200 per year, there should be an allocation of the federal tax exemptions applicable to the minor children which as closely as possible approximates the percentages of **child support** being provided by each of the parents. If it is determined that a party who is otherwise entitled to the dependency exemption based upon the above percentages will not derive a tax benefit from claiming the dependency exemption, the exemption should be allocated to the other party. The allocation of the exemptions shall be conditioned upon payment by December 31 of the total court-ordered monthly **child support** obligation for the current calendar year and any court-ordered arrearage payments due during that calendar year for which the exemption is to be claimed. If these conditions have been met, the custodial parent shall execute the necessary Internal Revenue Service forms to transfer the exemptions. If the noncustodial parent has paid the current **child support**, but has not paid the court-ordered arrearage payments, the noncustodial parent shall not be entitled to claim the exemption.

EXAMPLE: Noncustodial parent's percentage of gross income is approximately

67% and custodial parent's percentage is approximately 33%. All payments are current. If there are three children, the noncustodial parent would be entitled to claim two and the custodial parent would claim one. If there is only one **child**, the noncustodial parent would be entitled to claim the **child** two out of every three years, and the custodial parent would claim the **child** one out of every three years.

For purposes of this section only, a noncustodial parent shall be credited as having paid **child support** that has been deducted on or before December 31 pursuant to an order of assignment if the amount has been received by the court or clearinghouse by January 15 of the following year.

#### **28. CHILD SUPPORT ARREARS**

A. When setting an amount for a payment on arrears, the court should take into consideration that interest accrues on the principal balance. If the court sets a payment on arrears less than the amount of the accruing monthly interest, the court shall make a finding why the amount is less than the accruing monthly interest. Upon a showing of substantial and continuing changed circumstances, the court may adjust the amount of payment on arrears.

B. When a current **child support** obligation terminates, before adjusting the Order of Assignment to an amount less than the current **child support** amount and the payment on arrears, the court shall consider the total amount of arrears and the accruing interest, and the time that it will take the obligor to pay these amounts.

#### **29. EFFECTIVE DATE AND GROUNDS FOR MODIFICATION**

A. Except for defaults or as otherwise agreed upon by the parties, all **child support** orders entered after December 31, 2004, shall be made pursuant to these **guidelines**, whether they be original orders or modifications of pre-existing orders, unless the court determines otherwise based on good cause shown. In cases of default, the **guidelines** in effect at the time of filing the action will be used. The parties may agree to use either the **guidelines** in effect at the time of filing the action or those in effect at the time the order is entered.

B. A substantial variance between an existing **child support** order and an amount resulting from application of the new **guidelines** may be considered evidence of a substantial and continuing change of circumstances for purposes of a modification. A variance of at least 15% would be evidence of a substantial and continuing change of circumstances.

Schedule of Basic **Support** \$

<\$

T1\*.GI:215;32682:azschedbsupp;1 Display Image \$

>

(1)\* Person Filing: \*numbers in parentheses correspond to numbers on instruction sheet which follows this form

Mailing Address:

City, State, Zip  
Code:

Daytime Phone:

Evening Phone:

Representing:  Self or  Attorney

State Bar Number (if applicable)

*ARIZONA SUPERIOR COURT, COUNTY OF (2)*

(3) (5) Case No.

Petitioner/Plaintiff

ATLAS NO.

DOB SSN

*REQUEST TO MODIFY*

(4) ***CHILD SUPPORT***

Respondent/Defendant *PURSUANT TO GUIDELINES*

*SIMPLIFIED PROCEDURE*

DOB SSN

IMPORTANT NOTICE TO PARTY NOT REQUESTING THE MODIFICATION

Your **support** order may be modified, if you do not request a hearing

(6) I, ,  Obligor  Obligee, ask this court to modify the Arizona **child support** order in this case entered on (7) by (8) .

1. The **child support** order currently in effect requires (9) to make payments of (10) \$ per , payable on the day(s) of the month.

2. Attached is a Parent's Worksheet for **Child Support** Amount. According to the worksheet calculations, the **child support** amount should be (11) \$ per month.

3. The following calculations show that the requested change varies from the current ordered amount by 15% or more.

(12) (a) / (b) = (c) %

a = the difference between the amount currently ordered and the amount requested

b = the amount currently ordered; and



the information, or if a substantial mathematical error is found, the court may set the matter for hearing. If either party requests a hearing within the time allowed, the court shall conduct the hearing. No order shall be modified without a hearing if a hearing is requested.

If you wish to request a hearing, you may obtain the following forms from the Office of the Clerk of Superior Court.

Request for Hearing and Notice of Hearing

Parent's Worksheet for **Child Support** Amount

### REQUEST TO MODIFY **CHILD SUPPORT** INSTRUCTIONS

#### *COMPLETE THIS FORM IF:*

You have an Arizona **child support** order and believe the amount of **support** should be changed, and

You have completed a Parent's Worksheet for **Child Support** Amount and it results in a **child support** amount that varies 15% or more from the amount of your current order. See example for item 12 of this form.

#### *TO COMPLETE THIS FORM YOU WILL NEED:*

A copy of your current Arizona **Child Support** Order, the Order of Assignment for this case, if there is one, and a completed Parent's Worksheet for **Child Support** Amount.

*NOTE:* Generally you should file this Request for Modification in the County where the order you are seeking to modify was entered.

*NOTE:* There will be a charge for filing this request. There may be other charges including an appearance fee if this is your first appearance in this case. If you are unable to pay these amounts, they can be waived or deferred. The Clerk of the Superior Court has the necessary forms to ask for a waiver or deferral.

*FOLLOW THESE INSTRUCTIONS WHICH ARE NUMBERED TO MATCH THE IDENTIFYING NUMBERS ON THE FORM. PLEASE TYPE OR PRINT NEATLY USING BLACK INK.*

(1) Fill in the name, address, and phone number of the person filing the form. (The spaces marked representing and state bar number are used only if an attorney is preparing this form.)

(2) Fill in the name of the county where you are filing this Request to Modify. (This may already be printed on the form.)

(3) Fill in the name of the person shown as the petitioner on the order that established the **support** obligation.

(4) Fill in the name of the person shown as the respondent on the order that established the **support** obligation.

(5) Fill in the case number and ATLAS number (if you have one) that appears

on the order that established the **support** of obligation.

(6) Fill in your name and check the correct word to identify yourself as the Obligor (person paying **support**) or Obligee (person receiving **support**).

(7) Fill in the date on which the judge or commissioner signed your current **child support** order.

(8) Fill in the name of the judge or commissioner who signed your current **child support** order.

(9) Fill in the name of the obligor (person ordered to make **child support** payments).

(10) Fill in the amount and payment due date of your current **child support** order as it was ordered by the court. (EXAMPLE: \$ 150 per month payable on the 1st day of the month or \$ 150 per month payable one-half on the first and one-half on the 15th of the month).

(11) Fill in the amount from your completed Parent's Worksheet for **Child Support** Amount.

(12) Calculate the percentage of change between your current **support** amount and the amount calculated pursuant to the Parent's Worksheet for **Child Support** Amount. To determine the percentage, subtract the larger amount from the smaller amount. Divide that number by the current **support** amount. See example.

a. Fill in the difference between the amount of **child support** ordered and the amount requested to be ordered.

b. Fill in the amount of the **child support** currently ordered.

c. Enter the percentage change calculated by dividing the amount for "a" by the amount for "b".

Ex.: The current **child support** order is \$ 225. The Parent's Worksheet calculation result is \$ 270.

$$\$ 270 - \$ 225 = 45 / \$ 225 = 20\%$$

(13) If you receive services from the Department of Economic Security (DES) or you know the other party does, mark the box for "yes". Otherwise, mark the box for "no".

(14) If there are other court-ordered payments included in the current Order of Assignment enter the amounts and frequency of payment.

(15) Fill in the amount from item 11 of this request.

(16) You must date and sign here in person before a Notary Public or a Clerk of Superior Court. By signing, you are stating under oath that the contents of this Request are true and correct to the best of your knowledge.

*WHEN YOU HAVE COMPLETED THIS FORM:*

File the following forms with the Clerk of the Superior Court:

1. Request to Modify **Child Support**



Spousal Maintenance Paid (9)	\$-	\$-	
Spousal Maintenance Received (10)	\$+	\$+	
<b>Child Support</b> Paid/Contributed (11)	\$-	\$-	
<b>Support</b> of Other Children (12)	\$-	\$-	
<i>Adjusted Gross Income</i> (13)	\$	\$	
<i>Combined Adjusted Gross Income</i> (14)	\$		
<i>Basic <b>Child Support</b> Obligation</i> (15)	\$		
<i>Plus Costs for:</i>			
Medical/Dental/Vision Insurance (16)	\$	\$	
Childcare (17) for [ ] One <b>Child</b> [ ] or More Than One <b>Child</b>	\$	\$	
Education Expenses (18)	\$	\$	
Extraordinary <b>Child</b> (19)	\$	\$	
<i>Subtotal</i> (20)	\$	\$	
No. of Children Age 12 or Over (21)	Adj. %	\$	
<i>Total Adjustments for Costs</i> (22)	\$		
<i>Total <b>Child Support</b> Obligation</i> (23)	\$		
<i>Each Parent's % of Combined Income</i> (24)	%	%	
<i>Each Parent's Share of the Total <b>Support</b> Obligation</i> (25)	\$	\$	
<i>Less Paying Parent's Costs</i> (26)	\$	\$	
<i>Costs Associated with Parenting Time (27):</i>			
Table A [ ] Table B [ ]			
No. of Days			
Line (15) x %	\$	\$	
<i>Adjustments Subtotal</i> (28)	\$	\$	
<i>Preliminary <b>Child Support</b> Amount</i> (29)	\$	\$	
<i>Self <b>Support</b> Reserve Test for Payor (30) *numbers in parentheses correspond to numbers on instruction sheet which follows this form</i>			
Line (13) \$	Less Paid Arrears \$	Less \$ \$	\$
775			
<i><b>Child Support</b> Amount to be Paid By (31):</i>			

Father [ ]	Mother [ ]	\$	\$
<i>Travel Related to Parenting Time (32)</i>		%	%
<i>Medical/Dental/Vision Costs Not Paid by Insurance (33)</i>		%	%

PARENT'S WORKSHEET FOR **CHILD SUPPORT** AMOUNT  
INSTRUCTIONS

This worksheet provides the information the court needs to determine **child support** amounts in accordance with Arizona's **Child Support Guidelines**. You may download a copy of the **Guidelines** from the Internet at <http://supreme.state.az.us/nav2/divorce.htm> or see your county Clerk of Superior Court or Self Service Center for a copy.

An automated **child support** calculator is also available on the Supreme Court's website at <http://www.supreme.state.az.us/childsup>. Assuming your computer is connected to a printer, the online calculator will provide you with a printout that you may use in place of this form.

*COMPLETE THIS WORKSHEET IF:*

-- You are a party to a court action to establish a **child support** obligation or to modify an existing order for **child support**.

*TO COMPLETE THIS WORKSHEET YOU WILL NEED TO KNOW:*

- Your case number and the ATLAS number, if known.
- The monthly gross income of both parents (actual, estimated or attributed).
- The monthly cost of medical, dental and vision insurance for the children who are the subject of this action.
- Monthly childcare amounts paid to others by each parent.
- The number of days the **child(ren)** spends with the non-custodial parent.
- Monthly obligations of each parent for **child support** or court-ordered spousal maintenance/**support**.

*DEFINITIONS*

- Custodial Parent -- The parent designated by the court as having primary physical custody of the **child(ren)** or if a custody order has not been established, the parent with whom the **child** lives with most of the time.
- Non-custodial Parent - The parent that has not been granted physical custody of the **child(ren)** or if a custody order has not been established, the parent who is not the primary caretaker of the **child(ren)**.
- Physical Custody -- Rights and responsibilities to determine where the **child** lives and who cares for the **child**.

*HOW TO COMPLETE THIS FORM:*

TYPE OR PRINT NEATLY USING *BLACK INK*. Match each numbered item in the

instructions with the same numbered item on the Parent's Worksheet for **Child Support** Amount. The number in brackets after the instructions tells you where to look in the **Guidelines** for this item, for example, [**Guidelines** 5].

(1) Type or print the name of the person shown as the Petitioner/Plaintiff on the original petition to establish **support** or on the Order that established **support**.

Type or print the name of the person shown as the  
(2) Respondent/Defendant on the original petition to establish **support** or on the Order that established **support**.

Type or print the case number assigned to your case. If you do not  
(3) have a case number, leave this item blank.

Type or print the ATLAS number, if one has been assigned to your case; otherwise leave this item blank.

Check the box indicating the custodial parent. [See definition above].  
(4)

Check the box indicating which parent is preparing this form.  
(5)

Enter the number of children from this relationship for whom **support**  
(6) is being requested.

Type or print the date this Parent's Worksheet for **Child Support**  
(7) Amount is being completed.

#### MONTHLY GROSS INCOME

(8) Type or print the exact, estimated or attributed gross monthly income for each parent. [See **Guidelines** 5]

Example of estimated income: The father was promoted to supervisor. Before this promotion he was making \$ 2,000 per month and I believe he received a 20% increase, so I am estimating his income at \$ 2,400 per month.

Example of attributed income: My ex-wife was a secretary earning \$ 1,500 per month. Now she has remarried and is staying home as a homemaker. She could be making \$ 1,500 per month, so I am attributing her income at \$ 1,500 per month.

If you are estimating or attributing, check the appropriate box(es) in  
(8).

-- Terms such as "gross income" and "adjusted gross income" as used here do not have the same meaning as when they are used for tax purposes.

-- "Gross Income" is not your "take home pay", it is the total amount before any deductions.

-- To convert weekly "gross income" to "monthly gross income", multiply the weekly amount by 4.33 (52 weeks divided by 12 months = 4.33

average weeks in a month).

-- To convert bi-weekly "gross income" to "monthly gross income" multiply the bi-weekly amount by 2.165 (26 weeks divided by 12 months = 2.165 average pay periods in a month).

Gross Income includes monies from:

- Salaries
- Self-employment
- Bonuses
- Severance Pay
- Worker's Compensation Benefits-- Unemployment Insurance Benefits
- Wages
- Income from a Business
- Dividends
- Pensions
- Disability Insurance (including Social Security disability)
- Rental Income
- Annuities
- Prizes
- Royalties
- Social Security Benefits [**Guidelines 26**]
- Commissions
- Trust Income
- Capital Gains
- Recruiting Gifts
- Interest

For income from self-employment, rent, royalties, proprietorship of a business, joint ownership of a partnership or closely held corporation, gross income means gross receipts minus ordinary and necessary expenses required to produce income. What you include as "ordinary and necessary expenses" may be adjusted by the court, if deemed inappropriate for determining gross income for **child support**. Ordinary and necessary expenses also include one-half of the self-employment tax actually paid.

Gross Income does not include:

- Income of a parent's new spouse. Only income of persons having a legal duty of **support** shall be treated as income under the **Guidelines**.
- Benefits from public assistance programs such as Temporary Assistance for Needy Families (TANF), Supplemental Social Security Income (SSI), Food Stamps and General Assistance (GA).
- **Child support** payments received.

If a parent is unemployed or underemployed, you may ask the court to attribute income to that parent by entering the amount of what you think that parent would be earning if he or she worked at full earning capacity. The court shall presume, in the absence of contrary

testimony, that a non-custodial parent is capable of full-time employment at least at the federal adult minimum wage. [**Guidelines 5.E.**] This presumption does not apply to non-custodial parents under the age of eighteen who are attending high school. If gross income is attributed to the parent receiving **support**, appropriate childcare expenses may also be attributed in (17).

If you are completing this Parent's Worksheet as part of a simplified modification proceeding and your income is different from the court's most recent findings, you must attach documentation to verify your current income. The documentation should include: your most recent tax return, W-2, or 1099 forms and your most recent paycheck stub showing year-to-date information. If these are not available, provide other documentation such as a statement of earnings from your employer showing year-to-date income.

If you are completing this Parent's Worksheet as part of a simplified modification proceeding and the income you show for the other party is different from that listed on the court's most recent findings regarding income of that parent, you must attach documentation or explain the amount shown or mark the box in (8) to show that the income amount is estimated or attributed.

#### ADJUSTMENTS TO MONTHLY GROSS INCOME [**Guidelines 2.C., 6 and 6.A.**]

Type or print the total monthly amount of court-ordered spousal  
(9) maintenance/alimony each parent actually pays from any previous marriage and/or pays or will pay from this marriage.

(10) Type or print the total monthly amount of court-ordered spousal maintenance/alimony each parent actually receives from any previous marriage and/or receives or will receive from this marriage.

(11) If either parent has a **child(ren)** from another relationship who is the subject of a **child support** order, s/he is entitled to an adjustment as follows:

For the non-custodial parent, the adjustment will be the amount of the court order if being paid. No adjustment will be made for court-ordered arrearage payments.

For the custodial parent, the adjustment will be based upon a "simplified application" of the **Guidelines** as described below.

Example of the "Simplified Application":

The parent has a gross monthly income of \$ 2,000, and one **child** is the subject of a **child support** order. To use the Simplified Application of the **Guidelines**, locate \$ 2,000 in the Combined Adjusted Gross Income column of the Schedule of Basic **Child Support** Obligation. Select the amount in the column for one **child**, \$ 420. The parent's income will be reduced by \$ 420, resulting in an Adjusted Gross Income of \$ 1,580.

Type or print the adjustment.

(12) If either parent has a natural or adopted **child(ren)** from another relationship who is not the subject of a **child support** order, s/he may

ask the court to consider the financial obligation. If you choose to do this, the adjustment amount you may request is determined by a "simplified application of the **Guidelines**". Example of the "Simplified Application" :

The parent has a gross monthly income of \$ 3,000, and two children who are not the subject of a **child support** order. To use the Simplified Application of the **Guidelines**, locate \$ 3,000 in the Combined Adjusted Gross Income column of the Schedule of Basic **Child Support** Obligation. Select the amount in the column for two children, \$ 817. The parent's income may be reduced by up to \$ 817, resulting in an Adjusted Gross Income of \$ 2,183.

Type or print the adjustment.

#### ADJUSTED GROSS INCOME [**Guidelines** 7]

Add the amounts in (8) and (10), then subtract the amounts (13) in (9), (11) and (12) for each parent. Type or print the answer.

#### COMBINED ADJUSTED MONTHLY GROSS INCOME [**Guidelines** 7]

Add the two numbers in (13) together (the one for the father and (14) the one for the mother). Type or print the amount.

#### BASIC **CHILD SUPPORT** OBLIGATION [**Guidelines** 8]

On the Schedule of Basic **Child Support** Obligation, locate the amount (15) that is closest to the Combined Adjusted Monthly Gross Income in (14). Go to the column for the number of children in (6). Type or print this amount.

PLUS COSTS FOR: (Place in the column for the parent paying the expenses.)

#### Medical/Dental/Vision Insurance [**Guidelines** 9.A.]

(16) For each parent type or print the monthly dollar amount of that portion of the insurance premium that is or will be paid for court-ordered medical, dental and/or vision care insurance for the **child(ren)** in this case.

#### **Child** Care [**Guidelines** 9.B.1]

If the custodial parent is working or if income is attributed to the (17) custodial parent in (8), check the box indicating whether childcare is paid for one or more than one **child**; then type or print the monthly cost of work-related childcare the custodial parent pays. If these costs vary throughout the year, add the amounts for each month together and divide by 12 to annualize the cost. If appropriate, adjust for the federal **child** care tax credit.

If the non-custodial parent pays for work-related childcare during periods of physical custody, the amount paid by that parent may also be typed or printed here. If these costs vary throughout the year, add the amounts for each month together and divide by 12 to annualize the cost.

#### Education Expenses [**Guidelines** 9.B.2.]

Type or print the monthly reasonable and necessary expenses for

(18) special or private schools and special educational activities. These expenses must be agreed upon by both parents or ordered by the court.

Extraordinary **Child [Guidelines 9.B.3.]**

If any of the children for whom **support** is being requested are gifted (19) or handicapped and have special needs, type or print the monthly costs of meeting those needs.

(20) Add items (16) through (19) for each parent and type or print the answer.

Children 12 and Over [**Guidelines 9.B.4.**]

If there are no children 12 or over, enter "0" and SKIP to (22).  
 (21) Average expenditures for children 12 or older are approximately 10% higher than those for younger children, therefore the **Guidelines** allow an adjustment of up to 10% to account for these higher costs. If **support** is being determined for children 12 or older, type or print the number of children 12 or older; then type or print the percentage of adjustment (1-10 percent) you are requesting.

If all children are 12 or over:

- Multiply the Basic **Child Support** Obligation (15) by the percentage adjustment (1 - 10%), which results in the monthly dollar amount of increase.
- Type or print this amount in the blank with the "\$".

*If one or more, but not all children are 12 or older:*

- Divide the Basic **Child Support** Obligation (15) by the total number of children.
- Multiply that amount by the number of children 12 or over.
- Then multiply that amount by the percentage adjustment (1 - 10%), which results in the monthly dollar amount of increase.
- Type or print this amount in the blank with the "\$".

Example A:

All children are 12 or older, Basic **Child Support** Obligation is \$ 300 and a 10% Adjustment is being requested:

Multiply Basic **Child Support** Obligation of \$ 300 by the 10% adjustment which equals \$ 30.

$$\$ 300 \times .10$$

\$ 30

Example B:

**Support** is being requested for three children, two of those children are 12 or older. The Basic **Child Support** Obligation is \$ 300 and a 10% Adjustment is being requested:

Divide Basic **Child Support** Obligation of \$ 300 by 3 children

which equals \$ 100.

$$\$ 300 / 3 = \$ 100$$

Multiply the answer of \$ 100 by 2 children which equals \$ 200.

$$\$ 100 \times 2 = \$ 200$$

Multiply the answer of \$ 200 by the 10% adjustment which equals \$ 20.

$$\$ 200 \times .10 = \$ 20$$

#### TOTAL ADJUSTMENTS FOR COSTS

Add the amounts for both parents from (20) to the amount from (22) (21). Type or print the answer.

#### TOTAL **CHILD SUPPORT** OBLIGATION

Add the amounts from (15) and (22). Type or print the total amount. (23)

#### EACH PARENT'S PERCENTAGE (%) OF COMBINED INCOME [**Guidelines 10**]

For each parent, divide the amount in (13) (Adjusted Gross (24) Income) by the amount in (14) (Combined Adjusted Gross Income). Type or print each parent's percentage. If one parent earns all of the income, this answer will be 100%.

EXAMPLE:	Mother	Father
Adjusted Gross Income (13)	\$ 600	\$ 400
Combined Adjusted Gross Income (14)	\$ 1000	

$$\$ 600 / \$ 1,000 = .60 \text{ or } 60\% \text{ in Mother's percentage}$$

$$\$ 400 / \$ 1,000 = .40 \text{ or } 40\% \text{ in Father's percentage}$$

#### EACH PARENT'S SHARE OF THE TOTAL **CHILD SUPPORT** OBLIGATION

For each parent, multiply the amount in (23) by the number for (25) that parent in (24). This equals the dollar amount of each parent's share of the total **child support** obligation. Type or print each parent's share of the **child support** obligation.

EXAMPLE:

	Mother	Father
Total <b>child support</b> obligation (23)	\$ 189	
Percentage of combined income (24)	60%	40%

\$ 189 x .60 = \$ 113.40 is Mother's share of the total **support** obligation

\$ 189 x .40 = \$ 75.60 is Father's share of the total **support** obligation

#### LESS PAYING PARENT'S COSTS

For the parent who is or will be ordered to pay **child support** type or (26) print the amount from (20).

#### ADJUSTMENT FOR COSTS ASSOCIATED WITH PARENTING TIME [**Guidelines 11**]

If either of the following is true, neither party receives a parenting (27) time adjustment, SKIP to (28) :

- Time with each parent is equal.
- The non-custodial parent will not incur costs for the children during parenting time.

To adjust for costs associated with parenting time, first determine the total number of parenting time days indicated in a court order or parenting plan or by the expectation or past practice of the parents. Using the definitions below, add together each block of parenting time to arrive at the total number of parenting time days per year. Only time spent with the non-custodial parent is considered; time that the **child** is in school or in childcare is not considered.

For purposes of calculating parenting time days:

- A. A period of 12 hours or more counts as one day.  
BA period of 6 to 11 hours counts as a half-day
- CA period of 3 to 5 hours counts as a quarter-day.
- DPeriods of less than 3 hours may count as a quarter day if, during those hours, the non-custodial parent pays for routine expenses of the **child**, such as meals.

Based on the information below, check the box to indicate whether "Parenting Time Table A" or "Parenting Time Table B" applies.

"Parenting Time Table A" applies when the number of parenting time days approaches equal time sharing (143 days and above) and certain costs usually incurred only in the custodial household are assumed to be substantially or equally shared by both parents. These costs are for items such as the **child's** clothing and personal care items, entertainment, and reading materials. Parenting Time Table A applies unless the court finds that costs are not substantially or equally shared in each household.

"Parenting Time Table B" applies only when the custodial parent can prove to the court that the costs are not substantially or equally shared in each household.

#### PARENTING TIME TABLE A

Number of Visitation Days	Adjustment Percentage	Number of Visitation Days	Adjustment Percentage
0 - 3	0	116 - 129	.195
4 - 20	.012	130 - 142	.253
21- 38	.031	143 - 152	.307
39 - 57	.050	153 - 162	.362
58 - 72	.085	163 - 172	.422
73 - 87	.105	173 - 182	.486
88 - 115	.161		

#### PARENTING TIME TABLE B

Number of Visitation Days	Adjustment Percentage
143 - 152	.275
153 - 162	.293

163 - 172	.312
173 - 182	.331

/Type or print total number of parenting time days in (27).

B

- Check the box to indicate whether Table A or Table B applies.
- Type or print the percentage adjustment from the appropriate table.
- Multiply the percentage by the amount listed for (15). Type or print the answer in the column for the non-custodial parent.

#### EXAMPLE

The Basic **Child Support** Obligation (15) is \$ 425. The non-custodial parent has parenting time with the children a total of 100 days. On "Parenting Time Table A", the range of days for this amount of parenting time is 88 to 115 days. The corresponding adjustment percentage is .161. Multiply the \$ 425 Basic **Child Support** Obligation by .161 (16.1%). The resulting amount of \$ 68 is entered in (27) in the column for the non-custodial parent.

$$\text{\$ } 425 \times .161 = \text{\$ } 68$$

#### ADJUSTMENTS SUBTOTAL

For the paying parent, add the amounts in (26) and (27).  
(28) Type or print the answer.

#### PRELIMINARY **CHILD SUPPORT** AMOUNT

For non-custodial parent: Subtract the amount in (28) from (29) (25). Type or print the answer. For custodial parent: Type or print the amount from (25).

#### SELF **SUPPORT** RESERVE TEST FOR PAYING PARENT [**Guidelines** 15]

(30)

- Type or print the paying parent's adjusted gross income from (13).
- The court may subtract from the paying parent's adjusted gross income (13) court-ordered arrears on **child support** for children of other relationships or spousal maintenance, if actually paid. If applicable, type or print that monthly amount.
- Subtract paid arrears and \$ 775 from (13).
- Type or print the answer in the column for the paying parent.

#### **CHILD SUPPORT** AMOUNT TO BE PAID

Check the box indicating which parent will be ordered to pay **child** (31) **support** and type or print the dollar amount from (29) or (30) for the paying parent. If the resulting amount is less than the preliminary **child support** amount (29), the court may reduce the **child support** amount after considering the financial impact the reduction would

have on the custodial household.

RESPONSIBILITY FOR TRAVEL EXPENSES ASSOCIATED WITH PARENTING TIME  
[**Guidelines** 18]

Type or print the percentage you think each parent should pay toward (32) the **child(ren)**'s travel expenses involving travel of more than 100 miles, one-way. The court will decide how to allocate the expense, but you may use the percentages listed in (24) as a guide. The allocation of expense does not change the amount of the **support** ordered in (31).

RESPONSIBILITY FOR MEDICAL EXPENSES NOT PAID BY INSURANCE [**Guidelines** 9.A.]

Type or print the percentage you think each parent should pay toward (33) uninsured medical, dental and/or vision expenses for the **child(ren)**. The court will decide how to allocate the expense, but you may use the percentages listed in (24) as a guide. The allocation of expense does not change the amount of the **support** ordered in (31).

NOTE: DEVIATION FROM THE **GUIDELINES** AMOUNT [**Guidelines** 20]

If you believe the amount of **child support** shown on this worksheet is too low or too high, the court may deviate from the **guidelines** and order a different amount, if the amount on the worksheet is found to be unjust or inappropriate. A deviation can only be ordered if the court makes appropriate findings based upon evidence by either party or agreement of the parties.

*WHEN YOU HAVE COMPLETED THIS WORKSHEET:*

ARIZONA SUPERIOR COURT IN                      COUNTY

*Petitioner*    *Case No.*

*ATLAS No.*

*Date of Birth* (Month, Date, Year)

**CHILD SUPPORT ORDER**

*Respondent*

*A.R.S. § 25-503*

*Date of Birth* (Month, Date, Year)

*THE COURT FINDS THAT:*

1.                      Mother    and

Father:

owe a duty to support the following children:

**Child(ren)'s Name(s)**

**Date of Birth**

DO NO WRITE BELOW THIS LINE. THE COURT PERSONNEL WILL COMPLETE THE FORM.

*The required financial factors and any discretionary adjustments pursuant*

2. to the Arizona **Child Support Guidelines** are as set forth in the Parent's Worksheet for **Child Support** Amount, attached and incorporated by reference.

Case No.

Mother  Father is obligated to pay **support** to:

3.

In the amount of: \$            per month

*Deviation (only in applicable cases)*

4.

Application of the Arizona **Child Support Guidelines** in this case is inappropriate or unjust. The Court has considered the best interests of the **child(ren)** in determining that a deviation is appropriate.

The **child support** amount before deviation is: \$

The **child support** amount after deviation is:  
\$

The Court finds the **guidelines** amount is inappropriate or unjust because:

The attached written agreement is made part of this order by reference

Other Reasons for Deviation from **Guideline** Amount:

*Arrears*

**Child support** arrears exist in the amount of: \$

For the period of: to

*Interest*

Interest in the amount of:  
\$

For the period of: to

*Past Care and **Support***

A judgment for past care and **support** should be entered in the amount of: \$

For the period of: to

Case No.

*IT IS ORDERED THAT:*

1. *[ ] Mother [ ] Father shall pay **child support** in the amount of:*

\$ per month, to:

*First payment is due on the 1st day of:*

2. *[ ] Mother [ ] Father owes **child support** arrears in the amount of: \$*

For the period of: to

Judgment is ordered in favor of:

and against:

In the principal amount of: \$

Case No.

*[ ] Mother [ ] Father shall pay*

\$ per month toward **child support** arrears until paid in full, OR  
*[ ] Arrears not addressed.*

3. *[ ] Mother [ ] Father owes past care and **support** in the amount of:*

\$

For the period of: to

Judgment is ordered in favor of:

and against:

In the principal amount of: \$

*Mother*  *Father* shall pay \$ \_\_\_\_\_ per month toward the past care and **support** amount until paid in full, OR  
 Past care and **support** not addressed.

- All payments shall be made through the **Support** Payment Clearinghouse
4. pursuant to an Order of Assignment 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 by the Court or by a written Affidavit of Direct Payments signed by all parties to the case and filed w

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

*Payments must include the payor's name, ATLAS number or Social Security Number.*

- Pursuant to A.R.S. § 25-322, the parties shall submit current address
5. information in writing to the Clerk of the Superior Court and the **Support** Clearinghouse immediately. The payor shall within 10 days, submit the names and addresses of employers or other persons or organizations from which he or she is entitled to receive payment.

- The parties shall submit address changes within 10 days of the change.*
- 6.

- MEDICAL, DENTAL, VISION CARE INSURANCE FOR MINOR CHILDREN*
- 7.

*Mother* is responsible for providing  medical  dental  vision care insurance.

*Father* is responsible for providing  medical  dental  vision care insurance.

- The costs of medical/dental/vision care expenses not paid by
8. insurance shall be shared as follows:

*Mother*      % *Father*      %

Request for payment or reimbursement must be provided to the obligated parent(s) within 180 days after the services occurred. The obligated parent must pay or make payment arrangements within 45 days after receipt of the request.

- The costs of travel related to parenting time over 100 miles one way
9. shall be shared as follows:

*Mother*      % *Father*      %

The parties shall exchange financial information such as copies of tax returns, earnings statements, a Parent's Worksheet for **Child Support** Amount, residential addresses and the names and addresses of their employers every 24 months.

Case No.

The court allocates the federal tax exemption(s) for the dependent **child(ren)** as follows:

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

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**.

*Each year, the person obligated to make payments (the obligor) may claim these exemptions only if the obligor has paid all **child support** and arrears ordered for the year by December 31 of that year.*

**IMPORTANT INFORMATION:**

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

Date                      Judicial Officer

**CHILD SUPPORT ORDER  
INSTRUCTIONS**

An automated **child support** calculator is available on the Supreme Court's website at <http://www.supreme.state.az.us/childsup>. Assuming your computer is connected to a printer, the online calculator will provide you with a printout that you may use in place of this form.

**COMPLETE THIS FORM IF:**

--You are a party to a court action to establish a **child support** obligation or to modify an existing order for **child support**.

**DEFINITIONS**

--Custodial Parent -- The parent designated by the court as having physical custody of the **child(ren)** or if a custody order has not been established, the parent with whom the **child** lives with most of the time.

--Non-custodial Parent -- The parent that has not been granted physical custody of the **child(ren)** or if a custody order has not been established, the parent who is not the primary caretaker of the **child(ren)**.

--Physical Custody -- Rights and responsibilities to determine where the **child** lives and who cares for the **child**.







If either party fails to appear at the hearing after proper notice, the court will take evidence from the party who does appear and make a decision based on the information provided in the Request to Modify **Child Support**, Request for Hearing, and any oral testimony.

Date (Judicial Officer)

Upon receipt of the hearing date, I will immediately mail a copy of this Request for Hearing and Notice of Hearing to the other parent, or such person's attorney as follows:

(8) Name:  
Address:

If one of the parties is using the **child support** services of the Department of Economic Security, I will also immediately mail a copy of this Request for Hearing and Notice of Hearing to:

**Child Support** Enforcement  
ATTN: Modification  
P.O. Box 40458  
Phoenix, AZ 85067

(9)  
Date (Requesting Party)

REQUEST FOR HEARING  
AND NOTICE OF HEARING  
INSTRUCTIONS

*COMPLETE THIS FORM IF:*

A Request to Modify **Child Support** Pursuant to **Guidelines'** Simplified Procedure has been filed, *and*

You want to have a hearing to explain your position.

*TO REQUEST A HEARING YOU WILL NEED:*

A copy of the Request to Modify **Child Support**, *and*

A completed "Parent's Worksheet for **Child Support** Amount."

*NOTE:* There may be a charge for filing this Request. There may be other charges including an appearance fee if this is your first appearance in this case. If you cannot pay these fees, you may request the fees be waived or deferred. The Clerk of the Superior Court has the necessary forms to ask for waiver/deferral.

*FOLLOW THESE INSTRUCTIONS WHICH ARE NUMBERED TO MATCH THE IDENTIFYING NUMBERS ON THE FORM. PLEASE TYPE OR PRINT NEATLY USING BLACK INK.*

1. Fill in the name, address, and phone number of the person filing the form. (The spaces marked representing and state bar number are used only if an attorney is preparing this form.)
2. Fill in the name of the county that appears in this space on the Request to Modify **Child Support**. (This may already be printed on the form.)
3. Fill in the name of the person shown as the petitioner on the Request to Modify **Child Support**.
4. Fill in the name of the person shown as the respondent on the Request to Modify **Child Support**.
5. Fill in the case number that appears on the Request to Modify **Child Support**.
6. You must date and sign here in person before a Notary Public or a clerk of court. By signing, you are stating under oath that the contents of this Request for Hearing are true and correct to the best of your knowledge.
7. Leave this area blank; it will be completed by personnel at the Office of the Clerk of the Superior Court when you file these documents.
8. List the name and current mailing address of the other party to this action. If you are using the **child support** services of the Department of Economic Security (DES) or if the other party answered YES to item 13 on the Request to Modify **Child Support**, you MUST also mail a copy of this Request for Hearing and Notice of Hearing to the DES.
9. Sign and date the form to indicate that you will mail the Request for Hearing and Notice of Hearing as indicated.

*WHEN YOU HAVE COMPLETED THIS FORM:*

Give the form and your completed worksheet to the Clerk of the Superior Court. The Clerk's office will fill in the date, time, and place of the Hearing and have the notice signed.

*IMMEDIATELY AFTER THE COURT SETS THE HEARING AND FILLS IN THE INFORMATION IN ITEM 7:*

You must send the Request for Hearing and Notice of Hearing as indicated in item 8.

Source: **Combined Source Set 1**  - AZ - Arizona Revised Statutes, Constitution, Court Rules & ALS, Combined

Terms: **child support guidelines** ([Edit Search](#) | [Suggest Terms for My Search](#))

View: Full

Date/Time: Monday, September 13, 2010 - 2:40 PM EDT



[About LexisNexis](#) | [Terms & Conditions](#) | [Contact Us](#)

[Copyright](#) © 2010 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.