

# Child Custody

Child custody is when you ask the court to make formal orders about where the child/ren will reside and who will make decisions for them. Paperwork for child custody can be filed by any natural or adoptive parent of a minor child who is not legally married to the other parent (note, if you are legally married custody would be determined as part of your divorce decree or legal separation action). By filing paperwork for child custody you are asking the court to determine how much time the child will spend with each parent, who is authorized to make legal decisions regarding the child, and where the primary residence will be. As a practical matter, a Petition for Child Support or a Petition to modify existing child support is filed simultaneously with the Petition for Child Custody.

Filling out the paperwork: As a practical tip, most larger counties have the a form available for this type of petition available online. Therefore, it can be printed and the blanks filled in and the form filed. If you were creating the document from scratch, you would need to look up the statutory authority in your state to see what must be plead in your Petition. However, most petitions contain the following information.

Caption:

In the top right corner of the paperwork you want to include the name of the petitioner, address, telephone number and email.

Generally, the paperwork will have the name of the court you are filing in at the top of the document.

Below that on the left side of the paper you will then fill in the spaces for “name of petitioner” and name of respondent. The person filing the paperwork is the petitioner and the other parent is the respondent.

Opposite the caption with the parties’ names you want your form to state what the petition is asking the court for. Here, it would be titled Petition for Custody and Parenting Time.

Case number: A case number is assigned to all family court cases. If you have previously been to court with this respondent regarding this child you will have already been provide a case number. You would use that same number for this filing. If this is your first time in court with this respondent and this child the Clerk of the Court will issue you a case number.

It would look something like this:

Jane Doe  
1234 Main Street  
Anywhere, USA  
123-456-7891

[janedoe@yahoo.com](mailto:janedoe@yahoo.com)

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

JOHN DOE,

Petitioner,

and

JANE DOE,

Respondent.

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

**PETITION FOR CUSTODY AND  
PAENTING TIME**

General Information

You will plead to the court the background information of both parties to the action. This will include the name, address and date of birth to both petitioner, respondent and the minor children.

For example:

COMES NOW (YOUR NAME/DOB), of (YOUR ADDRESS/PHONE) and states the following:

I am the natural parents of CHILDS NAME, born CHILDS BIRTHDATE. That MOTHERS NAME and CHILDS NAME are residents of COUNTY, STATE.

The legal Father of the child is FATHER's NAME/DOB, who resides at (YOUR ADDRESS/PHONE).

You need to tell the court why they have jurisdiction to hear this particular case in this particular court. Therefore, you will need to allege why the state and county you are in is the correct court. This is generally established by the petitioner and/or the minor child residing in the state in which you are filing.

For example: CHILD/RENS NAME are residents of COUNTY, STATE for more than six (6) months (or your state's statutory time) and that this court has jurisdiction of this matter pursuant to the STATE STATUTE.

Statement of paternity: You need to assert and tell the court how paternity was established. You may only seek child custody order from a party who is a legal parent to the child. Normally, paternity is established by either a prior court order, by a DNA test, by acknowledgement of paternity (such as signing the birth certificate) or through marriage or adoption.

For example:

Paternity has been established in this matter in that a judgment of paternity was entered in the District Court of COUNTY, STATE, on DATE, which found FATHER's NAME to be the biological parent of CHILD.

In order to best determine child custody the court wants to know certain relevant information about the child's current and immediate past living and financial situation. Therefore, the petition will need to tell the court if there are any child support orders in place that need to be modified or changed and where the child has been residing. Most states will ask for information on where the child has been residing for the last number of years. The form has you put the address and dates of the past residence where the child resided, with whom the child resided and what the relationship is. Often, especially with older children, parties have difficulty remembering exact dates and address. Like any court document you should just fill out this information as complexly and accurately as possible. You will also want to tell the court if there are any other cases for this child regarding custody, parenting time, or child support.

For example, the CHILD has been residing with MOTHER since birth at the following address \_\_\_\_\_. There are no current orders in place for child custody or support.

Parenting time request:

The court will need to know what type of custody you are seeking. You may select sole or joint custody. Sole or joint custody is a legal term that refers to the rights to make certain decisions about the children. As a practical note, unless one parent is deemed unfit courts are normally inclined to find that it is in the best interest of children to have reasonable access to both parents and are reluctant to grant sole custody to one parent.

Sole Custody: This is when you are asking the court to have one parent make all decisions for the minor child/ren. These include all major medical, social and educational decisions. These decisions might include what state the child resides in, what religion the child is raised, schools the child attends and all medical decisions.

The parent that has sole custody will be where the child resides. The other parent could be given no parenting time, supervised parenting time, or reasonable parenting time.

Joint Custody: is when both parent have equal and joint rights on making all major medical, social and educational needs for the minor child/ren. The parents in this custody arrangement will also share joint parenting time. Joint parenting time does not always mean equal parenting time just that both parents will have regular, unsupervised contact with the child/ren.

For Example:

Both parents are equally capable of maintaining a suitable home and environment for the minor child/ren, and the minor child/ren is not in danger at either home. Petitioner is seeking Joint Legal Custody with Visitation set forth according to the following visitation schedule.

Most child custody orders have a specific child custody plan set forth within the document itself or incorporated by reference. This plan specifies on what days/times each parent will exercise their parenting time, what holidays each parent will share with the child and any further specifics of the parent time arrangement.

For example: Petitioner requests that the court order the following parenting schedule so that the minor child/ren can exercise maximum time with each parent:

Weekly Parenting Time: The RESPONDENT will have the minor child on Tuesdays and Thursdays from 9am to 7pm, and every other weekend beginning on Friday at 5pm and ending on Sunday at 5pm. At all other times notwithstanding the holiday/summer schedule the child/ren will reside with PETITIONER.

Holidays: The holidays to be defined are Christmas Eve, Christmas Day, Hanukkah, Kwanza, New Years Eve, New Years Day, 4th of July, Memorial Day, Labor Day, Thanksgiving, Easter, Passover and Veterans Day. The parties shall alternate holidays with the Petitioner having the minor child on Christmas Eve, Hanukkah, New Years Day, Memorial Day, Thanksgiving, and Veterans Day on the odd numbered years, and the Respondent having the minor child on the remaining holidays. On the even numbered years the visitation would reverse.

Summer Visitation: The RESPONDENT shall have 4 weeks of uninterrupted summer visitation. The remaining summer holiday will be spent with PETITIONER.

In addition to telling the court if you want Joint or sole custody some courts require you to plead why that custody arrangement would be in the child/ren's best interest.

Taxes: If the parties were not married and do not have a divorce decree lodged with the court most child custody orders also account for who will claim the minor children on their taxes. It is common with joint custody to alternate claiming the child/ren on taxes.

For example:

Petitioner and Respondent agree to alternate claiming the minor child(ren) as a dependent on his/her tax return. Respondent shall have the deduction on the even number years and Petitioner shall have the deduction on the odd number years.

Prayer for relief:

The body of the petition is used to set forth the parties and the custody issues at hand. Following this information the Petition will make certain requests to the court. This is oftentimes followed by the language "wherefore." This is where you tell the court what specific relief you want to have granted. If you do not ask the court for a specific relief in this section it cannot be granted and will not become an order. This is done for each item requested in the Petition.

For example,

**WHEREFORE**, the Petitioner preys the court will order Joint Legal Custody with Visitation in accordance with STATE LAW Code §\_\_\_\_\_, "Custody of Children."

To Petitioner and Respondent as set forth and incorporated by reference in the Parenting Time Agreement.

Declaration: The form needs to be signed and notarized under penalty of perjury telling the court everything you wrote in the form is correct.

For example:

For example,

**RESPECTFULLY SUBMITTED**, this \_\_\_day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
Petitioner

STATE OF ARIZONA     )  
  ) ss.  
County of Maricopa     )

**OATH OR AFFIRMATION AND VERIFICATION** I swear or affirm that the information on this document is true and correct under penalty of perjury.

\_\_\_\_\_  
Notary Public

Once it is drafted, signed and notarized a summons will accompany this document and it will be filed with the court and served on the Respondent.

A completed Petition could look something like:

Jane Doe  
1234 Main Street  
Anywhere, USA  
123-456-7891  
[janedoe@yahoo.com](mailto:janedoe@yahoo.com)

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

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

\_\_\_\_\_

JOHN DOE,

Petitioner,

and

JANE DOE,

Respondent.

**PETITION FOR CUSTODY AND  
PARENTING TIME**

COMES NOW (YOUR NAME), of (YOUR ADDRESS) and states the following:

Petitioner, is JANE DOE, hereinafter "MOTHER," whose mailing address is \_\_\_\_\_, Scottsdale, Arizona. Mother's phone number is 602-123-4567. Mother's date of birth is September 1, 1980.

Respondent is JOHN DOE, hereinafter "FATHER," whose address is \_\_\_\_\_, Scottsdale, Arizona. Father's phone number is 602- 891-0234. FATHER's date of birth is November 1, 1979.

The parties are the natural parents of CHILDS NAME, born CHILDS BIRTHDATE. The child has been residing with mother at ADDRESS. The child has been residing here since birth.

That MOTHER and CHILDS are residents of COUNTY, STATE for more than six (6) months and that this court has jurisdiction of this matter pursuant to the provisions of STATE Code §598B.101 the "Uniform Child Custody and Jurisdiction Act."

That a judgment of paternity was entered in the District Court of COUNTY, STATE, on DATE, which judgment is attached hereto and incorporated by reference. Paternity is established in this matter.

That both parents are equally capable of maintaining a suitable home and environment for the minor child, and the minor child is not in danger at either home. It is in the child's best interest to have parenting time with both parents through a joint parenting schedule.

Petitioner and Respondent agree to alternate claiming the minor child as a dependent on his/her tax return.

WHEREFORE, the Petitioner prays the court will order Joint Legal Custody with Visitation in accordance with STATE Code §598.41 "Custody of Children."

WHEREFORE That the court will order the following parenting schedule so that the minor child can exercise maximum time with each parent:

Weekly Parenting Time: The RESPONDENT will have the minor child on Tuesdays and Thursdays from 9am to 7pm, and every other weekend beginning on Friday at 5pm and ending on Sunday at 5pm. At all other times notwithstanding the holiday/summer schedule the child/ren will reside with PETITIONER.

Holidays: The holidays to be defined are Christmas Eve, Christmas Day, Hanukkah, Kwanza, New Years Eve, New Years Day, 4th of July, Memorial Day, Labor Day, Thanksgiving, Easter, Passover and Veterans Day. The parties shall alternate holidays with the Petitioner having the minor child on Christmas Eve, Hanukkah, New Years Day, Memorial Day, Thanksgiving, and Veterans Day on the odd numbered years, and the Respondent having the minor child on the remaining holidays. On the even numbered years the visitation would reverse.

Summer Visitation: The RESPONDENT shall have 4 weeks of uninterrupted summer visitation. The remaining summer holiday will be spent with PETITIONER.

WHEREFORE, That the court will order the Petitioner and Respondent to alternate claiming the minor child(ren) as a dependent on his/her tax return. Respondent shall



have the deduction on the even number years and Petitioner shall have the deduction on the odd number years.

**RESPECTFULLY SUBMITTED**, this \_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
Petitioner

STATE OF ARIZONA     )  
  ) ss.  
County of Maricopa     )

**OATH OR AFFIRMATION AND VERIFICATION** I swear or affirm that the information on this document is true and correct under penalty of perjury.

\_\_\_\_\_  
Notary Public

