

Frequently Asked Questions

[Self Serve Center Forms](#)

- [Adoption](#)
- [Changing a Name](#)
- [Child Support](#)
- [Copies](#)
- [Divorce](#)
- [Exhibits & Classified Materials](#)
- [General](#)
- [Juvenile Matters](#)
- [Marriage Licenses](#)
- [Orders of Assignment \(Wage Assignments\)](#)
- [Paternity](#)
- [Restitution](#)

Questions / Adoption

Can I have information from an adoption file?

- A. The court will not routinely release identifying information. If you are looking for a reunion with a birth parent or a child given up for adoption, you may want to contact the Confidential Intermediary Program through the Supreme Court. The Confidential Intermediary will be given permission to review files and records in order to locate a party (but cannot release identifying information to their client). If a party is located and agrees to meet the other party, a reunion can be made. If any party objects, there can be no reunion and information cannot be exchanged.

Questions / Changing a Name

I am filing for a divorce. I would like my maiden name back. What do I do?

- A. There is a section on your Petition for Dissolution of Marriage that addresses this issue. Please refer back to your instructions that came with your packet. If you are the Respondent and you wish to have your maiden name restored, the packet contains a form entitled "Request to Restore Maiden Name" that you can fill out and have filed.

What if I am already divorced and I wish to have my maiden name given back to me?

- A. Once the divorce has become final and the issue of restoring your maiden name was not addressed, you will need to file for a name change with the court. The [Self Service Center](#) has the necessary forms for name changes or you may purchase a packet from an office supply or legal form store for filing a name change.

I would like to change the name of my child and amend the birth certificate to reflect the new name. What do I do?

- A. If you want to amend the birth certificate to reflect the father's last name and the parents were not married, you can file to establish paternity. If you want to legally change the name of a minor child, you can file the necessary forms with the court. You can obtain the forms at the [Self Service Center](#) website or locations. You may also purchase the forms at an office supply or legal form store. You will need to be sure that you ask that the Birth Certificate be amended to reflect the new name with [AZ Vital Records](#).

Questions / Child Support

I want to change child custody/child support. What do I have to do?

- A. If you and your ex-spouse are in agreement regarding the changes, you can pick up the forms at the [Self Service Center](#). The stipulation consists of what the current order states and what you are requesting that it be changed to. Both parties will have to sign the Stipulation and have their signatures notarized. The Order is for the Judge to sign adopting the provisions of the Stipulation. You will need to file the original Stipulation at the Court File Counter. You will then need to take two copies of the Stipulation and original order.

If you and your ex-spouse are not in agreement regarding the change, you can go to the [Self Service Center](#) or an office supply or legal form store to obtain the forms for filing for a modification. The forms consist of: Petition for Modification of....., Order to Show Cause RE....., or Order to Appear, two Affidavits of Financial Information and a copy of Local Rule 6.4. You will need to fill out the forms, make three sets of copies of all the documents and file the original Petition and your Affidavit of Financial Information at the Court File Counter. Your next step will be to hire a Process Server of the Sheriff's Office to serve a set of forms to your ex-spouse after a hearing has been set.

Where do I go to get help re: child support matters - I cannot afford an attorney?

- A. The [Self Service Center](#) has forms and you can be assisted through the filing process. No legal advice, however, is given but they can ask for the Lawyer' Roster there which gives fees, pro bono, etc., of Family Court attorneys. They can also be given names of other agencies that may be able to help if financial assistance is needed. Forms are also available at [E-Forms-on-Demand](#).

Questions / Copies

What does "certified" mean?

- A. A "certified" copy opposed to a plain copy is stamped and sealed to attest that the copy is a true and correct copy of the original on file in the Clerk's Office.

Why/When would I need to have a copy certified?

- A. It depends on who is requesting the copy and why they need to verify the information contained in the document. Remember, the fee for copying a document is \$0.50 per page with an additional \$26.00 fee for certification; therefore, it is always a good idea to check with the person who is requesting the document before obtaining the copy.

Questions / Divorce

Do both parties have to sign the divorce papers?

- A. No, only the Petitioner will need to sign the papers with the exception of the Acceptance of Service. The Respondent can sign the Acceptance of Service after the divorce has been filed with the Court. If the Respondent refuses to sign the Acceptance of Service, you will need to hire a Process Server or the Sheriff's Office to serve the papers.

What are the steps b involved in filing a divorce?

- A.
- 1) If the party wishes to file their own divorce, they can pick up the forms at 1316 Kofa Ave, Suite 607, Parker, AZ 85344, download the forms at [eForms](#), go online to e-court or buy the forms at either an office supply, legal forms store or any retail or bookstore that sells the forms. The forms come in packets.
 - 2) The party who is filing the divorce will need to fill out Petition for Dissolution of Marriage, Summons, Preliminary Injunction, Notice Regarding Health Insurance and if applicable the Affidavit Regarding Minor Children and Order and Notice to Attend a Parenting Class. NOTE: Some of these documents will need to be notarized; this can be done at the Court Filing Counter at no charge.
 - 3) The petitioning party will need to bring the original packet of forms plus two sets of complete copies of the forms. This does not include instructions.
 - 4) The clerk at the counter will assign you a case number, collect the appropriate fees and file in the documents that are necessary to start the divorce. The clerk will stamp two sets of copies, one for you to retain for your records and one for service to the other party.
 - 5) Once the initial papers have been processed, the petitioning party will need to have the respondent served with one set of the copies. If the respondent is in agreement, he/she can sign the Acceptance of Service form contained in the packet either at the time that the divorce is filed or anytime after the divorce proceedings has begun. If the respondent party is not in agreement, the petitioner will need to make arrangements with a Process Server or the Sheriff's Office to have the papers served. Service within the State of Arizona can now be done by certified mail or National Courier Service. The actual party has to sign for it.

I need to serve my spouse, but he/she is out-of-state. What do I do?

- A. You can send your spouse an Acceptance of Service form, he/she would need to have it signed, notarized and return the document to you for filing. Another available option is you can serve the papers on your spouse by Registered Mail/ Restricted Delivery, which means only your spouse can sign the Green Receipt Card as proof of service.

I need to serve my spouse but I don't know where he/she is. What do I do?

- A. You will need to publish a copy of the Summons in a local newspaper that publishes legal notices. The publication must run once a week in the newspaper for four consecutive weeks. At the end of the publication period, you should receive the newspaper clipping showing the ad as it was published and an Affidavit showing the dates publication took place. You will need to file the Affidavit with the newspaper clipping attached to it with the Clerk's Office and an Affidavit of Service by Publication, which can be obtained at the [Self-Service Center](#).

Is it necessary for the respondent to file a response?

A: No, it is not. If the respondent does not agree with information contained in the Petition for Dissolution of Marriage, he/she will need to prepare a written response and file it with the Clerk's Office. The respondent is required to provide a copy of the response to the Petitioner or to the Petitioner's attorney.

If I cannot afford to pay the fees, can I have my fees deferred?

- A. You may fill out an Application for Deferral of your filing fees and/or service fees. Your application will be reviewed and if you qualify the court may allow you to make payments for your fees.

Questions / Exhibits & Classified Materials

Do I need a court order to see exhibits or transcripts stored in the Exhibits & Classified Materials Section?

- A. Only materials determined by the court to be confidential or documents sealed by order of the court cannot be viewed unless a court order is obtained. The sealed materials would include sealed files, sealed documents, and sealed exhibits, special warrants and any grand jury materials. The confidential materials include adult adoptions, protected addresses, and mental health files.

How can I get documents or exhibits released to me from the Exhibits and Classified Materials Section?

- A. You will need a court order and valid identification (driver's license or other picture I.D.) to remove materials from this section.

How long do you keep exhibits?

- A. There are strict criteria that have to be met in order to return exhibits or dispose of them. There is no set time for a case; only specific criteria that must be met to determine when an individual case closed.
- 1) At the conclusion of a hearing, exhibits not offered into evidence or received in evidence by the court, can be returned to the respective parties. If the matter is taken under advisement, exhibits can be returned at the time of ruling.
 - 2) There is a different method of return for exhibit offered into evidence or received in evidence by the court.
 - 3) In criminal cases, Arizona Rules of Court - Rules of Criminal Procedure 28.1 and 28.2 are used to determine that the case is closed for all parties. When a case is determined to be closed, including such considerations as all appeal times are over, all post-conviction relief time is over, all sentences have been completed, etc., exhibits can be returned to the parties. If exhibits cannot be returned to the parties, they can be released to the agencies that seized them if contraband or of value or disposal can occur if a paper exhibit.

Will Exhibits and Classified Materials Section have transcripts of all hearings?

- A. No. Be aware that the presence of a court reporter taking down the proceedings in a hearing does not automatically mean that the court reporter is going to prepare a written transcript of the proceedings. Unless the court reporter is requested to print up the transcript and is paid to do so or by rule or court order, only the notes of the hearing are kept by the court reporter. If Exhibits and Classified Materials Section does not have a transcript on file, it would be necessary to contact the court reporter to arrange to have one printed.

Questions / Juvenile Matters

Can a juvenile be emancipated?

Emancipation laws became effective in the State of Arizona as of August 12, 2005, when it became possible for a minor that is at least 16 years of age to petition the Court for the status of an emancipated minor.

In Arizona, a child is considered emancipated when that child reaches 18 years of age, upon marriage, active military service, or by order of the Court. A minor can also petition the Court for emancipation if ALL of the following apply:

- The minor is at least 16 years of age
- A resident of this state
- Is financially self-sufficient
- Reads and understand the information provided by the Court regarding the rights and obligations as well as the potential risks and consequences of emancipation; and
- Is not a ward of the Court in the care, custody, and control of a state agency.

I can't control my child, what can I do?

- A. Contact the Juvenile Probation Department 928-669-6188.

CPS has taken my children and left me a Temporary Custody Notice, what do I do?

- A. CPS has 72 hours to either return the children or file a dependency petition with the Court. If a petition is filed a hearing must be held within seven (7) days. The parent can make a request for a review of temporary custody hearing and can request an attorney and/or interpreter be appointed to represent and assist them.

Questions / Marriage Licenses

Do you require a blood test?

- A. No

Is there a waiting period to get married?

- A. No

How much is a certified copy of a marriage license?

- A. \$26.00

How long is a marriage license valid before the ceremony?

- A. The marriage ceremony must be performed within one year of the issuance of a license or the license expires. Once the marriage license has been recorded it is an official document of the county and there is no need to reissue or renew the license - it does not expire.

Questions / Orders of Assignment

When do Orders of Assignment become effective?

- A. Without Notice Order of Assignment to the first employer, it is binding 14 days after service of the Order of Assignment to the employer or payor of funds. The Without Notice Order of Assignment is binding upon future employers or payors 14 days after the employer receives a copy of the Order of Assignment.

Automatic and After Hearing Orders of Assignment are binding on the employer or payor 14 days after the employer has received the Order of Assignment.

Packets to initiate a Without Notice Order of Assignment are available from the [Self Service Center](#)

How do I notify the Clerk of the Court of a change in employment for the payor?

- A. You must submit in writing the following information: Case number, name and address of the payor, social security number of the payor, name of the new employer, and the complete mailing address for the employer. This information may be mailed to Clerk of Superior Court.

How is an Order of Assignment stopped?

- A. A Motion to Stop or Modify the Order of Assignment must be filed with the Clerk of the Court. Forms are available at the [Self Service Center](#)

Questions / Paternity

I need to get the father of my child's name on the birth certificate. What do I do?

- A. You can file a Voluntary Paternity action with the Superior Court. Both parents have to be in agreement and Mom cannot have been married at the time she gave birth or 10 months preceding the birth of her child. The forms are available at the [Self Service Center](#) . You can pick up the forms, fill them out and file them at the FCFile Counter. Both parents can go to the Self Service Center together, fill out the forms and file them. The Deputy Clerk at the FC File Counter will sign the Order Establishing Paternity at the time of filing.

What if I don't qualify for a voluntary paternity?

- A. You can go to the [Self Service Center](#) or go to an office supply or legal form store to purchase the forms for establishing paternity. The forms consist of: FC Cover Sheet, Petition for Declaration of Paternity/Maternity, Summons, Admission of Paternity, Acceptance of Service (if the respondent is willing to accept service), Application and Affidavit for Entry of Default and the Order of Establishing Paternity. The Petitioner should have the original documents plus at least two sets of copies. The FC Cover Sheet and the Petition for Declaration of Paternity/Maternity are filed at the FC File Counter. After it has been filed, the petitioner will need to hire a Process Server of the Sheriff's Office to have it served if the responding party refuses to sign the Acceptance of Service. Service within the State of Arizona can now be done by certified mail or National Courier Service. The actual party has to sign for it.

I need to establish paternity, but the mother/father is deceased. What do I do?

- A. We do not have any information regarding how to establish paternity when one of the parents is deceased. You will need to contact an Attorney for assistance in establishing paternity.

I have established paternity. I need to establish an Order for Child Support, Custody, etc. What do I do?

- A. You can go to the Self Service Center or go to an office supply, legal form store or a document preparation service to obtain the forms for establishing post paternity orders. These forms are available for one parent to file on their own or you can use the Stipulation packet if both parties are in agreement regarding the issues. After you obtain the forms, you will need to file them at the Family Court Filing Counter. You should have an original set of the forms plus three copies.

The clerk at the filing counter will file in the required original documents. The clerk will also stamp your copies. Once your filing is complete, you will need to proceed by forwarding your documents to the judicial officer on your case and/or service. This will vary depending on the documents that you file; you will need to refer to the instructions in your packet for your next step.

Questions / Restitution

I am not getting any payments of restitution that the court ordered to be paid to me through the Clerk's Office. What can I do?

- A.** You should consult an attorney, who will give you the necessary information and direction to file a civil suit, pursue the payers probation officer (if on probation), or suggest other avenues that are available. The Clerk's Office only records the filings, receives payments, sends checks to recipients, and maintains filings. These are also available to the public and the Clerk is there to assist in viewing/copying public records.