ESTABLISH
LEGAL DECISION-MAKING (CUSTODY), PARENTING TIME and CHILD SUPPORT

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1

To Get the First Court Order

When Paternity has already been legally established

Forms and Instructions

103125

LAW LIBRARY RESOURCE CENTER

ESTABLISHMENT OF A COURT ORDER FOR LEGAL DECISION-MAKING (CUSTODY), PARENTING TIME AND CHILD SUPPORT

CHECKLIST

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You may use the forms and instructions in this packet if . . .

- ✓ You are the natural or adoptive parent of the minor child(ren), **AND**
- ✓ You are **not** legally married to the other parent,***** **AND**
- ✓ Paternity has already been legally established because:
  - You already have a court order establishing paternity, **OR**
  - You have a court order for child support, **OR**
  - Both parties signed an Acknowledgment of Paternity through the Hospital Paternity Program or other means provided by law, and a birth certificate lists the name of the father was issued as a result, **AND**
- ✓ You want a court order concerning your minor children declaring their primary residence, who has authority to make legal decisions concerning the children, time each parent is to have with the children, and (optionally) child support, or you have a child support order already (in which case the court will review the order if it orders parenting time and legal decision-making) **AND**
- ✓ The minor child(ren) resided (lived) in Arizona at least 6 months (or since birth if younger than 6 months) before you file the petition or you talked to a lawyer who advised you that even so you could pursue the case in Arizona.

*** If you ARE legally married to the other parent, you must obtain an order for custody as part of an action for legal separation or divorce. A.R.S. 25-402 (B) (2)**

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Law Library Resource Center website.

Law Library Resource Center

Petition to establish legal decision-making (legal custody), parenting time, and child support (when paternity has already been established)

This packet contains court forms and instructions to file the establishment of legal decision-making (custody), parenting time, and child support. Items in **bold** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

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The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

How to fill out papers for legal decision-making authority, parenting time and/or child support

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When to use this packet

Use this packet if you want to get a court order for legal decision-making authority, parenting time and/or child support. You cannot use this packet to establish paternity. Use this form only if you are the natural or adoptive parent of the child(ren), and

- You already have a court order establishing paternity, OR
- You have a court order for child support, OR
- You have established paternity by filing an affidavit of paternity through the Hospital Paternity Program (A.R.S. § 25-812, § 36-334) or other method permitted by law in Arizona.

If you want a court order for legal decision-making authority and parenting time, the court will also want to review the current child support order. If there is no order or if the order needs to be changed, the court will sign a child support in your case.

If you have a court order for paternity or child support from another state

If you have a court order involving the child(ren) from this case from a different state, you should:

- Get a certified copy of the paternity or child support order from the other state, AND
- Get the Register a Foreign Order paperwork from the Law Library Resource Center website or one of the locations, AND
- Follow the instructions to file a Foreign Family Court Order from another state in this Court.

If you have a court order for paternity or child support from another county in Arizona

If you have a court order involving the child(ren) from this case from a different county in Arizona you should:

- Get a certified copy of the paternity or child support order from the other county, AND
- Give the certified copy to the Clerk of Superior Court when you file your court papers.

Important notice about when you can bring a legal decision-making case in the Superior Court in Arizona. Generally, you should have resided (lived) in Arizona with the child(ren) for at least 6 months, OR Arizona must be the child(ren)'s primary place of residence before you file, OR if the child is less than 6 months old, the child must have resided (lived) in Arizona since their birth. If you have questions regarding this requirement, see a lawyer before filing.

Important notice about when you can sue another person in Arizona for paternity or child support. You can sue the other Party in Arizona to establish, enforce, or change a support order, or establish paternity, if ONE of the following statements is true about the other Party:

- The other Party is a resident of Arizona; OR
- You serve the other Party with the court papers in Arizona. (See the Law Library Resource Center packet on service if you have any questions.); OR
- The other Party agrees to have the case heard here and files written papers in the court case; OR
- The other Party lived with the child in this state; OR
- The other Party lived in this state and provided pre-birth expenses or support for the child; OR
- The child lives in this state because of the acts or directions of the other Party; OR
- The person had sexual intercourse in this state and the child may have been conceived in this state; OR
- The other Party signed an affidavit acknowledging paternity; OR
- The other Party did any other acts that substantially connect the person with this state (see a lawyer to help you decide).

Domestic Violence

Domestic violence can be part of any relationship. Domestic violence includes physical violence such as hitting, slapping, pushing or kicking, directed against you and/or your children and/or it can also include regular verbal abuse and/or threats of physical violence made against you and/or your children, as a method to control you.

Court documents request your address and phone number. If you are a victim of domestic violence, or if you do not want your address known to protect yourself or your children from further violence, you must file a Request for Protected Address and ask that your address not be disclosed on court papers. If the Court grants your Request, you do not need to put your address and phone number on your court papers. If possible, get a P.O. Box or use another valid address on these papers. If you have no other address or phone number where you can be reached, write "protected" on the forms where asked for this information. You must, as soon as possible, tell the Clerk of Superior Court an address and phone number where you can be reached.

Case Number

Use the Case Number on all your court papers. This is the number you were given in the paternity or child support case you had in Yumaa County. Or, if your paternity or child support case was from another county or another state, use the number the Clerk of Superior Court gave you when you filed the certified copy of your other court case in Yuma County (see instructions above).

If you do not have a case number, the Clerk will assign one when you file your papers.

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(Type or print in black ink)
Family Department/Sensitive Data Cover Sheet

- Write in the information requested about petitioner, respondent, and any children under the age of 18.
- Do not include mailing address on this form if requesting address protection.
- Case Type: Mark only one box that matches the legal procedure for which you are filing the documents in this packet.
- Interpreter: Check "yes" or "no" to indicate whether an interpreter is needed. If "yes," write in what language(s).

No additional copies needed. Do not serve this document on the other party.

Summons and Preliminary Injunction:

Fill in the following information where requested: Your name; address (if not protected); city, state and zip code; telephone number; ATLAS number (if you have one); name of Petitioner; and name of Respondent.

If you are represented by an attorney, write in the attorney's bar number. Tell the court whether you represent yourself or are represented by an attorney. Do not fill out the rest of the form except on Page 2 of the Preliminary Injunction; fill out the description of other party. The Clerk of Superior Court will complete it later.

Petition

A. Make sure your form states Petition to Establish Legal Decision-making in the upper right-hand part of the first page. Decide what you want a court order for. Here are your choices:

    1. Legal decision-making, parenting time, and child support: Check this box if you have a court order for paternity but not for legal decision-making, parenting time and child support, OR if you have a court order for child support but need to change it because of what you are asking the court to do with legal decision-making and parenting time.

    2. Legal decision-making and parenting time: Check this box if you have a court order for child support and do not think your requested changes to legal decision-making and/or parenting time will change the child support order.
    Warning: The Judge may change the child support order even if you do not ask for this.

B. In the top left corner of the first page, fill out the following: your name; address (if not protected); city, state and zip code; telephone number; and your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security.

C. Fill in the space that says "Name of Petitioner" and "Name of Respondent." Complete the caption the same way it was in the paternity or child support case in Yuma County. If your paternity or child support order was from another county or another state, and this is the first time you are filing a court

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case in Yuma County, complete the caption the same way it was in the paternity or child support case from the other county or state.

Warning: If you have an existing case in Yuma County against the same party, do not get a new DR/FC/FN case number when filing your case! Use your existing DR/FC/FN case number. If you do not know your existing case number, ask the Clerk for your existing number before you file your complaint/petition.

D. General information:

1. Fill in your name, address (if not protected) and date of birth. This is basic information about YOU and your relationship to the child(ren) for whom you want the custody and/or parenting time order.

2. Fill in the name of the other party, his or her address and date of birth. This is basic information about the other party.

3. Venue: This tells the court that one parent or the child(ren) lives in Yuma County, so the court can decide your case.

4. Decide why you can pursue a court case against the other Party in Arizona. Check the boxes that apply.

DI. Statements about paternity and child support: Tell the court what your current situation is:

5.A. How was paternity established in your case? Check the box that describes how paternity was established. If none of these apply, STOP! Do not proceed with these forms unless advised to do so by an attorney. Paternity must already be established to use these forms.

5.B. What is your current situation as to child support? Check the box that describes your case.

If there is an order for child support provide the date of the order and the name of the court where it was filed. Then check one of the following boxes. Only if there has been a final order made by the court.

Order does not need to be changed: Check here if you think that the child support order you have does not need to be changed because of the legal decision-making and parenting time order you want. Warning: The judge can decide whether to change the child support order even if you do not want this.

Order needs to be changed: Check here if the child support order you have needs to be changed.

There is a pending petition or modification: Check here if you know that there is currently an active case involving you, the other party and the same children that is before the court already. This includes petitions that have gone through DES.

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No child support order: If you have a paternity order only, without a child support order, the judge will make an order on the issues of legal decision-making, parenting time, and child support.

Voluntary or direct support payments: Check this box and designate the paying party if there have been direct payments made to the receiving party without a court order to do so. These payments need to be accounted for if a party asks for past support.

Past support: Check box to designate the party who owes past support. Choose the starting date of when the calculation of past support should begin. The first option elects that child support should be claimed at the starting point of when this petition was filed. The second option chooses the starting point to begin from the date the parties started living apart, if that date falls within three years of the petition being filed.

F. Other information about the children: If you are aware of court cases about the children, you need to tell the court. Attach a copy of any order about legal decision-making, parenting time, or child support to the petition, unless the order is from the Superior Court in Yuma County.

6. Fill out where the children in this case have been living for the past 5 years. If any children are under age 5, simply put the information about where they have been living since birth. Write each child's name; the address where the child lived; the dates the child lived at each address; whom the child lived with; and, the relationship of that person to the child. While you may not remember exact dates and address, fill this information out as completely as possible.

7. You must tell the court if you participated as a party or witness in any court case involving issues other than legal decision-making or parenting time of the child(ren). If your answer is "no," check the first box and go on. If there is another case, check the second box and give as much information as possible. This information could affect you or your child(ren)'s rights.

8. The court must know if there have been other cases involving legal decision-making, parenting time or child support of the child(ren) of this case, even if you were not a party. If there are no other legal decision-making or parenting time cases, or you do not know of any, check the first box and go on. If you have been involved in any way with this type of court case, check the second box and give the requested information. Tell the court what happened and what is going on in the other case(s).

9. If you do not know of another person other than the other party who has physical custody of the child(ren) or is claiming legal decision-making or parenting time rights to any of the children, check the first box and go on. If you know of such a person, put the childs name and the person who believes they have legal decision-making or parenting time claim. You must also include the person as a respondent in this court case.

G. Other statements to the court:

10. Other expenses: This asks for a fair division of all expenses about the children.

11. Domestic violence: This tells the court if there was domestic violence in the relationship and

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relates to a request for joint legal decision-making. If you are not sure what this means, see the paragraph on Domestic Violence on the first page of these instructions. Check the box that best describes your situation. If there has been no domestic violence, go on.

12. The Parent Information Program: This tells the court if you have already completed the Parent Information Program.

13. Drug/alcohol convictions with in the last twelve months: Inform the court of any instances of drug or DUI offenses that have occurred from either parent in the last twelve (12) months. Check the appropriate box to choose whether either parent has or has not been convicted. Provide the details of which party was convicted and how the proposed legal decision-making and parenting time arrangement protects the children considering this history of behavior.

H. Requests to the court for legal decision-making, parenting time and/or child support. This section of the Complaint/Petition formally requests that the court make Orders relating to issues such as custody, parenting time and support.

Primary Residential Parent, Parenting Time and Authority for Legal Decision-making (Legal Custody).

1. Primary residence: Check which party's home will be the primary residence for the minor child(ren).

2. Parenting time: Check only one box. You can ask that the non-primary residential parent (the parent having physical custody of the child(ren) less than 50% of the time) have one of the following types of parenting time:

    A. Reasonable Parenting time. This suggests an amount of parenting time appropriate to the age of the child(ren). The court offers suggested amounts of parenting time, but the amount can vary by agreement of both parents. If you and the other party agree, complete the Parenting Plan before you go to the judge for your final order.

    B. Supervised or No Parenting time. You may request supervised or no parenting time if a party cannot adequately care for the child(ren) or cannot do so without another person present. You may request this if the party to be supervised abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for the child(ren) without another person present. Remember, supervised or no parenting time is not intended to punish the parent, but to protect the child. You must tell the court in the space provided why you say the parenting time should be supervised or no parenting time allowed.

        1. Supervised Parenting time: Describe how you think supervised parenting time should be handled.

        2. No Parenting time. You should check this option only if the parent has seriously harmed, abused, or otherwise is a serious danger to the child(ren)'s physical and

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emotional health, or if there is a criminal Court Order stating there is to be no contact between the child(ren) and the parent. This is used only as a last resort to protect the child(ren).

3. Authority for Legal Decision-making:

   A. Sole legal decision-making: If you want sole authority for legal decision-making, check the boxes that apply.

   B. Joint legal decision-making: If you are asking for joint legal decision-making, you must file a Joint Legal Decision-making Agreement that is signed by both parents and approved by the court later in the process. The Joint Legal Decision-making Agreement is part of the Parenting Plan contained in packet 4, "The Court Order."

4. Child support: Check which party should pay child support. (The box you check should match what you asked for in the petition). Indicate whether you would like past child support be paid using a retroactive calculation and which parent should pay.

5. Health, medical, dental insurance and health care expenses: Check which party should be responsible for health, medical and dental insurance.

6. Tax exemption: It is your responsibility to understand the information regarding tax exemption and how the Affordable Care Act can impact one or both parties if they are required to provide medical insurance.

7. Other orders: Check this box only if you have made other requests to the court. If you check this box, write the additional orders you are requesting the court to make that were not covered elsewhere in your Petition.

I. Declaration of party filing the petition: Sign the form. By doing so you are telling the court that everything contained in your Petition is true under penalty of perjury.

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<u>Notice regarding the Parent Information Program</u>

This is an important document. You and the other parent must attend and complete a class in the Parent Information Program. The purpose of the Parent Information Program is to give parents information about the impact that divorce, the changes in the family unit, and/or court involvement have on children involved in a divorce, paternity, or legal decision-making case. This Notice applies to all parents who file an action for dissolution of marriage or legal separation, or any paternity proceeding, in which a party has requested that the court determine legal decision-making or parenting time on or after January 1, 1997, and to all other domestic relations cases if ordered by the court.

Make sure you read this notice, do what it says, and serve this notice on the other party.

Other important papers in this packet

Parenting Plan

- Fill out the Parenting Plan to let the Court know details about what you want for legal decision-making authority and parenting time. It is important to be specific when filling out the Parenting Plan. You may refer to the "Planning for Parenting Time: Arizona's Guide for Parents Living Apart" to help make your parenting plan. The Guide is available for purchase at all Superior Court Law Library Resource Center locations or may be viewed online and downloaded for free from the State Courts' webpage.
- After completing the Parenting Plan, file it with your Petition.

Other important papers to be completed **not** in this packet

Child Support Worksheet

You can use the free online Child Support Calculator at the website listed below to complete a child support worksheet.

ezCourtForms http://www.superiorcourt.maricopa.gov/ezcourtforms2/

To complete the child support worksheet you will need to know:

- Your case number.
- Your monthly gross income and that of the other parent.
- The monthly cost of medical insurance for the minor children who are the subject of this action.
- Monthly childcare amounts paid to others.
- The number of days the minor child(ren) spend with the non-primary residential (custodial) parent.
- Monthly obligations of yourself and the other parent for child support or court-ordered spousal maintenance/ support

After completing the child support worksheet, print out the child support worksheet and file it with your Petition.

Education Order (If applicable)

(ONLY required prior to January 1, 2025.) After this date, an Education Order is not required unless otherwise ordered by the Court.

You can find this document on the Law Library Resource Center website on the Family Department page.

Use only one: Sole Education Order or Joint Education Order. The Education Order you choose must match the type of legal decision-making you are asking for in your Parenting Plan.

- Read each numbered paragraph. Fill in the information requested.
- Do not sign or date the judicial officer section at the end of the document.

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PARENTING PLAN INFORMATION

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A.R.S. § 25-401 defines legal decision-making and parenting time as follows:

1. **"Legal Decision-Making"** means the legal right and responsibility to make all nonemergency legal decisions for a child including those regarding education, health care, religious training and personal care decisions.

2. **"Joint Legal Decision-Making"** means both parents share decision-making and neither parent's rights nor responsibilities are superior except with respect to specified decisions as set forth by the Court or the parents in the final judgment or order.

> **PARENTS PLEASE NOTE:** Per A.R.S § 25-403.09, an award of joint legal decision-making or a substantially equal parenting time plan does not diminish the responsibility of either parent to provide for the support of the child. Also note that joint legal decision-making does not necessarily mean equal parenting time. A.R.S. § 25-403.02(E)

3. **"Sole Legal Decision-Making"** means one parent has the legal right and responsibility to make major decisions for a child.

4. **"Parenting Time"** means the schedule of time during which each parent has access to a child at specified times. Each parent during their scheduled parenting time is responsible for providing the child with food, clothing and shelter and may make routine decisions concerning the child's care.

> You may view the "Parenting Time Guidelines" online at the Arizona Supreme Court's website.

Drafting a Parenting Plan:

The written parenting plan pays attention to how the parents will make decisions pertaining to the child(ren)'s education, health care, religious training, and personal care; it is a blend of specific information with generalized plans of action. It should reflect what the parents are currently doing or what they actually plan to do. It should reflect a commitment to the minor child(ren)'s needs as predominant.

If the parents cannot agree on a plan for legal decision-making or parenting time, each parent must submit a proposed parenting plan. A.R.S. § 25-403.02(A)

In order for the Court to approve a parenting plan, A.R.S. § 25-403.02 requires the Court to make the following findings:

a. The best interests of the minor child(ren) are served;
b. The plan designates legal decision-making as joint or sole;
c. The plan sets forth each parent's rights and responsibilities for the personal care of the minor child(ren) and for decisions in areas such as education, health care, and religious training;
d. The plan provides a practical schedule of parenting time for the child, including holidays and school vacations;

e. The plan includes a procedure for exchanges of the child, including location and responsibility for transportation;
f. The plan includes a procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved, which may include the use of Conciliation Services or private counseling;
g. The plan includes a procedure for periodic review (e.g., parents agree to review the terms of the agreement every 12 months.);
h. The plan includes a procedure for communicating with each other about the child, including methods and frequency;
i. The plan includes a statement that each party has read, understands, and will abide by the notification requirements of A.R.S. § 25-403.05(B). (A parent must immediately notify the other parent if the parent knows that a convicted/registered sex offender or a person who has been convicted of a dangerous crime against children may have access to the child. Notice must be provided (i) by first class mail, return receipt requested, (ii) by electronic means to an e-mail address the recipient provided to the parent for notification purposes, or (iii) by other communication accepted by the Court.)

The following questions may be used as a starting place when drafting a parenting plan:

1. **The geographical location of the parents:** Where do parents live relative to one another? What are their addresses? Permanent or temporary?

2. **Arrangements regarding the residential requirements of the minor child(ren):** How much time will the minor child(ren) spend with each parent? Be as specific as possible, including days and times.

3. **Arrangements for holidays and vacations:** What are your plans for summer vacation and school breaks? List specific details including dates and times.

4. **Arrangements for education:** How will decisions be made for educational matters? For example, if preschool age, what school will the minor child(ren) attend? If private school, who pays what?

5. **Additional transportation arrangements:** Will any additional transportation arrangements be needed? If so, what will be the responsibilities of each parent?

6. **Determinations regarding minor child(ren)'s health care:** For example, how will medical decisions be made? Who will provide insurance? How are non-insured expenses paid? Who decides on seeking non-emergency treatment? Is there a dental plan? If not, who will pay what?

7. **Arrangements regarding extraordinary expenses:** For example, what financial arrangements are made for the minor child(ren) (such as each sharing extraordinary expenditures and the parent with whom the minor child(ren) resides bearing the ordinary ones during the minor child(ren)'s residency)? A fixed amount per month?

8. **Arrangements for minor child(ren)'s religious training, if any:** For example, how will decisions be made for religious training? What, if any, are the plans for religious training?

9. **Any other factors:** What other arrangements (such as music lessons, sports/activity fees, camp or Scouts) are needed?

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Procedures: What to do after completing all forms to establish legal decision-making, parenting time and child support when paternity has already been established

Step 1: Complete the Family Department/Sensitive Data Coversheet
(Do not copy this document.)

Step 2: Complete the Child Support Worksheet online via

ezCourtForms (http://www.superiorcourt.maricopa.gov/ezcourtforms2)

Print out 1 copy of the completed Child Support Worksheet

Step 3: Make 2 copies of the following documents after you have filled them out (3 copies if the Arizona Division of Child Support Services (DCSS) is involved in your case):

- Summons
- Preliminary Injunction
- Petition to Establish Legal Decision-making, Parenting Time and Child Support
- Order and Notice for the Parent Information Program
- Child Support Worksheet
- Parenting Plan
- If applicable (required prior to January 1, 2025): Education Order (Choose only one: Sole Education Order or Joint Education Order. The Education Order you choose must match the type of legal decision-making you are asking for in your Parenting Plan.) .

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Step 4: Separate your documents into four (4) sets:

Set 1 - Originals for Clerk of Superior Court:	Set 2 - Copies for other party:
• Family Department Cover Sheet • Summons • Preliminary Injunction • Petition to Establish… • Order and Notice for Parent Information Program • Child Support Worksheet • Parenting Plan • Education Order (if applicable)	• Summons • Preliminary Injunction • Petition to Establish… • Order and Notice for Parent Information Program • Child Support Worksheet • Parenting Plan • Education Order (if applicable)

Set 3 - Copies for you:	Set 4 - Copies for the State if DCSS is involved:
• Summons • Preliminary Injunction • Petition to Establish… • Order and Notice for Parent Information Program • Child Support Worksheet • Parenting Plan • Education Order (if applicable)	• Summons • Preliminary Injunction • Petition to Establish… • Order and Notice for Parent Information Program • Child Support Worksheet • Parenting Plan • Education Order (if applicable)

Step 5: File the papers at the court:

Go to the court to file your papers: The Court is open from 8 a.m. - 5 p.m., Monday-Friday. You should go to the Court at least two hours before it closes. You may file your court papers at the Clerk of Superior Court filing counter at the following Superior Court locations:

Clerk of Superior Court
250 West Second St.
Yuma, Arizona 85364

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Fees: A list of current fees is available from the Law Library Resource Center and from the Clerk of Superior Court's website.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a deferral (payment plan) when you file your papers with the Clerk of Superior Court. Deferral Applications are available at no charge from the Law Library Resource Center.

Papers: Hand all three (3) sets of your court papers to the Clerk of Superior Court along with the correct filing fee.

Make sure you get the following back from the Clerk of Superior Court:

- Your set of copies
- The other party's set of copies

Step 6: Serve the papers on the other party. Read the packet at the Law Library Resource Center called "Service of Court Papers" that applies to your situation. This will explain how to serve the other party. Remember to file your Affidavit or Acceptance of Service as soon as the Other Party is served.

Serving papers on the state: (if required).

Step 7: Wait. Depending on how and where you served the papers on the other party (in-state, out of state, by publication, etc.), they has a certain number of days to file a Response to tell the Court that they disagrees with your facts, or objects to the Orders you want the Court to make. You should receive a copy of the Response and a notice about when and where you must appear for any Court procedure or hearing.

If no Response is filed, you must file papers to tell the Court the other party defaulted - that is, the other party agrees with your request - or at least did not file papers to disagree, so the Court should move forward. See the Law Library Resource Center's "Default" packet and follow the timetable and procedures there to apply for your default court order.



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* Staple and group the documents according to the page numbers and document sections. Do not combine or staple all documents together. Each document should be stapled separately and kept in the correct page-number order.

* Please look for the line in the corner of each page. This line indicates where the documents should be separated and stapled.

Pursuant to Administrative Order 2026-02, you are required to complete the Family Court Pathways Tool prior to filing this petition. Contact the Law Library at 928-817-4165

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
ATLAS Number: _____
Lawyer's Bar Number: _____
Representing ☐ **Self, without a Lawyer or** ☐ **Attorney for** ☐ **Petitioner OR** ☐ **Respondent**

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY

_____
Petitioner / Party A

_____
Respondent / Party B

Case No. _____

ATLAS No. _____

FAMILY DEPARTMENT SENSITIVE DATA COVERSHEET WITH CHILDREN
(CONFIDENTIAL RECORD)

Fill out. File with Clerk of Superior Court. Social Security Numbers should appear on this form only and should be omitted from other court forms. Access Confidential pursuant to ARFLP 43.1(f).

A. Personal Information:	**Petitioner / Party A**	**Respondent / Party B**
Name		
Gender	☐ **Male or** ☐ **Female**	☐ **Male or** ☐ **Female**
Date of Birth (Month/Day/Year)		
Social Security Number		

Warning: DO NOT INCLUDE MAILING ADDRESS ON THIS FORM IF REQUESTING ADDRESS PROTECTION

Mailing Address		
City, State, Zip Code		
Contact Phone		
Receive texts from Court to contact phone number above?	☐ **Yes** ☐ **No texts**	☐ **Yes** ☐ **No texts**
Email Address		
Current Employer Name		
Employer Address		
Employer City, State, Zip Code		
Employer Telephone Number		
Employer Fax Number		

B. Child(ren) Information:

Child Name	**Gender**	**Child Social Security Number**	**Child Date of Birth**

C. Type of Case being filed: Mark **only one (1) category** below**.** (*****) Mark this box only if no other case type applies.

☐	**Dissolution (Divorce)**	☐	**Paternity**	☐	**Order of Protection**
☐	**Legal Separation**	☐	***Legal Decision-Making / Parenting Time**	☐	**Register Foreign Order**
☐	**Annulment**	☐	***Child Support**	☐	**Other**

D. Do you need an interpreter? ☐ **Yes or** ☐ **No. If Yes, what language?** _____

DO NOT COPY this document. DO NOT SERVE THIS DOCUMENT to the other party.

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
ATLAS Number: _____
Lawyer's Bar Number: _____

For Clerk's Use Only

Representing ☐ **Self, without a Lawyer or** ☐ **Attorney for** ☐ **Petitioner OR** ☐ **Respondent**

SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY

_____ **Case No.:** _____

Name of Petitioner / Party A

SUMMONS

And

_____

Name of Respondent / Party B

WARNING: This is an official document from the court that affects your rights. Read this carefully. If you do not understand it, contact a lawyer for help.

FROM THE STATE OF ARIZONA TO: _____

Name of Opposing Party

1. **A lawsuit has been filed against you. A copy of the lawsuit and other court papers are served on you with this *"Summons."***

2. **If you do not want a judgment or order entered against you without your input, you must file a written *"Answer"* or a *"Response"* with the court, and pay the filing fee. Also, the other party may be granted their request by the Court if you do not file an *"Answer"* or *"Response", or show up in court.* To file your *"Answer"* or *"Response"* take, or send, it to the:**

Office of the Clerk of Superior Court, 250 West 2nd Street, Yuma, Arizona 85364

After filing, mail a copy of your *"Response"* or *"Answer"* to the other party at their current address.

Case No. _____

3. **If this *"Summons"* and the other court papers were served on you by a registered process server or the Sheriff within the State of Arizona, your *"Response"* or *"Answer"* must be filed within TWENTY (20) CALENDAR DAYS from the date you were served, not counting the day you were served. If you were served by "Acceptance of Service" within the State of Arizona, your "Response" or "Answer" must be filed within TWENTY (20) CALENDAR DAYS from the date that the "Acceptance of Service was filed with the Clerk of Superior Court. If this *"Summons"* and the other papers were served on you by a registered process server or the Sheriff outside the State of Arizona, your Response must be filed within THIRTY (30) CALENDAR DAYS from the date you were served, not counting the day you were served. If you were served by "Acceptance of Service" outside the State of Arizona, your "Response" or "Answer" must be filed within THIRTY (30) CALENDAR DAYS from the date that the "Acceptance of Service was filed with the Clerk of Superior Court. Service by a registered process server or the Sheriff is complete when made. Service by Publication is complete thirty (30) days after the date of the first publication.**

4. **You can get a copy of the court papers filed in this case from the Petitioner at the address listed at the top of the preceding page, or from the Clerk of Superior Court's Customer Service Center at:**

   250 West 2nd Street, Yuma, AZ 85364

5. **If this is an action for dissolution (divorce), legal separation or annulment, either or both spouses may file a *Petition for Conciliation* for the purpose of determining whether there is any mutual interest in preserving the marriage or for Mediation to attempt to settle disputes concerning legal decision-making (legal custody) and parenting time issues regarding minor children.**

6. **Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case by the party needing accommodation or his/her counsel at least three (3) judicial days in advance of a scheduled proceeding.**

7. **Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.**

SIGNED AND SEALED this date_____

CLERK OF SUPERIOR COURT

By_____
Deputy Clerk of Superior Court

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

ATLAS Number: _____

Lawyer's Bar Number: _____

FOR CLERK'S USE ONLY

Representing ☐ **Self, without a Lawyer or** ☐ **Attorney for** ☐ **Petitioner OR** ☐ **Respondent**

SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY

_____
Name of Petitioner/Party A

AND

_____
Name of Respondent/Party B

Case Number: _____

PRELIMINARY INJUNCTION

A.R.S. §25-808

A. INFORMATION about this PRELIMINARY INJUNCTION

1. **If filing for Legal Decision-Making and Parenting Time, and you want the Court to issue a Preliminary Injunction, you must file at least ONE of the following papers with the Petition:**
(check box to indicate which is attached)

☐ A Copy of the Birth Certificate that lists FATHER as a parent of the child subject of this petition, or

☐ An Affidavit or Acknowledgement signed by the FATHER admitting paternity, or

☐ An Adoption Order listing BOTH PARTIES as parents, or

☐ A Court Order establishing paternity.

2. **ACTIONS FORBIDDEN by this Court Order:** BOTH the Petitioner and the Respondent **shall not** do any of the following:

- ✓ You may **not** molest, harass, disturb the peace of or commit an assault or battery on the person of the other party or any natural or adopted child of the parties, **AND**
- ✓ You may **not** remove any natural or adopted child of the parties then residing in this state from the jurisdiction of the court without the prior written consent of the parties or the permission of the court, **AND**
- ✓ You may **not** remove or cause to be removed any child of the parties from any existing insurance coverage, including medical, hospital, dental, automobile, or disability insurance.

WARNING: This is an official Court Order.
If you disobey this order the court may find you in contempt of court. You may also be arrested and prosecuted for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this order. You or the other party may file a certified copy of this order with your local law enforcement agency. A certified copy may be obtained from the clerk of the court that issued this order. If you are the person who brought this action, you must also file evidence with the law enforcement agency that this order was served on the other party. This court order is effective until a final order of paternity, legal decision-making or parenting time is filed or the action is dismissed.

3. REQUIREMENTS of this Court Order: Arizona Law, A.R.S. §25-808(B)(2) requires:

✓ Both Petitioner and Respondent must maintain ALL INSURANCE COVERAGE in full force and effect during the Petition process.

4. This PRELIMINARY INJUNCTION:

- **Does not prejudice** the rights of the parties or of any child that are to be adjudicated at the subsequent hearings in the proceeding.
- **May be revoked or modified** before the final decree on a showing by affidavit of the facts necessary for revocation or modification of a final decree.
- **Terminates** when the final order is entered or when the Petition is dismissed.

B. DESCRIPTION OF THE PARTIES:

1. Petitioner:

Name:_____ Gender: ☐ Male ☐ Female

Height:_____ Weight:_____

Driver's License (**last 4 nos**.)_____

Date of Birth:_____

2. Respondent:

Name:_____ Gender: ☐ Male ☐ Female

Height:_____ Weight:_____

Driver's License (**last 4 nos**.)_____

Date of Birth:_____

C. OFFICIAL SIGNATURE:

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this _____ day of _____,_____.

CLERK OF SUPERIOR COURT

By:_____, Deputy Clerk

Person Filing:_____

Address (if not protected):_____

City, State, Zip Code:_____

Telephone:_____

Email Address:_____

Lawyer's Bar Number:_____

For Clerk's Use Only

Representing ☐ Self, without a Lawyer OR ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY

_____
Name of Petitioner/Party A

Case Number: _____

PETITION TO ESTABLISH

(Check one box only)

☐ LEGAL DECISION-MAKING, PARENTING TIME, and CHILD SUPPORT, OR

_____
Name of Respondent/Party B

☐ LEGAL DECISION-MAKING AND PARENTING TIME (ONLY)

STATEMENTS TO THE COURT

1. INFORMATION ABOUT ME:

   Name: _____

   Address: _____

   Occupation: _____

   Relationship to children for who I want the Primary Residence, Legal Decision-making and Parenting Time (or Parenting Time and Child Support) Order:

   ☐ Mother

   ☐ Father

   ☐ Other. My relation to the children is: _____

2. INFORMATION ABOUT THE OTHER PARTY:

Name: _____

Address: _____

Occupation: _____

Relationship to children for who I want the Primary Residence, Legal Decision-making and Parenting Time (or Parenting Time and Child Support) Order:

☐ Mother

☐ Father

☐ Other. My relation to the children is: _____

3. VENUE: This is the proper court to bring this lawsuit under Arizona law because: (check only one)

☐ I want to establish legal decision-making, parenting time, and child support. This is the county where the child resides, or if the child resides out of state, it is the county where Petitioner (Party A) resides.

OR

☐ I want to establish legal decision-making and parenting time only. Respondent (Party B) resides in this county.

4. JURISDICTION: Why I am filing this court case against the other person in Arizona: (check all that apply)

☐ The other Party is a resident of Arizona.

☐ I believe that I will personally serve the other party in Arizona (see "Service" packet).

☐ The other Party agrees to have the case heard here and will file written papers in the court case.

☐ The other Party lived with the minor child(ren) in this state at some time.

☐ The other Party lived in this state and provided pre-birth expenses or support for the minor child(ren).

☐ The minor child(ren) lives in this state as a result of the acts or directions of the other Party.

☐ The other Party had sexual intercourse in this state as a result of which the minor child may have been conceived in Arizona.

☐ The other party signed an acknowledgment of paternity that is filed in this state.

☐ The other Party did any other acts that substantially connect the other Party with this state (see a lawyer to help you determine this).

☐ This Court has jurisdiction to decide legal decision-making matters under Arizona law, A.R.S. §§ 25-402 and 25-802.

5. STATEMENTS ABOUT PATERNITY AND CHILD SUPPORT:

PATERNITY WAS ESTABLISHED BY: (check one box).
(A copy of any Order or document referenced here should already be in the Court file or attached.)

☐ A Court Order for Paternity from this county or previously transferred to this county stating that

_____

is the natural father of the minor child(ren) included in this Petition (A.R.S. § 25-502(c))

☐ Both parents signing an Acknowledgment of Paternity through the Hospital Paternity Program or other means provided by law after July 18, 1996, and a birth certificate listing the name of the father was issued as a result.

☐ We do not have an order of paternity, but we do have a child support order.

*NOTE: If married when minor child(ren) born, conceived or adopted, and no decree of Divorce or Separation has been issued, stop! Do not use these forms unless advised to do so by an attorney. Requests for legal decision-making authority and parenting time must generally be filed as part of a case for Legal Separation or Divorce.

6. INFORMATION ABOUT MINOR CHILD(REN) FOR WHOM I WANT THE COURT ORDER(S):

Information about child support for minor children:

☐ There is an order for Child Support, dated _____ from (name of court) _____.

This order ☐ needs ☐ does not need to be changed.

☐ There is a pending child support petition or modification currently filed in this court or another.

☐ To my knowledge there is no child support order for the minor child(ren) and the court should order child support in this case along with legal decision-making, and parenting time.

☐ Party A ☐ Party B made voluntary/direct support payments that need to be taken into account, if past support is requested.

☐ Party A ☐ Party B owes past support for the period between:

☐ The date this petition was filed and the date current child support is ordered.

OR

☐ The date the parties started living apart, but not more than three years before the date this petition was filed, and the date current child support is ordered.

7. INFORMATION ABOUT MINOR CHILDREN, including past 5 years residence:

A. Child's Name: _____ Gender: ☐ Female ☐ Male

Place of Birth: _____ Date of Birth: _____

Current Address: _____
(include city, state)
How long at this address: _____ County: _____

Lived with ☐ Party A ☐ Party B
☐ Other (Name and relation to child): _____

(If less than 5 years, provide 5 years previous address information for each child.)

Previous Address: _____

How long at this address _____

Lived with ☐ Party A ☐ Party B ☐ Other: _____

_____

Previous Address: _____

How long at this address _____

Lived with ☐ Party A ☐ Party B ☐ Other: _____

B. Child's Name: _____ Gender: ☐ Female ☐ Male

Place of Birth: _____ Date of Birth: _____

Current Address: _____
(include city, state)

How long at this address: _____ County: _____

Lived with ☐ Party A ☐ Party B
☐ Other (Name and relation to child): _____

(If less than 5 years, provide 5 years previous address information for each child.)

Previous Address: _____

How long at this address _____

Lived with ☐ Party A ☐ Party B ☐ Other: _____

_____

Previous Address: _____

How long at this address _____

Lived with ☐ Party A ☐ Party B ☐ Other: _____

C. Child's Name: _____ Gender: ☐ Female ☐ Male

Place of Birth: _____ Date of Birth: _____

Current Address: _____
(include city, state)

How long at this address: _____ County: _____

Lived with ☐ Party A ☐ Party B
☐ Other (Name and relation to child): _____

(If less than 5 years, provide 5 years previous address information for each child.)

Previous Address: _____

How long at this address _____

Lived with ☐ Party A ☐ Party B ☐ Other: _____

_____

Previous Address: _____

How long at this address _____

Lived with ☐ Party A ☐ Party B ☐ Other: _____

D. Child's Name: _____ Gender: ☐ Female ☐ Male

Place of Birth: _____ Date of Birth: _____

Current Address: _____
(include city, state)

How long at this address: _____ County: _____

Lived with ☐ Party A ☐ Party B
☐ Other (Name and relation to child): _____

(If less than 5 years, provide 5 years previous address information for each child.)

Previous Address: _____

How long at this address _____

Lived with ☐ Party A ☐ Party B ☐ Other: _____

_____

Previous Address: _____

How long at this address _____

Lived with ☐ Party A ☐ Party B ☐ Other: _____

☐ Continues on attached page(s) made part of this document by reference.

8. COURT CASES NOT INVOLVING PHYSICAL CUSTODY, LEGAL DECISION-MAKING OR PARENTING TIME RELATED TO THE CHILDREN UNDER 18 YEARS OLD: (check one box) ☐ I have ☐ I have not been a party or a witness in court in this state or any other state NOT involving the legal decision-making or parenting time of any of the minor children named above (If so, explain below, using extra pages if necessary. IF NOT, GO ON.)

Name of each child: _____

Court State: _____ Court Location (county/city): _____

Court case number: _____ Current Case status: _____

How the minor children were involved: _____

_____

Summary of any Court Order: _____

_____

9. PHYSICAL CUSTODY, LEGAL DECISION-MAKING OR PARENTING TIME CASES RELATED TO CHILDREN UNDER 18 YEARS OLD: (Check one box)

☐ I do not have ☐ I do have information about a legal decision-making or parenting time court case relating to any of the minor children named above that is pending in this state or in any other state (If so, explain below, using extra pages if necessary. IF NOT, GO ON).

Name of each child: _____

Court State: _____ Court Location (county/city): _____

Court case number: _____ Current Case status: _____

How the minor children were involved: _____

_____

Summary of any Court Order: _____

_____

10. PHYSICAL CUSTODY, LEGAL DECISION-MAKING OR PARENTING TIME CLAIMS OF ANY PERSON: (Check one box)

☐ I do not know ☐ I do know a person other than the Petitioner or the Respondent who has physical custody or who claims legal decision-making authority or parenting time rights to any of the minor children named above. (If so, explain below, using extra pages if necessary. IF NOT, GO ON).

Name of each child: _____

Name of Person with the claim: _____

Address of Person with the claim: _____

Nature of the Claim: _____

_____

OTHER STATEMENTS TO THE COURT:

11. OTHER EXPENSES: The parties should be ordered to divide between them any uninsured medical, dental, or health expenses, reasonably incurred for the minor child(ren), in proportion to their respective incomes.

12. DOMESTIC VIOLENCE: (If you are asking for joint legal decision-making; this statement must be true (ARS § 25-403).

☐ Domestic Violence has not occurred in this relationship.

☐ There has been domestic violence in this relationship and no legal decision-making should be awarded to the party who committed the violence.

☐ Domestic Violence has occurred, but it was committed by both parties, or it is otherwise still in the best interests of the minor child(ren) to grant joint or sole legal decision-making to a parent who has committed domestic violence because: (Explain.)

_____

_____

_____

_____

13. The Parent Information Program (PIP) is required for persons seeking legal decision-making authority or parenting time. (Check one box)

☐ I have ☐ I have not already completed the Parenting Information Program.

14. DRUG/ALCOHOL CONVICTION WITHIN LAST TWELVE MONTHS: (If you intend to ask for joint legal decision-making, check one box.)

☐ Neither parent has been convicted for a drug offense or driving under the influence of drugs or alcohol in the last twelve (12) months, OR

☐ One or both parents have been convicted for a drug offense or driving under the influence of drugs or alcohol in the last twelve (12) months.

☐ Party A and/or ☐ Party B was convicted, however, the legal decision-making and parenting time arrangement I am requesting appropriately protects the minor child(ren).

Explain how this arrangement appropriately protects the children: _____

_____

_____

REQUESTS TO THE COURT:

PRIMARY RESIDENCE, PARENTING TIME, AND AUTHORITY FOR LEGAL DECISION-MAKING:

1. Declare the "Primary Residence" for each minor child as follows:

☐ Neither parent's home is designated as the primary residence, OR

☐ Declare Party A's home as the primary residence for the following named children:

_____

☐ Declare Party B's home as the primary residence for the following named children:

_____

2. PARENTING TIME: Award parenting time as follows:

☐ Reasonable parenting time rights as described in the Parenting Plan, OR

☐ Supervised parenting time between the children and ☐ Party A OR ☐ Party B,

OR

☐ No parenting time rights to the ☐ Party A OR ☐ Party B.

Supervised or no parenting time is in the best interests of the child(ren) because: *

_____

_____

_____

☐ Explanation continues on attached pages made part of this document by reference.

A. Name this person to supervise: _____

_____

B. Restrict parenting time as follows: _____

_____

C. Order cost of supervised parenting time (if applicable) to be paid by:

☐ Party A or ☐ Party B or ☐ shared equally by the parties.

3. AUTHORITY FOR LEGAL DECISION-MAKING:

Award legal authority to make decisions concerning the child(ren) as follows:

☐ Award sole authority for legal decision-making to: ☐ Party A ☐ Party B as set forth in the Legal Decision-making Agreement/Parenting Plan submitted.

OR

☐ Award joint legal decision-making authority to both parties. Party A and Party B will agree to act as joint legal decision-makers concerning the minor child(ren) and will submit a Parenting Plan and Joint Legal Decision-making Agreement signed by both parties. (For the court to order "joint" legal decision-making, there must have been no "significant" domestic violence according to Arizona law, A.R.S. § 25-403.03)

4. CHILD SUPPORT:
(Check below if you are asking for a child support order or a change of child support in this case.)

☐ Order that child support shall be paid by: (check one box)
☐ Party A OR ☐ Party B

☐ in a reasonable amount as determined by the court under the Arizona Child Support Guidelines.

OR

☐ in the amount of $_____, which is a deviation from the amount set forth under the Arizona Child Support Guidelines. I am requesting a deviation because: (EXPLAIN)

_____

_____

Support payments shall begin on the first day of the first month following the entry of support order. These payments, and a fee for handling, shall be paid through the Support Payment Clearinghouse, PO Box 52107, Phoenix, Arizona 85072-7107 and collected by automatic Income Withholding Order.

☐ Order that past child support be paid by ☐ Party A ☐ Party B in an amount determined by using a retroactive application of the Arizona Child Support Guidelines taking into account any amount of temporary or voluntary/direct support that has been paid. Support to be paid as defined above.

5. MEDICAL, DENTAL, VISION CARE

☐ Party A should be responsible for providing: ☐ medical ☐ dental ☐ vision care insurance.

☐ Party B should be responsible for providing: ☐ medical ☐ dental ☐ vision care insurance.

☐ Party A and Party B will share all reasonable unreimbursed medical, dental, vision care, and health related expenses incurred for the minor child(ren) in proportion to their respective incomes.

6. TAX EXEMPTION. Allocate tax exemptions for the minor child(ren) as determined by the court under the Arizona Child Support Guidelines and in a manner that allows each party to claim allowable federal dependency exemptions proportionate to adjusted gross income in a reasonable pattern that can be repeated.

Under the Affordable Care Act, the party who claims the child as a dependent on a federal tax return has the obligation to ensure that the child is covered by medical insurance and may be penalized by the IRS for failing to do so.

The parties will claim the children as income tax dependency exemptions on federal and state income tax returns as follows:

Parent entitled to claim		Name of minor child	in Tax Year
☐ Party A	☐ Party B	_____	_____
☐ Party A	☐ Party B	_____	_____
☐ Party A	☐ Party B	_____	_____
☐ Party A	☐ Party B	_____	_____
☐ Party A	☐ Party B	_____	_____

☐ Pattern shall repeat for subsequent years.

7. OTHER ORDERS I AM REQUESTING (explain request here):

_____

_____

_____

_____

_____

Case No. _____

This signature page belongs to the form titled "Petition to Establish Legal Decision-making, Parenting Time, and Child Support (or Legal Decision-making and Parenting Time only)" and cannot be used with any other documents.

DECLARATION UNDER PENALTY OF PERJURY

I declare that the contents of this document are true and correct under penalty of perjury.

_____ _____

Date Party Filing Petition's Signature

_____

Party Filing Petition's Printed Name

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

For Clerk's Use Only

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner ☐ or Respondent

SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY

Case No. _____

_____
Petitioner/Party A

PARENTING PLAN FOR

☐ JOINT LEGAL DECISION-MAKING

_____
Respondent/Party B

OR

☐ SOLE LEGAL DECISION-MAKING

INSTRUCTIONS

This document has 4 parts: PART 1) General Information; PART 2) Legal Decision-making and Parenting Time; PART 3) Danger to Children Notification Statement; and PART 4) Joint Legal Decision-making Agreement. Where this form refers to "children" it refers to any and all minor children common to the parties whether one or more.

One or both parents must complete and sign the Plan as follows:

a. If only one parent is submitting the Plan: that parent must sign at the end of PART 2 and 3, and the Affidavit under Section 5.

b. If both parents agree to legal decision-making and parenting time arrangements but not to joint legal decision-making: Both parents must sign the Plan at the end of PART 2 and 3, and the Affidavits under Section 5.

c. If both parents agree to joint legal decision-making and parenting time arrangements as presented in the Plan: Both parents must sign the Plan at the end of PARTS 2, 3, and 4, and the Affidavits under Section 5.

Case No. _____

PART 1: GENERAL INFORMATION:

A. MINOR CHILDREN. This Plan concerns the following minor children:
(Use additional paper if necessary)

_____ _____

_____ _____

_____ _____

B. THE FOLLOWING LEGAL DECISION-MAKING ARRANGEMENT IS REQUESTED:
(Choose ONE of 1, 2, 3, 4.)

☐ 1. SOLE LEGAL DECISION-MAKING BY AGREEMENT.

The parents agree that sole legal decision-making authority should be granted to ☐ Party A ☐ Party B.

The parents agree that since each has a unique contribution to offer to the growth and development of their minor children, each of them will continue to have a full and active role in providing a sound moral, social, economic, and educational environment for the benefit of the minor children, as described in the following pages,

OR

☐ 2. SOLE LEGAL DECISION-MAKING REQUESTED BY THE PARENT SUBMITTING THIS PLAN. The parents cannot agree to the terms of legal decision-making and parenting time. The parent submitting this Plan asks the Court to order sole legal decision-making authority and parenting time according to this Plan.

OR

☐ 3. JOINT LEGAL DECISION-MAKING BY AGREEMENT. The parents agree to joint legal decision-making and request the Court to approve the joint legal decision-making arrangement as described in this Plan.

OR

☐ 4. JOINT LEGAL DECISION-MAKING AUTHORITY REQUESTED BY THE PARENT SUBMITTING THIS PLAN.

The parents cannot agree to the terms of legal decision-making and parenting time or are unable to submit this plan together at this time. My request for joint legal decision-making authority is deferred for the Court's determination.

PART 2: PARENTING TIME. Complete each section below. Be specific about what you want the Judge to approve in the court order.

A. (School Year) WEEKDAY AND WEEKEND TIME-SHARING SCHEDULE:

☐ The minor children will be in the care of Party A as follows: (Explain).

_____

_____

☐ The minor children will be in the care of Party B as follows: (Explain).

_____

_____

☐ Other parenting time arrangements are as follows: (Explain).

_____

_____

☐ Transportation will be provided as follows:

☐ Party A or ☐ Party B will pick the minor children up at _____ o'clock.

☐ Party A or ☐ Party B will drop the minor children off at _____ o'clock.

Parenting-time exchanges will occur at the following exchange location :

_____

_____

_____

Parents may change their time-share arrangements by mutual agreement with at least _____ days' notice in advance to the other parent.

B. SUMMER MONTHS OR SCHOOL BREAK LONGER THAN 4 DAYS: The weekday and weekend schedule described above will apply for all 12 calendar months EXCEPT:

_____

☐ During summer months or school breaks that last longer than 4 days, no changes shall be made. OR,

☐ During summer months or school breaks that last longer than 4 days, the minor children will be in the care of Party A: (Explain)

_____

☐ During summer months or school breaks that last longer than 4 days, the minor children will be in the care of Party B:(Explain)

_____

☐ Each parent is entitled to a _____ week period of vacation time with the minor children. The parents will work out the details of the vacation at least _____ days in advance.

C. TRAVEL

☐ Should either parent travel out of the area with the minor children, each parent will keep the other parent informed of travel plans, address(es), and telephone number(s) at which that parent and the minor children can be reached.

☐ Neither parent shall travel with the minor children outside Arizona for longer than _____ days without the prior written consent of the other parent or order of the court.

D. HOLIDAY SCHEDULE: The holiday schedule takes priority over the regular time-sharing schedule as described above. Check the box(es) that apply and indicate the years of the holiday access/Parenting time schedule.

Holiday	Even Years		Odd Years	
New Year's Eve	☐ Party A	☐ Party B	☐ Party A	☐ Party B
New Year's Day	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Spring Vacation	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Easter	☐ Party A	☐ Party B	☐ Party A	☐ Party B
4th of July	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Halloween	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Veteran's Day	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Thanksgiving	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Hanukkah	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Christmas Eve	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Christmas Day	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Winter Break	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Child's Birthday	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Mother's Day	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Father's Day	☐ Party A	☐ Party B	☐ Party A	☐ Party B

☐ Each parent may have the children on his or her birthday.

☐ Three-day weekends which include Martin Luther King Day, Presidents' Day, Memorial Day, Labor Day, Columbus Day, the children will remain in the care of the parent who has the minor children for the weekend.

☐ Other Holidays (Describe the other holidays and the arrangement):

_____

☐ Telephone Contact: Each parent may have telephone contact with the minor children during the children's normal waking hours, OR: (Explain)

_____

☐ Other (Explain):

_____

E. PARENTAL ACCESS TO RECORDS AND INFORMATION: Under Arizona law (A.R.S. § 25-403.06), unless otherwise provided by court order or law, on reasonable request, both parents are entitled to have equal access to documents and other information concerning the minor children's education and physical, mental, moral and emotional health including medical, school, police, court and other records.

- A person who does not comply with a reasonable request for these records shall reimburse the requesting parent for court costs and attorney fees incurred by that parent to make the other parent obey this request.
- A parent who attempts to restrict the release of documents or information by the custodian of the records without a prior court order is subject to legal sanctions.

F. MEDICAL AND DENTAL ARRANGEMENTS:

☐ Both parents have the right to authorize emergency medical treatment, if needed, and the right to consult with physicians and other medical practitioners. Both parents agree to advise the other parent immediately of any emergency medical/dental care sought for the minor children, to cooperate on health matters concerning the children and to keep one another reasonably informed. Both parents agree to keep each other informed as to names, addresses and telephone numbers of all medical/dental care providers.

☐ Both parents will make major medical decisions together, except for emergency situations as noted above. (optional) ☐ If the parents do not reach an agreement, then:

_____

OR

☐ Major medical/dental decisions will be made by ☐ Party A ☐ Party B after consulting the other parent.

G. RELIGIOUS EDUCATION ARRANGEMENTS: (Choose ONE)

☐ Each parent may take the minor children to a church or place of worship of his or her choice during the time that the minor children is/are in his or her care.

☐ Both parents agree that the minor children may be instructed in the faith.

☐ Both parents agree that religious arrangements are not applicable to this plan.

H. ADDITIONAL ARRANGEMENTS AND COMMENTS:

☐ NOTIFY OTHER PARENT OF ADDRESS CHANGE. Each parent will inform the other parent of any change of address and/or phone number in advance OR within _____ days of the change.

☐ NOTIFY OTHER PARENT OF EMERGENCY. Both parents agree that each parent will promptly inform the other parent of any emergency or other important event that involves the minor children.

☐ TALK TO OTHER PARENT ABOUT EXTRA ACTIVITIES. Each parent will consult and agree with the other parent regarding any extra activity that affects the minor children's access to the other parent.

☐ ASK OTHER PARENT IF HE/SHE WANTS TO TAKE CARE OF CHILDREN. Each parent agrees to consider the other parent as care-provider for the minor children before making other arrangements.

☐ OBTAIN WRITTEN CONSENT BEFORE MOVING. Neither parent will move with the minor children out of the Yuma metropolitan area without prior written consent of the other parent, or a court-ordered Parenting Plan. A.R.S. 25-408 (B)

☐ COMMUNICATE. Each parent agrees that all communications regarding the minor children will be between the parents and that they will not use the minor children to convey information or to set up parenting time changes.

☐ METHOD OF COMMUNICATION. Each parent agrees to use the following means of communication:

_____

☐ FREQUENCY OF COMMUNICATION. Each parent agrees to communicate regarding the child(ren) on a regular basis. That communication schedule will be

_____

and will be by the following methods: ☐ Phone ☐ Email ☐ Other

☐ PRAISE OTHER PARENT. Each parent agrees to encourage love and respect between the minor children and the other parent, and neither parent shall do anything that may hurt the other parent's relationship with the minor children.

☐ COOPERATE AND WORK TOGETHER. Both parents agree to exert their best efforts to work cooperatively in future plans consistent with the best interests of the minor children and to amicably resolve such disputes as may arise.

☐ NOTIFY OTHER PARENT OF PROBLEMS WITH TIME-SHARING AHEAD OF TIME. If either parent is unable to follow through with the time-sharing arrangements involving the minor child(ren), that parent will notify the other parent as soon as possible.

☐ PARENTING PLAN. Both parents agree that if either parent moves out of the area and returns later, they will use the most recent "Parenting Plan/Access Agreement" in place before the move.

☐ MEDIATION. If the parents are unable to reach a mutual agreement regarding a legal change to their parenting orders, they may request mediation through the court or a private mediator of their choice.

NOTICE: Do not deviate from Parenting Plan until dispute is resolved.

Both parents are advised that while a dispute is being resolved, neither parent shall deviate from this Parenting Plan, or act in such a way that is inconsistent with the terms of this agreement.

Once this Plan has been made an order of the Court, if either parent disobeys the court order related to parenting time with the children, the other parent may submit court papers to request enforcement. See the Law Library Resource Center packets to enforce a court order.

PART 2: SIGNATURE OF ONE OR BOTH PARENTS (as instructed on page 1)

Signature of Party A: _____ Date: _____

Signature of Party B: _____ Date: _____

Case No. _____

PART 3: STATEMENT REGARDING CONTACT WITH SEX OFFENDERS AND PERSONS CONVICTED OF DANGEROUS CRIMES AGAINST CHILDREN.

According to A.R.S. §25-403.05, a child's parent or custodian must immediately notify the other parent or custodian if the person knows that a convicted or registered sex offender or someone who has been convicted of a dangerous crime against children may have access to the child.

The parent or custodian must provide notice (by first class mail, return receipt requested, by electronic means to an electronic mail address that the recipient provided) to the parent or custodian for notification purposes or by another form of communication accepted by the court.

According to A.R.S. § 13-705 (P) (1), "Dangerous crime against children" means any of the following that is committed against a minor who is under fifteen years of age:

(a) Second degree murder.
(b) Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.
(c) Sexual assault.
(d) Molestation of a child.
(e) Sexual conduct with a minor.
(f) Commercial sexual exploitation of a minor.
(g) Sexual exploitation of a minor.
(h) Child abuse as prescribed in section 13-3623, subsection A, paragraph 1.
(i) Kidnapping.
(j) Sexual abuse.
(k) Taking a child for the purpose of prostitution as prescribed in section 13-3206.
(l) Child prostitution as prescribed in section 13-3212.
(m) Involving or using minors in drug offenses.
(n) Continuous sexual abuse of a child.
(o) Attempted first degree murder.
(p) Sex trafficking.
(q) Manufacturing methamphetamine under circumstances that cause physical injury to a minor.
(r) Bestiality as prescribed in section 13-1411, subsection A, paragraph 2.
(s) Luring a minor for sexual exploitation.
(t) Aggravated luring a minor for sexual exploitation.
(u) Unlawful age misrepresentation.

Case No. _____

PART 3: SIGNATURE OF ONE OR BOTH PARENTS (as instructed on page 1)

I/We have read, understand, and agree to abide by the requirements of A.R.S. § 25-403.05 concerning notification of other parent or custodian if someone convicted of dangerous crime against children may have access to the child.

Signature of Party A: _____ Date: _____

Signature of Party B: _____ Date: _____

PART 4: JOINT LEGAL DECISION-MAKING AGREEMENT (IF APPLICABLE):

A. DOMESTIC VIOLENCE: Arizona Law (A.R.S. § 25-403.03) states that joint legal decision-making authority shall NOT be awarded if there either has been "significant domestic violence" pursuant to A.R.S. § 13-3601 OR "a significant history of domestic violence."

☐ Domestic Violence has not occurred between the parties, OR

☐ Domestic Violence has occurred between the parties, but one of the following applies: (1) it has not been "significant domestic violence"; (2) there has not been a "significant history of domestic violence, (3) and/or domestic violence has been committed by both parties.*

B. DUI or DRUG CONVICTIONS: (A.R.S. § 25-403.04)

☐ Neither party has been convicted of driving under the influence or a drug offense within the past 12 months, OR

☐ One of the parties HAS been convicted of driving under the influence or a drug offense within the past 12 months, but the parties feel Joint Legal Decision-making is in the best interest of the children.*

* IF THERE HAS BEEN DOMESTIC VIOLENCE OR A DUI OR DRUG CONVICTION:

Explain below why Joint Legal Decision-making is still in the best interest of the children.

_____

_____

_____

_____

_____

C. JOINT LEGAL DECISION-MAKING AGREEMENT: If the parents have agreed to joint legal decision-making, the following will apply, subject to approval by the Judge:

1. REVIEW: The parents agree to review the terms of this agreement and make any necessary or desired changes every _____ month(s) from the date of this document.

2. CRITERIA. Our joint legal decision-making agreement meets the criteria required by Arizona law A.R.S. § 25-403.02, as listed below:

   a. The best interests of the minor children are served;
   b. Each parent's rights and responsibilities for personal care of the minor children and for decisions in education, health care and religious training are designated in this Plan;
   c. A practical schedule of the parenting time for the minor children, including holidays and school vacations is included in the Plan;
   d. A procedure for the exchange(s) of the child(ren) including location and responsibility for transportation.
   e. The Plan includes a procedure for periodic review;
   f. The Plan includes a procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved.
   g. A procedure for communicating with each other about the child, including methods and frequency.

PART 4: SIGNATURES OF BOTH PARENTS REQUESTING JOINT LEGAL DECISION-MAKING AUTHORITY (as instructed on page 1)

Signature of Party A: _____ Date: _____

Signature of Party B: _____ Date: _____

Case No. _____

This signature page belongs to the form titled "Parenting Plan" and cannot be used with any other documents.

PART 5: AFFIDAVITS

I declare under penalty of perjury the foregoing is true and correct.

_____ _____

Petitioner's/Party A's Signature Date

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____
(Date)

by_____.

_____

(Notarial Officer's Stamp or Seal) Notarial Officer

_____ _____

Respondent's/Party B's Signature Date

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____
(Date)

by_____.

_____

(Notarial Officer's Stamp or Seal) Notarial Officer

SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY

For Clerk's Use Only

_____ **Case Number:** _____
Name of Petitioner

ORDER AND NOTICE TO ATTEND PARENT INFORMATION PROGRAM CLASS

_____
Name of Respondent

THIS IS AN OFFICIAL COURT ORDER. IF YOU FAIL TO OBEY THIS ORDER, THE COURT MAY FIND YOU IN CONTEMPT OF COURT.

THE COURT FINDS:

This case involves minor child(ren) and is an action for:

- ☐ Dissolution of Marriage;
- ☐ Annulment
- ☐ Legal Separation; or
- ☐ Paternity with a Request to Determine Legal Decision-Making Authority (Custody) or Parenting Time or Child Support;
- ☐ Request to Determine Legal Decision-Making Authority (Custody) or Parenting Time or Support

THE COURT ORDERS pursuant to ARS § 25-352:

1. **ATTEND CLASS.** You must attend and complete the Parent Information Program Class, or if not in Arizona, its equivalent in your state of residence.

2. **WITHIN 45 DAYS.** Both the Petitioner and the Respondent **must** complete this class within 45 days from the date the Respondent is served with, or accepts service of, the Petition/Complaint. The Respondent **must** register for and complete the course whether or not a ***"Response"*** or ***"Answer"*** to the Petition/Complaint is filed.

3. **PAY THE CLASS FEE.** The class tuition of $40.00 is included as part of your Petition or Response filing fee.

4. **NOTICE TO THE OTHER PARTY.** The parent filing the Petition, Request, Motion or Complaint shall serve this document on the other parent.

5. **FAILURE TO ATTEND CLASS.** If you file a Petition/Complaint or ***"Response"*** or ***"Answer"*** and do **not** complete the Parent Information Program Class, the judge **may not** sign your papers and you **may not** get the things you asked the court to give you. You may also be denied the right to seek modification and/or enforcement of the decree/judgment/order until completion of the class. If you are the party required to file a Response/Answer and choose not to file a ***"Response"*** or ***"Answer,"*** and do not complete the Parent Information Program Class, you **may be denied** the right to seek modification and/or enforcement of the decree/judgment/order until completion of the class.



Presiding Judge, Superior Court

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PARENT INFORMATION PROGRAM NOTICE

ATTENDANCE IS REQUIRED (A.R.S. 25-352)
You and the other parent must complete a class through the Parent Information Program. The purpose of the program is to give parents information about how children affected by matters that involve divorce, paternity, legal decision-making (custody) and/or parenting time.

If you do not complete the parent information class, the judge may not sign your papers, and you may not receive what you requested from the court. The judge may also find you in contempt of court.

APPROVED PARENT INFORMATION CLASS
A court-approved class that meets the requirements of the Parent Information Program is available in both English and Spanish. You may register for the class by contacting the following person.

To register, email Emily Matheron at
ematheron@courts.az.gov

Cost
The registration fee of $40.00 is included in your filing fee and is outlined on your payment receipt.

Special Needs and/or Questions
If you need special accommodations due to a disability to participate in this class, or if you have questions about the parent Information Program, please contact Conciliation Court Services at 928-817-4084.

Class Procedure
This online class requires a current email address. Please make certain you have a current email address before registering for a class.

A copy of the "***Certificate of Completion"*** will be available for you to print when you complete the class. After completing the class, email a copy of your certificate to ematheron@courts.az.gov, or drop off a copy at the Superior Court Information Desk.

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