

LEGAL DECISION-MAKING (Legal custody) PARENTING TIME and CHILD SUPPORT

3

RESPONSE

**To petition for first court order establishing
Legal Decision-Making, Parenting Time, and Child Support**

(Instructions and Forms)

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**RESPONSE TO PETITION TO ESTABLISH LEGAL
DECISION-MAKING (CUSTODY), PARENTING TIME,
AND SUPPORT**

(when paternity has already been established)

CHECKLIST

You may use this packet if . . .

- ✓ Someone filed a petition to establish 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 support order already, in which case the court will review the order if it orders custody and authority for legal decision making), **AND**

- ✓ You want to file a **“Response”** to tell the Court that you disagree with something stated or requested in the **“Petition”**.

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.

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

Part 3 - Response to Petition

This packet contains court forms and instructions to file response to petition to establish 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.

Helpful information about responding to papers for legal decision-making, parenting time, and child support

If the other party wants a court order for legal decision-making (custody) and parenting time, the court will also review the current child support order. If there is no order, the court will establish child support in this case or, if the child support order needs to be changed, the court will do so in this case.

IMPORTANT INFORMATION about when you must file your response

Look at the timetable below. If the last day to respond falls on a Saturday, Sunday, or legal holiday, do not count that day.

- Include weekends and holidays in your count -- until you reach the number of days in the timetable below. If a written response is filed with the court on time, the other party cannot proceed by default.

| <u>SERVICE BY</u> | <u>COUNT</u> | <u>EVENT</u> |
|--|--------------|--|
| Acceptance in Arizona | 20 Days | after the "Acceptance of Service" is filed |
| Acceptance out-of-state | 30 Days | after the "Acceptance of Service" is filed |
| Signature with Confirmation in Arizona | 20 Days | after you signed the Confirmation |
| Signature with Confirmation out-of-state | 30 Days | after you signed the Confirmation |
| Process Server in Arizona | 20 Days | after you received papers from Server |
| Process Server out-of-state | 30 Days | after you received papers from Server |
| Sheriff in Arizona | 20 Days | after you received papers from Sheriff |
| Sheriff out-of-state | 30 Days | after you received papers from Sheriff |
| Publication in Arizona | 50 Days | after the 1st date of publication |
| Publication out-of-state | 60 Days | after the 1st date of publication |

IMPORTANT NOTICE about when a party can bring a legal decision-making (legal custody) case in the Superior Court in Arizona: Generally a party must have resided in Arizona with the minor children for at least 6 months, or the minor child must have been born in Arizona if the child is less than 6 months old before filing a legal decision-making (custody) petition. If you have questions regarding this requirement, see a lawyer before filing.

IMPORTANT NOTICE about when you can be sued in Arizona for paternity or child support: A responding party can be sued in Arizona on a case about establishing, enforcing, or changing a support order, or establishing paternity, if ONE of the following is true:

- The person is a resident of Arizona;
- The person was personally served in Arizona (See packet on service to know about this.);
- The person agrees to have the case heard here and files written papers in the court case;
- The person lived with the minor child in this state at some time;
- The person lived in this state and provided pre-birth expenses or support for the minor child;
- The minor child lives in this state as a result of the acts or directions of the person;
- The person had sexual intercourse in this state as a result of which the minor child may have been conceived;
- The person signed a birth certificate that is filed in this state;
- The person did any other acts that substantially connect the person with this state (see a lawyer to help you determine this).

WARNING: Jurisdiction over the responding party is very serious. If you have any doubts about whether it was proper for the petitioner OR petitioner to sue you in Arizona, you should see a lawyer IMMEDIATELY, and BEFORE you file any written response, answer or other court paper.

Information about papers you should have received from the other party with the petition about legal decision-making, parenting time, and child support:

1. **SUMMONS:** You have been summoned to appear in court. The summons tells you how many calendar days you have to file a response, depending on how you were served with the court papers. Be sure to file a written response on time. If the time for you to file a written response has passed, the other party must complete an Application and Affidavit for Entry of Default and send you a copy. Then you have 10 more days in which to file your written response. If you do not file a written response ON TIME a default judgment can be entered.
2. **PETITION FOR LEGAL DECISION-MAKING, PARENTING TIME, AND CHILD SUPPORT:** This is the form the other party completed to tell the court his/her side of the story about the minor children, pregnancy, child support, child parenting time, and legal decision-making (legal custody). Read each and every word very carefully, and decide what you want to do. Here are your choices:
 - A. Do nothing. This means the other party can get a court order and tell the judge his/her side of the story, without you telling your side at all. This is called a default. Even in these cases, the judge will try to decide what is best, but it is never a good idea to ignore the court proceeding and have a court order that you had no input on. See a lawyer for help before you choose this option.
 - B. Decide with the other party how you want to handle everything about the minor children, pregnancy, child support, child parenting time, and child custody. Then you and the other party file papers in the court stating your agreement on everything. This is called a Consent or Stipulation. Mediators can help you with this, and the Law Library Resource Center has a list of mediators, and how much they charge to help you.
 - C. Disagree and to file a response stating your side of the story, and how you want to handle everything. This is called a "contested" matter. But, even if you originally file a response, you and the other party can decide to agree on something, or everything, and file court papers for a Consent or Stipulation. Mediators can help you with this, and the Law Library Resource Center has a list of mediators, and how much they charge to help you. If you file a response and do not settle everything with the other party, you must be sure to file the court papers you will need to set the case for trial.
3. **PARENT INFORMATION PROGRAM ORDER and NOTICE:** These papers are important. You and the other parent must attend and complete a class in the Parent Information Program. The class was designed to help you parent your child through and beyond the court process. The purpose of the Parent Information Program is to give parents information about the impacts that divorce, the changes in the family unit, and court involvement have on minor children involved in a divorce, paternity, or legal decision-making (legal custody) case. This Order and Notice applies to all parents who file an action for dissolution of marriage, legal separation, or any paternity proceeding, in which a party has requested that the Court determine legal decision-making (legal custody) 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 order and notice and do what it says.
4. **PARENTING PLAN:** This plan is a detailed plan that says how decisions will be made and when the child will be with each parent. The parenting plan may be developed by the parents, through mediation, with the help of court staff, lawyers, or by a judge after a hearing or at trial.
5. **CHILD SUPPORT WORKSHEET:** This is the amount of child support that the other party believes the Court should order for the minor child(ren) including all of the information that the other party used to calculate the amount of child support owed.

Instructions: How to fill out forms to respond to a petition about legal decision-making (legal custody), parenting time, and child support

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

All court documents will request your address and phone number. If you are a victim of domestic violence are in a domestic violence shelter, or if you do not want your address known to protect yourself or your children from further violence, you must file for 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. Update the Clerk of Superior Court with an address and phone number as soon as possible so that the Court can get in touch with you.

Instructions: Follow these instructions to complete your Response.

- Make sure your form states “Response to petition for legal decision-making, parenting time and child support.”
- 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.
- Fill in the name of “Petitioner/Party A” and “Respondent/Party B” exactly the same way as it looks on the Petition. Do that for every document you ever file with the court from now on in this case.
- Use the DR or FC case number that is stamped in the upper right-hand corner of the Petition. Do that for every document you ever file with the court from now on in this case.

General information:

1. Fill in the name, address and date of birth for the other Party. This is basic information about the relationship to the minor children for whom the person wants the legal decision-making (custody) and/or parenting time order.

2. Fill in the information about you.
3. Venue: This tells the Court that at least one parent or the minor child(ren) lives in Yuma County, so the Court can decide your case. If at least one parent or the minor child(ren) do not reside in Yuma County, check the second box.
4. Fill in information about all the minor children that is different than what the other Party states in the Petition.

Statements about paternity and child support

5.A-B. How was Paternity established in your case? Check the box that states that Paternity has not been established or describes how Paternity was established. If none of these apply, or if only the last box applies (indicating the parties were married when the minor child(ren) was/were born, conceived or adopted, stop! Do not proceed with these forms unless advised to do so by an attorney. Paternity must already be established to use these forms; if the parties were married, legal decision-making (custody) and parenting time can only be decided as part of an action for divorce or separation. Fill in information about Paternity that is different from what the other Party stated in the Petition.

5.C. 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 needs to be changed: check here if the child support order you have needs to be changed.

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 custody order you want. Warning: the judge can decide whether to change the child support order even if you do not want this.

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

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 custody, 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.

Other information about the minor children: If you are aware of court cases about the minor children, you need to tell the court. Attach a copy of the orders about legal decision-making (custody), parenting time, or child support to the response, unless the orders are from the Superior Court in Yuma County.

6. You must tell the Court if you participated as a party or witness in any court case not involving legal decision-making (legal custody) or parenting time of the minor child(ren). If not, mark the first box and go on. If there is another case, mark the second box and give as much information as possible. This information could affect you or your minor children's rights in this case.
7. The Court must know if there have been other cases involving legal decision-making (legal custody), parenting time or child support of the minor children, even if you were not a party. If there are no other legal decision-making (legal custody) or parenting time cases, or you don't know of any, mark the first box and go on. If you have been involved in any way with this type of Court case, mark the second box and give the information where requested. Tell the Court what happened and what is going on now in the other case(s).
8. If you do not know of another person other than the opposing party who has physical custody of the minor child(ren) or is claiming legal decision-making (legal custody) or parenting time rights to any of the minor children, mark the first box and go on. If you do know of such a person, put the information here, including the minor child's name and the person who believes they have a physical custody, legal decision-making (legal custody) or parenting time claim. If there is such a person, you must include the person as a respondent in this court case.

Other statements to the court:

9. Other expenses: This asks for a fair division of all expenses about the minor children.
10. Domestic violence: This tells the Court if there was domestic violence in the relationship and relates to a request for joint legal decision-making (legal custody), if you intend to ask for joint legal decision-making (legal custody). Mark the box corresponding to your situation. If you are not sure what this means, see the IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE. Fill in information about domestic violence that is different from what the other Party stated in the Petition.
11. 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 party in the last twelve (12) months.

Check the appropriate box to choose whether either party 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. Fill in information about drug/ alcohol convictions that is different from what the other Party stated in the Petition.

12. The Parent Information Program: This tells the court if you have already completed the Parent Information Program.
13. General denial: This tells the Court that, even if you did not answer each and everything said in the Petition, you deny what you did not address. This is extra protection for you.

Requests made to the court for legal decision-making (legal custody), parenting time and child support.

This section of the Petition formally requests that the Court make Orders relating to issues such as legal decision-making, parenting time and/or support.

1. Primary residence, parenting time and authority for legal decision-making (legal custody).
 - A. Primary residence: Check which party's home will be the primary residence for the minor child(ren).
 - B. Parenting time: Mark one box only. You can ask that the non-primary residential parent (the parent having parenting time with the minor child less than 50% of the time) have one of the following types of parenting time:
 1. Reasonable Parenting time. This suggests an amount of parenting time appropriate to the age of the minor child. The Court offers suggested amounts of parenting time, but the amount can vary by agreement of both parents. Complete the Parenting Plan before you go to the judge for your final order.
 2. Supervised or No Parenting time to the Non-Custodial Parent. You may request supervised or no parenting time if the other Party cannot adequately care for the minor children or cannot do so without another person present. You may request this if the person not having legal decision-making authority abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for a minor child without another adult present. Remember, supervised or no parenting time is not intended to punish the parent, but to protect the minor child(ren). You must write in specifically why parenting time should be supervised or no parenting time allowed.
 3. Supervised Parenting time: Describe how you think this should work and who should pay for it.
 4. No Parenting time to the Other Party. You should mark this option only if the other

Party has seriously harmed, abused, or otherwise is a serious danger to the minor child's physical and emotional health, or if there is a criminal Court Order stating there is to be no contact between the minor child and the non-custodial parent. This is a last resort to protect the minor child.

C. Authority for legal decision-making:

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

Sole legal decision-making (legal custody): If you want sole legal decision-making (legal custody), check the boxes that apply, including the parenting time you are asking for. Tell the Court whether you want legal decision-making (legal custody) of the minor children to go to you or the other party.

2. 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 to be paid using a retroactive calculation and which party should pay.
3. Medical, dental, vision care insurance, and health care expenses: Mark which party should be responsible for medical, dental, and vision care insurance and expenses.
4. 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.
5. Other orders: Mark this box only if you have made other requests of the Court. If you mark the box, write the specific additional orders you are requesting the Court to make that were not covered elsewhere in your Petition.

Oath or affirmation

Sign and date the form. By doing so, you are telling the Court that everything contained in your Response is true.

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 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 Response.

Other important papers to be completed not in this packet

Child Support Worksheet

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

AzCourts <https://www.azcourts.gov/familylaw/2018-child-support-calculator>

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 Response.

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PARENTING PLAN INFORMATION

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?

Procedures: How to file a response to a petition to establish legal decision-making (legal custody), parenting time, and child support

Step 1: Complete the following documents:

- Family Department Sensitive Data / Coversheet
- Response
- Parenting Plan

Step 2: Complete the Child Support Worksheet online via

AzCourts <https://www.azcourts.gov/familylaw/2018-child-support-calculator>

Print out 1 copy of the completed Child Support Worksheet.

Step 3: Make 2 copies of the Originals of the following documents:

- Response
- Child Support Worksheet
- Parenting Plan

Step 4: Separate your documents into three (3) sets (4 sets if the State of Arizona is a party in your case):

| | |
|---|---|
| Set 1 – <u>Originals</u> for Clerk of Superior Court: <ul style="list-style-type: none">• Family Department Sensitive Data/Coversheet• Response• Child Support Worksheet• Parenting Plan | Set 2 -- <u>Copies</u> for other party: <ul style="list-style-type: none">• Response• Child Support Worksheet• Parenting Plan |
| Set 3 – <u>Copies</u> for you: <ul style="list-style-type: none">• Response• Child Support Worksheet• Parenting Plan | Set 4 – To serve on the State if DES or DCSE is involved: <ul style="list-style-type: none">• Response• Child Support Worksheet• Parenting Plan |

Step 5: Take the papers to the Clerk of Superior Court filing counter. The court is open from 8:00 a.m. – 5:00 p.m., Monday-Friday. You should go to the court at least two hours before it closes.

File the Response and pay the filing fee: (also known as “response” or “answer” fee)

- File the Family Department Sensitive Data/Cover Sheet, and the original and both copies of your Response with the Clerk of Superior Court, and pay your filing fee.
- The Clerk will keep the originals, stamp and return the copies to you.
- Make sure you receive both (2) copies back from the Clerk and they have been stamped.

Fees: A list of current fees is available from the Law Library Resource Center and from the Clerk of Superior Court’s website. If this is the first time one of the parties or his or her attorney has “appeared”, that is, filed papers in this case, a substantial “appearance fee” (also known as a “response” or “answer” fee) will be due from that party at the time of filing.

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.

Step 6: Mail a copy to the other party. Mail or hand-deliver the other copy of your Response to the other person (or the person’s attorney, if he/she is represented by an attorney. If the person is represented by an attorney, the attorney’s name and address may be found on the Petition in the upper left-hand corner.)

If DES is already involved in child support matters regarding any of the children in this case, send a copy to DES as well at:

Office of the Attorney General
Child Support Services Section
1800 E. Palo Verde Street
Yuma, AZ 85365

Keep the last copy for your records.

Step 7: What will happen next? You will receive notice to attend either a hearing or a conference.

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

 Petitioner / Party A

Case No. _____

 Respondent / Party B

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 | <input type="checkbox"/> Male or <input type="checkbox"/> Female | <input type="checkbox"/> Male or <input type="checkbox"/> 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? | <input type="checkbox"/> Yes <input type="checkbox"/> No texts | <input type="checkbox"/> Yes <input type="checkbox"/> 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.

| | | |
|--|--|---|
| <input type="checkbox"/> Dissolution (Divorce) | <input type="checkbox"/> Paternity | <input type="checkbox"/> Order of Protection |
| <input type="checkbox"/> Legal Separation | <input type="checkbox"/> *Legal Decision-Making / Parenting Time | <input type="checkbox"/> Register Foreign Order |
| <input type="checkbox"/> Annulment | <input type="checkbox"/> *Child Support | <input type="checkbox"/> 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

Name of Petitioner / Party A

Case Number: _____

Name of Respondent / Party B

RESPONSE TO PETITION TO ESTABLISH

(Check one box, depending on whether you need child support order)

- LEGAL DECISION-MAKING (CUSTODY), PARENTING TIME, and CHILD SUPPORT, or
- LEGAL DECISION-MAKING (CUSTODY) AND PARENTING TIME (ONLY)

STATEMENTS TO THE COURT

1. INFORMATION ABOUT THE OTHER PARTY

Name: _____

Address: _____

Date of Birth: _____

Occupation: _____

The Other Party's relationship to the children listed in this Response:

Mother Father Other. Other Party's relationship to the children is:

2. INFORMATION ABOUT ME

Name: _____

Address: _____

Date of Birth: _____

Occupation: _____

MY relationship to the children listed in this Response:

Mother Father Other. My relationship to the children is:

3. VENUE:

This is the proper court to bring this lawsuit under Arizona law because it is the county of residence of Party A, and/or Party B, and/or the minor child(ren),

OR

This is NOT the proper court to bring this lawsuit under Arizona law because it is not the county of residence of Party A, Party B, or the minor child(ren).

4. INFORMATION ABOUT MINOR CHILDREN is contained in the Petition and incorporated by reference.

Summary of what I say about the MINOR CHILDREN that is different from what the other Party stated in the Petition:

5. STATEMENTS ABOUT PATERNITY AND CHILD SUPPORT

A. PATERNITY HAS NOT been established.

B. 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. (See instructions)

Parties were legally married when minor child(ren) was (were) born, conceived or adopted.*

Summary of what I say about PATERNITY that is different from what the other Party stated in the Petition:

*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 (custody) and parenting time for married persons must generally be filed as part of a case for Legal Separation or Divorce.

C. INFORMATION ABOUT CHILD SUPPORT FOR MINOR CHILDREN: (check one box)

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 a different court. (If you checked this box, complete the following.)

Name and Location of Court: _____

Nature of the Case: _____

Status of Case: _____

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 (custody), 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 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 date current child support is ordered.

6. COURT CASES NOT INVOLVING LEGAL DECISION-MAKING (LEGAL CUSTODY) 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 in any other state regarding any matter OTHER THAN the legal decision-making (legal custody) 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: _____

Court Case Number: _____

Current Status: _____

How the Child is involved:

Summary of any Court Order: _____

7. LEGAL DECISION-MAKING (LEGAL CUSTODY) 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 (legal custody) 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 minor child: _____

Court State: _____

Court Location: _____

Court Case Number: _____

Current Status: _____

Nature of Court proceeding:

Summary of any Court Order: _____

8. LEGAL DECISION-MAKING (LEGAL CUSTODY) OR PARENTING TIME CLAIMS OF ANY PERSON:

(Check one box) **I DO NOT KNOW** **I DO KNOW** a person other than Party A or Party B who has physical custody or who claims legal decision-making (legal custody) or parenting time rights to any of the minor children named above.

(If so, explain below, using extra pages if necessary. IF NOT, GO TO #9).

Names of each child minor claimed: _____

Name of person with the Claim: _____

Address of person with the Claim: _____

Nature of the Claim: _____

Additional claims of legal decision-making (legal custody) or parenting time stated on the attached page.

OTHER STATEMENTS TO THE COURT:

9. 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.

10. DOMESTIC VIOLENCE: *(If you intend to ask for joint legal decision-making (joint legal custody), there must have been no significant domestic violence between the parties or you must provide specific reasons the court should find joint authority is in the best interests of the minor(s) despite the domestic violence. (A.R.S. § 25-403.03). (Check the box to make a true statement below.)*

There has been domestic violence in this relationship and neither joint nor sole legal decision-making (custody) should be awarded to the **petitioner** **respondent who committed the violence.**

Domestic violence has not occurred in this relationship; or

There has been domestic violence between the parties 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 (joint or sole legal custody) to a parent who has committed domestic violence *because:* (Explain)

Summary of what I say about **DOMESTIC VIOLENCE** that is different from what the other Party said in the Petition.

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

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

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

Party A was convicted.

Party B was convicted.

- The legal decision-making (legal custody) and parenting time arrangement I am requesting appropriately protects the minor child(ren).

Explain how this arrangement appropriately protects the minor children.

Summary of what I say about **DRUG/ALCOHOL CONVICTIONS** that is different from what the other Party said in the Petition.

- 12. THE PARENT INFORMATION PROGRAM** is required for persons seeking legal decision-making (legal custody) or parenting time. (If you intend to ask for legal decision-making (legal custody) or parenting time, check one.)

I **have** OR **have not** already completed the Parenting Education Program.

- 13. GENERAL DENIAL:** I deny anything stated in the Petition that I have not specifically admitted, qualified, or denied.

REQUESTS TO THE COURT:

- 1. FOR ORDER DECLARING PRIMARY RESIDENCE, PARENTING TIME, AND AUTHORITY FOR LEGAL DECISION-MAKING (LEGAL CUSTODY):**

A. Declare which parent’s home shall be “Primary Residence” for each minor child as follows:

NEITHER parent’s home is designated as the primary residence, OR

Party A’s home as primary residence for the following named children:

Party B’s home as primary residence for the following named children:

B. 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
- Party B, OR
- Shared equally by the parties.

C. AUTHORITY FOR LEGAL DECISION-MAKING (LEGAL CUSTODY):

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

AWARD SOLE AUTHORITY FOR LEGAL DECISION-MAKING to:

Party A OR Party B

OR

AWARD JOINT LEGAL DECISION-MAKING AUTHORITY to BOTH PARENTS.

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 the both parties. (For the court to order joint legal decision-making, there must have been no "significant" domestic violence or find it in the best interests of the child(ren) despite any such violence according to Arizona law, A.R.S. § 25-403.03)

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

2. CHILD SUPPORT:

A. Order that **child support** be paid by **Party A** **Party B** in an amount as determined by the Court under the Arizona Child Support Guidelines.

Support payments to begin on the first day of the month after the Judge or Commissioner signs the Order with all payments, plus the statutory handling fee, to be paid through the Support Payment Clearinghouse, PO Box 52107, Phoenix, Arizona 85072-7107 by income withholding order.

B. 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.

3. MEDICAL, DENTAL, VISION CARE FOR MINOR CHILDREN: Order that

Party A is responsible for providing: medical dental vision care insurance.

Party B is responsible for providing: medical dental vision care insurance.

Order that 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 as described on the Parents' Worksheet, which shall be submitted with the Judgment and Order.

4. 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 |
|---|---------------------|-------------|
| <input type="checkbox"/> Party A <input type="checkbox"/> Party B | _____ | _____ |
| <input type="checkbox"/> Party A <input type="checkbox"/> Party B | _____ | _____ |
| <input type="checkbox"/> Party A <input type="checkbox"/> Party B | _____ | _____ |
| <input type="checkbox"/> Party A <input type="checkbox"/> Party B | _____ | _____ |
| <input type="checkbox"/> Party A <input type="checkbox"/> Party B | _____ | _____ |

Pattern shall repeat for subsequent years.

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

OATH OR AFFIRMATION

I swear or affirm the contents of this document are true and correct under penalty of perjury.

Date

Signature of Responding Party

Printed Name of Responding Party

Copy of this document mailed to the other party on: _____
Month/Date/Year

To the following address:

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.
- 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.

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.

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.

| <u>Holiday</u> | <u>Even Years</u> | | <u>Odd Years</u> | |
|------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| New Year's Eve | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B |
| New Year's Day | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B |
| Spring Vacation | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B |
| Easter | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B |
| 4th of July | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B |
| Halloween | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B |
| Veteran's Day | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B |
| Thanksgiving | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B |
| Hanukkah | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B |
| Christmas Eve | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B |
| Christmas Day | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B |
| Winter Break | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B |
| Child's Birthday | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B |
| Mother's Day | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B |
| Father's Day | <input type="checkbox"/> Party A | <input type="checkbox"/> Party B | <input type="checkbox"/> Party A | <input type="checkbox"/> 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. EDUCATIONAL ARRANGEMENTS:

This Parenting Plan incorporates by reference the following Education Order:

- Joint Legal Decision-Making Education Order
- Sole Legal Decision-Making Education Order

NOTE: The Education Order you select must match the type of legal decision-making that you request in this Parenting Plan.

G. 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.

H. 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.

I. 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 Phoenix 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: _____

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.

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: _____

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

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

IN THE SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY

Case No. _____

Petitioner

Respondent

**JOINT LEGAL DECISION-MAKING
EDUCATION ORDER**

Instructions:

This Legal Decision-Making Order is required. You must complete this Order to match your **Parenting Time Plan** and, **after it's signed by the Judge**, provide a copy to the minor child(ren)'s school(s).

If **both parents agree**, both parents must sign this Order on page 8, before submitting it to the Judge.

If **the Order is being submitted by one parent**, that parent must sign this Order on page 8, before submitting it to the Judge.

If **either parent is represented**, that Parent's Counsel or Paraprofessional must also sign this Order on page 8, before it's submitted to the Judge.

THIS SECTION LEFT INTENTIONALLY BLANK

THE COURT FINDS AS FOLLOWS:

1. The parties have the following minor child(ren) (hereinafter the “minor child(ren)”):

| | |
|-------------|-------------|
| Name: _____ | Born: _____ |
| Name: _____ | Born: _____ |
| Name: _____ | Born: _____ |
| Name: _____ | Born: _____ |
| Name: _____ | Born: _____ |
| Name: _____ | Born: _____ |
| Name: _____ | Born: _____ |

2. An order regarding legal decision-making and/or parenting time in the best interests of the minor child(ren) (also referred to as a “Parenting Plan”) was entered by this Court on (insert date)

3. A.R.S. §25-401 defines two different types of legal decision-making. “Joint legal decision-making” means both parents share decision-making and neither parent's rights or responsibilities are superior except with respect to specified decisions as set forth by the court or the parents in the final judgment or order. “Sole legal decision-making” means one parent has the legal right and responsibility to make major decisions for a child. In this case, the Court has awarded **joint legal decision-making** to the parents.

4. It furthers the best interests of the minor child(ren) for this Court to enter the following school-specific order that reflects relevant provisions under the Parenting Plan. This order serves to supplement, but not modify or replace, the provisions set forth in the Parenting Plan. If there is a conflict between this order and the current Parenting Plan, the Parenting Plan controls. For purposes of this order, the terms apply equally to schools, pre-schools, and institutional childcare providers.

5. This order is binding upon the parents, who are responsible for complying with its terms and the terms in the parenting plan. It is not binding on a school but is provided as guidance for the child(ren)’s schools.

Based thereon,

IT IS HEREBY ORDERED AS FOLLOWS:

1. Delivery to School.

The parents are required to provide a copy of this order to the minor child(ren)’s school(s).

2. Joint Legal Decision-Making.

The parents have been awarded joint legal decision-making. As it relates to this Education Order, legal decisions include school selection, enrollment/withdrawal, and special services (IEP/504 Plans). In the event the parents cannot agree (select appropriate box):

Joint Decision-Making: Neither parent is entitled to any greater decision-making authority. No change can be made, nor any action taken, unless the parties agree or a court order resolves the issue.

Joint Decision-Making with a party having “Final” Authority: Subject to the terms set forth in the Parenting Plan, decisions will be made by (indicate which parent has “presumptive” or “final” authority):

Petitioner

Respondent

3. **School Selection.**

Enrollment of the minor child(ren) in a particular school is subject to the school’s policies or rules, space availability, enrollment restrictions set by the school or school district or its authorizer (if a charter school), and state law. A parent may submit enrollment documentation to the school of choice solely for the purpose of reserving the minor child(ren)’s place at the school. Neither parent is restricted from selecting their preference of school for open enrollment purposes.

4. **Special Services.**

If the minor child(ren) is/are eligible for or being considered for a 504 Plan, an Individualized Education Program (IEP), an Individualized Service Plan (ISP), or other special services:

- An evaluation as to the minor child(ren)’s eligibility for special services shall proceed so long as at least one parent consents.
- Both parents are entitled to attend all meetings with school officials that parents are permitted to attend.
- Both parents are authorized to have access to all special services records and testing results.
- Upon completion of any evaluation or assessments, if there is no agreement between the parties regarding the provision of special education and related special services, the decision of how to proceed must be decided in accordance with the legal decision-making orders of the court.

5. **Parenting Time and Child Pick-Up.**

The school should not use the parenting schedule as a basis to deny either parent access to their minor child(ren), nor may either parent instruct the school to limit contact, unless otherwise ordered. Each parent may pick up the minor child(ren) from school and each may authorize other individuals to pick up the minor child(ren), unless there are limitations under the terms of the current Parenting Plan or another court order.

6. **Contact Information.**

Each parent’s home address, e-mail, cell phone and any other contact information must be provided to the school and listed by the school as the contact information for the minor child(ren). Additional emergency contacts may be listed, but in the event of a dispute between the parties, the school must list any person requested by either parent until the parents reach an agreement or secure a court order to the contrary. In the event of an emergency, either parent may make decisions for the minor child(ren)’s immediate care.

7. **Access to School Grounds.**

Subject to the policies of the school, or any provisions set forth in the Parenting Plan or other order of the court, there are no restrictions on either parent’s right to participate in school activities or events, or engage in any parent volunteer activities, that parents are generally permitted to participate in.

8. Access to School Records and Parent Portal.

Both parents are entitled to equal access to the minor child(ren)'s school records. Neither parent may restrict the other parent's access to information. Further, each parent is individually responsible for contacting the school and requesting to be included on any mailing or distribution list.

Both parents are entitled to access the school's student information system or online parent portal(s) (e.g. ParentVUE, Google Classroom, Infinite Campus, etc.). Unless the school allows each parent to have an individual login account, the parents must create a joint login ID and password, which will not be changed or modified without the consent of the other parent.

9. Parent-Teacher Conferences.

Each of the parents has equal right to confer with teachers and counselors concerning the minor child(ren)'s education and other activities. The parents may request joint or separate parent-teacher conferences, and the school may or may not accommodate the request.

10. Curriculum and Instruction Disputes.

In the event there is a disagreement between the parties as to the child(ren)'s involvement in any specific curricular activities, the subject matter being taught by the school (including books associated with the school curriculum), or the method of instruction, the issue shall be decided consistent with the legal decision-making authority assigned by court order. If neither parent has superior decision-making authority, the school shall implement its standard curriculum and method of instruction until such time that the parties reach an agreement or secure a court order.

11. Extra-Curricular Activities.

Each parent is authorized to sign consent forms for the child(ren) to participate in extra-curricular activities. In the event the parents disagree about the child(ren)'s involvement in such activities, the issue shall be addressed in accordance with the legal decision-making authority determined by the court. If neither parent has superior decision-making authority, the burden shall be on the parents, and not the schools, to resolve the issue through agreement or order of the court consistent with the legal decision-making orders entered by the court.

12. Future Litigation.

The parties must make best efforts to agree upon the admission of school records or communications without the need for foundational testimony or agree upon the submission of an affidavit from the custodian of records to authenticate the records in lieu of testimony, whenever possible. If a teacher or school official is required for substantive testimony, the scheduling of such testimony will, when possible, be set at a time that is least disruptive to the school, its other students, and its operations. Presumptively, accommodations will be made to allow virtual appearances by the teacher or school official.

13. Additional Education-Related Orders

Signed this date: _____

By: _____
Judicial Officer
Superior Court of Yuma County

If both parties agree to this Order, signatures of BOTH parties:

Petitioner: _____

Respondent: _____

Date: _____

Date: _____

If either party is represented by an attorney, their attorney must also sign.

Date

Approved by Petitioner's Attorney

Date

Approved by Respondent's Attorney

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

IN THE SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

Petitioner

Case No. _____

Respondent

SOLE LEGAL DECISION-MAKING EDUCATION ORDER

Instructions:

This Legal Decision-Making Order is required. You must complete this Order to match your **Parenting Time Plan** and, **after it's signed by the Judge**, provide a copy to the minor child(ren)'s school(s).

If **both parents agree**, both parents must sign this Order on page 6, before submitting it to the Judge.

If **the Order is being submitted by one parent**, that parent must sign this Order on page 6, before submitting it to the Judge.

If **either parent is represented**, that Parent's Counsel or Paraprofessional must also sign this Order on page 7, before it's submitted to the Judge.

THIS SECTION LEFT INTENTIONALLY BLANK

THE COURT FINDS AS FOLLOWS:

1. The parties have the following minor child(ren) (hereinafter the "minor child(ren)"):

| | |
|-------------|-------------|
| Name: _____ | Born: _____ |
| Name: _____ | Born: _____ |
| Name: _____ | Born: _____ |
| Name: _____ | Born: _____ |
| Name: _____ | Born: _____ |
| Name: _____ | Born: _____ |
| Name: _____ | Born: _____ |

2. An order regarding legal decision-making and/or parenting time in the best interests of the minor child(ren) (also referred to as a "Parenting Plan") was entered by this Court on (insert date)

3. A.R.S. §25-401 defines two different types of legal decision-making. "Joint legal decision-making" means both parents share decision-making and neither parent's rights or responsibilities are superior except with respect to specified decisions as set forth by the court or the parents in the final judgment or order. "Sole legal decision-making" means one parent has the legal right and responsibility to make major decisions for a child. In this case, the Court has awarded **sole legal decision-making** to one parent.

4. It furthers the best interests of the minor child(ren) for this Court to enter the following school-specific order that reflects relevant provisions under the Parenting Plan. This order serves to supplement, but not modify or replace, the provisions set forth in the Parenting Plan. If there is a conflict between this order and the current Parenting Plan, the Parenting Plan controls. For purposes of this order, the terms apply equally to schools, pre-schools, and institutional childcare providers.

5. This order is binding upon the parents, who are responsible for complying with its terms and the terms in the parenting plan. It is not binding on a school but is provided as guidance for the child(ren)'s schools.

Based thereon,

IT IS HEREBY ORDERED AS FOLLOWS:

1. Delivery to School.

The parents are required to provide a copy of this order to the minor child(ren)'s school(s).

2. Sole Legal Decision-Making.

Sole legal decision-making authority has been awarded to (indicate which parent has sole legal decision-making): Petitioner Respondent

As it relates to this Education Order, legal decisions include school selection, enrollment/ withdrawal, and special services (IEP/504 Plans).

3. School Selection.

Only the parent with sole legal decision-making authority has the authority to select the minor child(ren)'s school. However, enrollment of the minor child(ren) in a particular school is subject to the school's policies or rules, space availability, enrollment restrictions set by the school or school district or its authorizer (if a charter school), and state law.

4. Special Services.

If the minor child(ren) is/are eligible for or being considered for a 504 Plan, an Individualized Education Program (IEP), an Individualized Service Plan (ISP), or other special services, only the parent with sole legal decision-making has the authority to consent to evaluation and/or the child(ren)'s participation in special education and related special services.

Both parents are entitled to attend all meetings with school officials that parents are permitted to attend. Both parents are authorized to have access to all special services records and testing results.

5. Parenting Time and Child Pick-Up.

The school should not use the parenting schedule as a basis to deny either parent access to their minor child(ren), nor may either parent instruct the school to limit contact, unless otherwise ordered. Each parent may pick up the minor child(ren) from school and each may authorize other individuals to pick up the minor child(ren), unless there are limitations under the terms of the current Parenting Plan or other court order.

6. Contact Information.

Each parent's home address, e-mail, cell phone and any other contact information must be provided to the school and listed by the school as the contact information for the minor child(ren). Additional emergency contacts may be listed, but in the event of a dispute between the parties, the school must list any person requested by either parent until the parents reach an agreement or secure a court order to the contrary. In the event of an emergency, either parent may make decisions for the minor child(ren)'s immediate care.

7. Access to School Grounds.

Subject to the policies of the school, or any provisions set forth in the Parenting Plan or other order of the court, there are no restrictions on either parent's right to participate in school activities or events, or engage in any parent volunteer activities, that parents are generally permitted to participate in.

8. Access to School Records and Parent Portal.

Both parents are entitled to equal access to the minor child(ren)'s school records. Neither parent may restrict the other parent's access to information. Further, each parent is individually responsible for contacting the school and requesting to be included on any mailing or distribution list.

Both parents are entitled to access the school's student information system or online parent portal(s) (e.g. ParentVUE, Google Classroom, Infinite Campus, etc.). Unless the school allows each parent to have an individual login account, the parents must create a joint login ID and password, which will not be changed or modified without the consent of the other parent.

9. Parent-Teacher Conferences.

Each of the parents has the equal right to confer with teachers and counselors concerning the minor child(ren)'s education and other activities. The parents may request joint or separate parent-teacher conferences, and the school may or may not accommodate the request.

10. Curriculum and Instruction Disputes.

In the event there is a disagreement between the parties as to the child(ren)'s involvement in any specific curricular activities, the subject matter being taught by the school (including books associated with the school curriculum), or the method of instruction, the issue shall be decided by the parent with sole legal decision-making authority.

11. Extra-Curricular Activities.

It is anticipated that the child(ren) will participate in extra-curricular activities. If there is a disagreement between the parties, only the parent with sole legal decision-making authority has the authority to sign any permission slip or authorization.

12. Future Litigation.

The parties must make best efforts to agree upon the admission of school records or communications without the need for foundational testimony or agree upon the submission of an affidavit from the custodian of records to authenticate the records in lieu of testimony, whenever possible. If a teacher or school official is required for substantive testimony, the scheduling of such testimony will, when possible, be set at a time that is least disruptive to the school, its other students, and its operations. Presumptively, accommodations will be made to allow virtual appearances by the teacher or school official.

13. Additional Education-Related Orders

Signed this date: _____

By: _____
Judicial Officer
Superior Court of Yuma County

If both parties agree to this Order, signatures of BOTH parties:

Petitioner: _____

Respondent: _____

Date: _____

Date: _____

If either party is represented by an attorney, their attorney must also sign.

Date

Approved by Petitioner's Attorney

Date

Approved by Respondent's Attorney