

PATERNITY

**with LEGAL DECISION-MAKING,
PARENTING TIME, and CHILD
SUPPORT**

4

THE COURT ORDER

(Part 4: Forms and Instructions)

PATERNITY
with **LEGAL DECISION-MAKING (Legal Custody),**
PARENTING TIME, and CHILD SUPPORT

PART 4: THE COURT ORDER

CHECKLIST

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

- ✓ You or the other party filed a petition to establish paternity, legal decision-making (legal custody), parenting time, and child support, **AND**
- ✓ You have attended the Parent Information Program (PIP) and the PIP provider filed your certificate of attendance with the Clerk of the Court, **AND**
- ✓ You have paid the filing fee, **AND**
- ✓ You are either going to a default hearing, or you filed a Motion to get a Default Decree without a hearing, or you are going to a trial on what you disagree about,

AND

- ✓ You are ready to complete the court papers about the final order.

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.

Paternity with legal decision-making, parenting time, and child support

Part 4: The Court Order

This packet contains court forms and instructions to get a Court Order for paternity with legal decision-making, 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!

| Order | Title | pages |
|-------|--|-------|
| 1 | Checklist: You may use these forms if . . . | 1 |
| 2 | Table of Contents (this page) | 1 |
| 3 | Instructions: How to fill out the judgment (order) for your paternity case | 4 |
| 4 | Parenting Plan Information | 2 |
| 5 | How to complete a Child Support Worksheet | 1 |
| 6 | Procedures: How to get your order for paternity signed by the judge | 2 |
| 7 | Instructions and Procedures for a Default Decree by Motion, without a Hearing (optional) | 6 |
| 8 | Motion and Affidavit for Default Decree without Hearing | 6 |
| 9 | Judgment and Order for Paternity | 7 |
| 10 | Parenting Plan | 11 |

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.

Instructions: How to fill out the judgment (order) for your paternity case

Information about the Judgment/Order

The Judgment is the legal document relating to the paternity action. It is important because it determines the rights and responsibilities of both you and the other party. If either party does not follow the terms of the Judgment, then the other party can ask the Court for help.

If you are filing a Motion and Affidavit for Default Decree without Hearing, see the Instructions and Procedures and forms included in this packet to proceed without a Default Hearing.

Instructions:

- When filling out any court forms, type or print clearly using black ink only!
- Your paternity judgment should repeat as closely as possible what you requested in your Petition, unless the other party has provided written consent to any changes. If you want to change your requests to the Court, you must file an amended Petition. It is a good idea to have your Petition handy when you follow the instructions to fill out the Judgment.
- Fill in the caption as you have previously done. Include your name, address, phone number, whether you are representing yourself, the name of the Petitioner (Party A) and the Respondent (Party B), and the case number. Then check the box to describe the type of things you want in addition to paternity: Legal Decision-making, parenting time and support. Check all the boxes that apply. Then if your minor child(ren) were born in Arizona and you want the father's name to be added and/or the child's last name to be changed on the birth certificate, check the box marked "vital records."

Section: The Court Finds:

1. This states that the Court has all information necessary to enter a Judgment and Order.
2. This states that this Court is able to make the Orders relating to you and the other party.
3. This states that the Court will make only those Orders that are legally proper under the circumstances of your case.
4. Print or type the full name of the children for whom paternity was established, and their dates of birth.

5. Information about legal parents: Print or type the full name of the legal parents in the space provided, including the Father's date and place of birth.
6. Parent Information Program:
 - A. Check the box to say whether you have or have not attended the parent information program class.
 - B. Check the box to say whether the other party has or has not attended the parent information program class.
7. Child Support: This states that the parties have a duty to support the minor children listed above and that the Court has determined child support pursuant to the Arizona Child Support Guidelines.
8. Domestic Violence. Check the box if it applies to you. If domestic violence has occurred between the parties and you are requesting joint legal decision-making, you must write in why joint legal decision-making is still in the best interests of the children.
9. Supervised or no parenting time. If you are asking for supervised or no parenting time for the other party, you must have a very good reason. Check the boxes that apply and write that reason in here.
10. Drug conviction within the last twelve months. Check this box if it applies to you.

Section: The Court Orders:

1. Paternity. Print or type the full name of the father of the minor child(ren).
2. Birth Certificate. Mark this box if you want father's name to appear on the birth certificate.
3. Minor child(ren)'s Last Name: Mark this box if you want to legally change the minor children's last name to the father's last name and put in the new last name.
4. Primary Residence, Parenting Time, and Legal Decision-making:
 - A. Primary Residence: Mark the box for which party's home will be the primary residence for the minor child(ren).
 - B. Parenting Time: Mark only one of the three types of parenting time: reasonable, supervised, or no parenting time. If parenting time is supervised, write in the restrictions on parenting time, mark who will be paying for costs of supervision and who will be doing the supervising. Be sure to attach the Parenting Plan.

C. Mark the box for either sole or joint legal decision-making. The legal decision-making box you mark should be the same as you did in your Petition for Paternity, unless you and the other parent have signed a Joint Legal Decision-making agreement, which will be attached to the Order.

1. For sole legal decision-making of the minor child(ren), check the first box and mark who is to have sole legal decision-making.
2. For joint legal decision-making authority for the minor child(ren), mark the second box.

5. Child Support: Mark who is to pay the child support. Write the amount the party will pay per month.

6. Other costs. Mark first who is to be awarded money for any costs related to the birth of the minor children, then the total amount owed for those costs, and finally who should pay the money for the costs related to the birth of the children. Be prepared to tell the Judge what amount is fair.

7. Financial information: Both parents must exchange financial information every 2 years.

8. Other orders: If there are other things you have asked for in the Petition that have not already been covered in the Judgment and Order, list them here. Be specific and be sure you use the same or similar language to that used in your Paternity Petition.

Judge's signature and copy for other party: You do not have a valid court order until the judge signs and dates the original order. If the other party does not have a copy, mail a copy of the signed and dated order to him or her.

If the Arizona Division of Child Support Services (DCSS) is involved in your case, have a representative of the Attorney General's Office sign in the space provided.

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, include it with your Judgment.

Other Important Papers to be Completed **Not** in this Packet

Child Support Worksheet, Child Support Order, and Current Employer Information Sheet

You can use the free Online Child Support Calculator at the website listed below to complete a Child Support Worksheet, Child Support Order, and Current Employer Information Sheet.

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

To complete the Child Support Worksheet, Child Support Order, and Current Employer Information sheet 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 Calculator, print out the Child Support Worksheet, Child Support Order, and Current Employer Information Sheet and include them with your Judgment.

Education Order:

This is a school-specific order that is part of the Parenting Plan. The Education Order applies equally to schools, pre-schools, and institutional childcare providers.

Filing an Education Order as part of the Parenting Plan is **ONLY** required prior to January 1, 2025. After this date, an Education Order is not required unless otherwise ordered by the Court.

If the Court has ordered you to file an Education Order, you must choose either the Joint Legal Decision-making Education Order or the Sole Legal Decision-making 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.

LAW LIBRARY RESOURCE CENTER

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?

How to complete a Child Support Worksheet

Use the **free** online child support calculator to produce the Child Support Worksheet that must be turned in along with your other court papers.

Using the online calculator is free (access to the Internet and a printer required).

If you do not have access to the Internet and/or a printer, you may use the computers at any Law Library Resource Center location. There is a small, per-page charge for printing. The online calculator is available at:

ezCourtForms <https://www.superiorcourt.maricopa.gov/ezcourtforms2/>

Advantages of Using the Online Child Support Calculator

- The online calculator is free.
- The online calculator does the math for you.
- The online calculator produces a neater, more readable worksheet.
- The online calculator produces a more accurate child support calculation, **and**
- **You don't have to go through 35 pages of Guidelines and Instructions.**

If you want to perform the calculations yourself, you will need an additional 60 or more pages of guidelines, instructions, and the Child Support Worksheet form. These are available for separate purchase from the Law Library Resource Center as part of the "How to Calculate Child Support" packet.

When you have completed all needed forms, go to the "Procedures" page and follow the steps.

Procedures: How to get your order for paternity signed by the judge

Requirements

A Judgment/Order of Paternity is your final court order that states you are the legal father, and requires the parties comply with the Court Orders about legal decision-making, parenting time, and child support. Before you get the Judgment/Order, the following requirements must be completed.

- ✓ Parent Information Program: The court must have a copy of your “Certificate of Completion” showing that you attended the Parent Information Program.
- ✓ Fees: Your court fees must be paid. This includes all filing fees. If you were granted a deferral (Payment plan), the payments must be current. Please note: You must attach to the Judgment/Order, proof of payment for fees in the form of a receipt, or a copy of the Order for initial Deferral of fees.

If you completed the above requirements, follow the steps below.

Procedures

Step 1: Complete the Forms in the packet:

- Judgment/Order Establishing Paternity, Legal Decision-making, Parenting Time and Child Support.
 - Add to the last page of the Judgment, the fee receipt or a copy of the Order for waiver or deferral to show the “Paid” status of your case.
- Parenting Plan, signed by you.
- 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.)

Step 2: Complete the Child Support Worksheet, Child Support Order, and Current Employer Information online via

ezCourtForms: <https://www.superiorcourt.maricopa.gov/ezcourtforms2/>

Print out 1 copy of the completed Child Support Worksheet, Child Support Order, and Current Employer Information Sheet.

Step 3: If you are asking for a default hearing, then Judge assigned to your case must review your papers before you are granted a hearing.

- A. You may submit the paperwork in person at the information desk located inside Superior Court. The documents to provide include:
1. Order for Paternity, Legal Decision-Making, Parenting Time and/or Child Support with
 2. Parenting Plan
 3. Education Order (if applicable)
 4. Child Support Worksheet
 5. Child Support Order
 6. Current Employer Information
 7. Fee receipt (if applicable), or a copy of the Order Regarding Deferral or Waiver of Court Fees and Costs (if applicable)
- B. Be sure to also provide a copy of the following:
1. Income information or wage paystubs for both parties.
 2. Information about costs for children's day care, medical insurance, special needs, etc.
 3. Be sure your certification of attendance at a Parent Information Program class has been filed.

A default hearing may be requested by calling (928) 817-4020 on Thursdays between the hours of 9:00 am and 12:00 pm. The default hearing will be set at least 60 days from the date the responding-party was served the divorce or legal separation papers. (A.R.S. § 25-329)

Do not be late for your hearing. If you are late, your hearing will be rescheduled to a different day.

Instructions and Procedures for a Default Decree by Motion, without a Hearing

Requirements

Sometimes a court hearing is not required to get a default decree. If you meet the following requirements, you may use this “no hearing” process to request a default decree:

- ✓ All parties must be legally competent and sane.
- ✓ The Summons and Petition were served to the other party, other than by publication.
- ✓ The Petition requests to the Court are the same as the requests proposed in the default order.

This means, you cannot use this process if . . .

- the responding party was served by publication,
- if the other party is insane or incompetent, or
- if the other party has filed a response, or made an appearance in the cases, or
- the requests to the Court in the proposed default order are not the same as those requested in the Petition.

You must have already filed and mailed to the other party an Application and Affidavit for Default. Also, it must be at least ten (10) court (business) days since you filed and mailed the Application.

If you filed for divorce or legal separation, it must also have been at least 60 calendar days since service of the Summons and Petition was completed.

Instructions

Complete the Motion and Affidavit for Default Decree without a Hearing.

1. Complete the top part of the page with your personal information, name of parties, and case number.
2. On the upper page right, mark the box that describes the kind of court order you are requesting (i.e., divorce, annulment, etc.).
3. SECTION A:
 - Read the information carefully.
 - Mark the boxes in front of the statements that are true.

4. SECTION B: (To be completed only by parties seeking a decree of dissolution, legal separation, or annulment)

- Mark the boxes that best apply to your situation.
- Note: Attachments. If you marked a box next to a statement that requires an “attachment,” be sure to attach the required document at the end of the original Motion and Affidavit for Default Decree without a Hearing. If you are missing an attachment or any required document, your case could be rescheduled for a hearing, which extends the process and delays your decree or court order.

5. SECTION C: (To be completed only by parties seeking a judgment of paternity/maternity, and/or legal decision-making, parenting time or child support.)

- Mark the boxes that best apply to your situation.
- If the statement next to the box asks for an explanation, write it clearly in black ink.
- Note: Attachments. If you marked a box next to a statement that requires an “attachment,” be sure to attach the required document at the end of the original Motion and Affidavit for Default Decree without a Hearing. If you are missing an attachment or any required document, your case could be rescheduled for a hearing, which extends the process and delays your decree or court order.

6. SECTION D: To be completed if it applies to you.

Note: Attachments. If you marked a box next to a statement that requires an “attachment,” be sure to attach the required document at the end of the original Motion and Affidavit for Default Decree without a Hearing. If you are missing an attachment or any required document, your case could be rescheduled for a hearing, which extends the process and delays your decree or court order.

7. OATH or Affirmation: Sign and date this in front of the Clerk of Superior Court or Notary, with a picture identification.

8. Copy: Make three (3) copies of the original Motion and Affidavit for Default Decree without a Hearing. (Make additional copy if the Arizona Division of Child Support Services (DCSS) is involved in your case.)

After completing instructions above, you are ready to complete the Decree/Judgment/Order, also in this packet.

Before you request a Default Decree by Motion without a Hearing, CHECK TO BE SURE THAT YOU:

- Properly served the Petition, Summons and other papers to other party and filed the proof of service. (Service cannot be done by publication if you are using this method (without a hearing)); AND
- Completed and filed the Application and Affidavit for Default, with all the required attachments and mailed a copy to the other party; AND
- If the other party is on active duty in the United State Military, you completed and notarized Service Member Civil Relief Act Waiver; AND
- Waited at least 61 days after the completion of service, if you filed for divorce or legal separation.

Complete the Default Decree/Judgment/Order.

1. See the instructions in this packet to complete the Default Decree/Judgment/Order.
2. If children are involved, there will be additional forms to complete, such as a Parenting Plan, Education Order (if applicable), Child Support Worksheet, Child Support Order, and Current Employer Information Sheet. See additional instructions in this packet.
3. Copy:
 - Make two (2) copies of the original Decree/Judgment/Order, plus attachments and any additional required forms. (Make additional copy if DCSS is involved in your case.)
 - Note: If you are missing an attachment or any required form, your case could be rescheduled for a hearing, which extends the process and delays your decree or court order.

If you will eFile your forms, you may not need as many paper copies. You will need a paper set of the filed forms to serve on the other party, Division of Child Support Services if they are involved in your case, and one for your judge. For more information about how to eFile your papers, read the eFiling instructions:

<https://superiorcourt.maricopa.gov/media/7448/dref93i.pdf>.

Procedures

Step 1: Separate your papers into 4 sets: (Make additional copy if DCSS is involved in your case.)

| | |
|--|---|
| <p>Set 1: For Clerk of Superior Court:</p> <ul style="list-style-type: none">• Motion and Affidavit for Default Decree without a Hearing | <p>Set 2: For Judge:</p> <ul style="list-style-type: none">• COPY Motion and Affidavit for Default Decree without a Hearing <p>ORIGINAL:</p> <ul style="list-style-type: none">• Default Decree/Judgment/Order (plus any attachments)• Parenting Plan (if applicable)• Education Order (if applicable)• Child Support Worksheet (if applicable)• Child Support Order (if applicable)• Spousal Maintenance Worksheet (if applicable)• Current Employer Information Sheet (if applicable) |
| <p>Set 3: Your copies:</p> <ul style="list-style-type: none">• Motion and Affidavit for Default Decree without a Hearing• Default Decree/Judgment/Order (plus any attachments)• Parenting Plan (if applicable)• Education Order (if applicable)• Child Support Worksheet (if applicable)• Child Support Order (if applicable)• Spousal Maintenance Worksheet (if applicable)• Current Employer Information Sheet (if applicable) | <p>Set 4: Copies for the Other Party:</p> <ul style="list-style-type: none">• Motion and Affidavit for Default Decree without a Hearing• Default Decree/Judgment/Order (plus any attachments)• Parenting Plan (if applicable)• Education Order (if applicable)• Child Support Worksheet (if applicable)• Child Support Order (if applicable)• Spousal Maintenance Worksheet (if applicable)• Current Employer Information Sheet (if applicable) |
| <p>Set 5: Copies for DCSS (if applicable)</p> <ul style="list-style-type: none">• Motion and Affidavit for Default Decree without a Hearing• Default Decree/Judgment/Order (plus any attachments)• Parenting Plan (if applicable)• Education Order (if applicable)• Child Support Worksheet (if applicable)• Child Support Order (if applicable)• Spousal Maintenance Worksheet (if applicable)• Current Employer Information Sheet (if applicable) | |

Step 2: File the original Motion and Affidavit for Default Decree without a Hearing, and two copies at one of the Clerk of Superior Court locations.

- The Clerk of Superior Court will keep the original Motion and all the attachments, as well as date-stamp the copy, and return both copies to you.

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

Step 3: Hand-deliver or mail the following documents as indicated below to the Information Desk:

- One (1) file-stamped copy of the Motion and Affidavit for Default Decree.
- The original and two (2) copies of the Decree/Judgment/Order and related forms and attachments for signature by the Judge.
- Two (2) 9" x 12" envelopes with sufficient postage, one addressed to you, and one addressed to the other party.

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

- If the Division of Child Support Enforcement (DCSE) is involved in your case, you must include an extra copy of each form and stamped envelope addressed to:

Office of the Attorney General
Child Support Services Section,
1800 E. Palo Verde St.
Yuma, AZ 85364

Step 4: The Judge will review your file and the documents you have submitted.

- If the Judge determines that everything is in order, they will sign the final Decree/Judgment/Order. The Clerk will file-stamp your copies and they will be mailed to you and the other party in the envelopes you have provided.
- If the Judge finds anything wrong with your court file or paperwork, your documents will be returned to you in the envelope you have provided along with a coversheet describing the deficiency, and in most cases, how it can be corrected.
- In some cases, the Judge may set a hearing. The court will send you notice of the hearing date and time.

Common reasons why your paperwork may be rejected:

- Incomplete: The Decree/Judgment/Order was not fully completed.
 - Not all applicable boxes were marked.
 - An explanation(s) was missing.
 - An attachment(s) was missing.
- Different Requests: Items asked for in the Decree/Judgment/Order were not the same as the items asked for in the Petition.
- Missing Documents: The original Decree/Judgment/Order and copies were not submitted with the Motion and Affidavit for Default Decree without Hearing.
- Overlooked True Statements: You did not mark all boxes on the Motion and Affidavit for Default Decree without Hearing as true statements.
- No notarized Waiver: Did not provide a notarized Service Members Civil Relief Act Waiver, if required.

Arizona Rules of Family Law Procedure (ARFLP), Rule 44.1, allows for application for a default decree without hearing in Family cases for divorce, legal separation, annulment, maternity or paternity, money judgments, attorney fees, and spousal maintenance, but be WARNED:

- There are special legal requirements involved in qualifying for an annulment, and a default decree with no hearing.
- If your court papers do not fully explain how you meet those requirements, it could result in your case being delayed or dismissed.

Consulting an experienced attorney about whether your situation and your papers indicate you qualify for an annulment or a default decree, may help you to avoid unnecessary expense, delay, and disappointment.

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____



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

SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY

In the Marriage of

Case No. _____

Name of Petitioner/Party A

MOTION AND AFFIDAVIT FOR
DEFAULT DECREE WITHOUT
HEARING for:

and

DISSOLUTION OF MARRIAGE
(Divorce)

Name of Respondent/Party B

LEGAL SEPARATION

ANNULMENT

MATERNITY/PATERNITY

ESTABLISH LEGAL DECISION-
MAKING/PARENTING
TIME/CHILD SUPPORT
A.R.F.L.P. 44.1

I am the Petitioner/Party A, and I am asking the Court to enter a Decree of Dissolution of Marriage, Legal Separation, Annulment, or Maternity/Paternity, or an Order establishing legal-decision-making by default without a court hearing.

SECTION A.

I have marked each box in front of the statements below that are true and I understand that if any statement is not true, I cannot get a default decree without a hearing.

I have read this Motion and Affidavit for Default Decree without a Hearing and to the best of my knowledge everything I have said is true.

I have paid the filing and service fees, or the filing and service fees were waived or deferred. A copy of the receipt showing payment or a copy of the Order showing that the fees were waived or deferred is attached.

- To the best of my knowledge, both Party A and Party B are competent and sane at this time (even if “legal incompetence” or “insanity” at the time of the marriage is listed as a ground for an annulment).
- At least 60 days have passed since the other Party (Respondent) was served with the dissolution or legal separation papers, OR my case is for annulment or to establish maternity/paternity and/or legal decision-making/parenting time/child support and there is no 60-day waiting period.
- Service was not done by publication.
- Party B has not made an appearance in this matter or filed a Response. I filed the Application and Affidavit for Default, and Default has been entered against the other Party.
- At the time this action was filed, Party A or Party B was domiciled in Arizona or was stationed in Arizona while a member of the United States Armed Forces. If this is an action for dissolution of marriage (divorce) or annulment, Party A or Party B was domiciled or stationed in Arizona for more than 90 days, at the time the Petition was filed.
- My case does not involve a member of the military waiving service OR I have submitted a notarized Service Members Civil Relief Act Waiver completed by the other party.

SECTION B.

I am requesting Judgment of DISSOLUTION, LEGAL SEPARATION, or ANNULMENT.

- NO - If NO, skip to Section C.
- YES - If YES, answer each question below.
 - Conciliation Services provisions have been met since the filing of the Petition, or the provisions do not apply. This must be true to proceed. (A.R.S. § 25-381.09).

Covenant Marriage: Our marriage IS or IS NOT a covenant marriage.

Pregnancy: Neither party Party A Party B is pregnant with a child common to the parties.

Choose only one that applies:

- If seeking divorce, the marriage is irretrievably broken.
- If seeking legal separation, the parties desire to live separate and apart.
- If seeking annulment, a condition exists which renders the marriage void or voidable.

Spousal Maintenance: (choose only one)

- Party A or Party B has made a claim for spousal maintenance/support, and Default Information for Spousal Maintenance form and the Spousal Maintenance Worksheet are attached to this Motion and Affidavit.

- Party A or Party B has NOT made a claim for spousal maintenance/support, and the claim is deemed waived by both parties.

Property and Debt: (choose all that apply)

- There was no property or debt obtained during the marriage.

- Does not apply because (explain): _____

- All of the allegations, including those concerning property and debts listed in the Petition, were true at the time filed and remain true as of the date of the filing of this motion and affidavit, OR any changes are explained below:

- I attached a list of all community property and debt (obtained or incurred during the marriage), including personal property, motor vehicles, bank accounts, retirement assets, life insurance, and real property, including the value and the party to whom the property or debt is to be awarded. The attached list also includes any requests for the award of sole and separate property and debt.

- Everything in the Petition for Dissolution of Marriage, Legal Separation, or for Annulment, concerning who gets the property and who pays the bills/debts is fair and reasonable.

- I have requested reasonable attorney fees and support for this request is attached to this Motion and Affidavit.

- Same as Petition: The requests in this form and relief to be awarded in the Decree are the same as the relief I requested in the underlying Petition, OR if the relief to be awarded is different, it has been approved by both parties, as reflected in a notarized statement from the other party or a Decree containing the notarized signatures of both parties. This must be true to proceed.

SECTION C.

I am requesting a Judgment of MATERNITY or PATERNITY and/or an Order for LEGAL DECISION-MAKING/PARENTING TIME/CHILD SUPPORT.

NO - If NO, skip to Section D.

YES - If YES, answer each question below.

The name and date of birth of each child is:

Name: _____ Date of Birth: _____

The factual basis for the finding of maternity/paternity is: _____

The child(ren) live with: _____

Length of Residence: The child has lived in Arizona for at least six (6) months before the filing of the Petition or is less than six (6) months old and has lived in Arizona since birth.

There are no proceedings involving the child that are pending in another jurisdiction.

OR

There are other proceedings involving the child that are pending in another jurisdiction and I have listed the court name(s) and case number(s) below:

Court Name(s) _____

Case Number(s) _____

There are no proceedings involving the child that are pending in another court. OR

There are other proceedings involving the child that are pending in other courts and I have listed the court name(s) and case number(s) below:

Court Name(s) _____

Case Number(s) _____

State of Arizona Request:

- Does not apply. OR
- The State of Arizona has requested the default judgment of paternity. The factual basis for the finding of paternity is described above.

Child Support:

- I have attached the required Child Support Worksheet. Child Support is based on the following:
 - The Arizona Child Support Guidelines OR
 - A deviation from the Arizona Child Support Guidelines because: _____

- Other: _____

- The basis for determining the gross income of the defaulting party is: _____

SECTION D. (Check all that apply.)

- Attorney Fees: I have attached an itemized bill for a reasonable amount of attorney fees to support this request.
- Money Judgment(s): I have attached the calculations to establish the sum of requested money to support this request.
- Other requested relief. I have attached the following document, to establish the facts supporting the request: _____

This signature page belongs to the form titled “Motion and Affidavit for Default Decree without Hearing” and cannot be used with any other documents.

OATH OR AFFIRMATION AND VERIFICATION

I swear or affirm that the information on this document is true and correct under penalty of perjury.

Signature

Date

STATE OF _____

COUNTY OF _____

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

_____.

(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

SUPERIOR COURT OF ARIZONA
IN YUMACOUNTY

Name of Petitioner/Party A

Case No. _____

JUDGMENT AND ORDER FOR
PATERNITY and (check box if applicable)

Name of Respondent/Party B

- LEGAL DECISION-MAKING
- PARENTING TIME
- CHILD SUPPORT
- VITAL RECORDS (Check this box if the Department of Vital Records is ordered to change the birth records of a child born in Arizona.)

THE COURT FINDS:

1. This case has come before the Court for a final Order. If necessary, the Court has taken any testimony needed to enter a final Order.
2. This Court has jurisdiction over the parties under the law.
3. Where it has the legal power to do so and where it is applicable to the facts of this case, this Court has considered, approved, and made an Order relating to paternity, legal decision-making, support, parenting time, and expenses related to birth of the minor child(ren).

4. Party A and Party B are the natural parents of the minor child(ren) listed below and named on birth certificates as: (List name as appears on child's birth certificate - if any.)

| | First name | Middle | Last |
|-----|------------|--------|-------|
| (a) | _____ | _____ | _____ |
| (b) | _____ | _____ | _____ |
| (c) | _____ | _____ | _____ |
| (d) | _____ | _____ | _____ |

who were born on this date and at this place: (List in the same order as above)

| | <u>Month/Day/Year</u> | <u>City, State, and Nation of Birth</u> |
|-----|-----------------------|---|
| (a) | _____ | _____ |
| (b) | _____ | _____ |
| (c) | _____ | _____ |
| (d) | _____ | _____ |

Same information for additional children listed on attached page made part of this document by reference.

5. INFORMATION ABOUT THE LEGAL PARENTS:

A. Information about the Mother:

The Mother's Complete Name is: _____
as listed on above-named child(ren)'s birth certificates, or

her current legal name _____

Previous Legal Name(s) (if any):

B. Information about the Father:

The Father's Complete Name is: _____
as listed on above-named child(ren)'s birth certificates, or

his current legal name _____

Previous Legal Name(s) (if any):

Date of Birth: _____
(Month/Date/Year)

Place of Birth: _____
(City, State, Nation of Birth)

6. PARENT INFORMATION PROGRAM.

A. Party A has attended the Parent Information Program as evidenced by the Certificate of Completion in the Court file, OR

Party A has NOT attended the Parent Information Program and shall be denied any requested relief to enforce or modify this Order until Party A has completed the class.

B. Party B has attended the Parent Information Program as evidenced by the Certificate of Completion in the Court file, OR

Party B has NOT attended the Parent Information Program and shall be denied any requested relief to enforce or modify this Order until Party B has completed the class.

7. CHILD SUPPORT:

The Court finds that Party A and Party B owe a duty to support the child(ren) listed above. The required financial factors and any discretionary adjustment pursuant to the Arizona Child Support Guidelines are as set forth in the Child Support Worksheet attached hereto and incorporated by reference.

8. DOMESTIC VIOLENCE:

YOU MAY SKIP “8” IF

- There has been no domestic violence and
- This is an uncontested court action (meaning no response was filed).

You must COMPLETE “8” if:

- legal decision-making is contested, or
- there has been domestic violence between the parties and legal decision-making is to be awarded to or shared with a party who has committed domestic violence.

A. Domestic Violence has not occurred between the parties;
OR

B. Domestic Violence has occurred between the parties, but:

1. It was mutual (committed by both parties), (see A.R.S. § 25-403.03(D))

OR

- 2. Neither party has committed an act of ***significant domestic violence*** (pursuant to A.R.S. § 13-3601); there has not been a ***significant history of domestic violence*** between the parties; and it is otherwise still in the best interests of the minor child(ren) to grant joint or sole legal decision-making to a party who has committed domestic violence because: (Explain)

9. SUPERVISED OR NO PARENTING TIME:

(Check and complete only if supervised or no parenting time is ordered.)

- NO Parenting Time or Supervised Parenting Time with Party A Party B, is in the best interests of the minor child(ren), for the following reasons:

10. DRUG or ALCOHOL CONVICTION WITHIN LAST TWELVE MONTHS:

(Check box if applicable).

- Party A and/or Party B has been convicted of driving under the influence of alcohol or drugs, or was convicted of any drug offense within 12 months of filing the request for legal decision-making, however the legal decision-making and/or parenting time arrangement ordered by this Court appropriately protects the minor child(ren).

THE COURT ORDERS:

1. PATERNITY: (Name of father as on his birth certificate or his current legal name) is the natural father of the minor child(ren).

For any children born in the State of the Arizona, the Clerk of Superior Court shall forward a copy of this order to the Office of Vital Records, which is ordered to amend the birth certificate(s) as follows:

2. The father’s name shall be entered on the minor child(ren)’s birth certificate.

3. The minor child(ren)’s last name shall be changed to:

4. PRIMARY RESIDENCE, PARENTING TIME, and LEGAL DECISION-MAKING

A. Primary Residential Parent:

NEITHER party’s home is designated as the primary residence OR

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

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

B. Parenting Time:

Reasonable parenting time rights as described in the Parenting Plan attached as Exhibit A and made a part of this decree, OR

NO PARENTING TIME RIGHTS to Party A OR Party B, OR

SUPERVISED PARENTING TIME to Party A OR Party B according to the terms of the Parenting Plan attached as Exhibit A and made part of this Decree. Parenting time may only take place in the presence of another person, named below or otherwise approved by the court.

(IF supervised) Name of person to supervise (optional):

The cost of supervised parenting time shall be paid by the:

Party A, Party B, OR Shared equally by the parties

THE COURT FURTHER ORDERS these restrictions on parenting time (if applicable):

C. LEGAL DECISION-MAKING:

Award legal decision-making concerning the child(ren) as follows:

SOLE Legal Decision-making to: Party A Party B

OR

JOINT Legal Decision-making to BOTH PARTIES.

- Both parties will agree to act as joint legal decision-makers of the minor children, as set forth in the Joint Legal Decision-making Agreement contained in the Parenting Plan, to be agreed upon and signed by both parties if the Court adopts the terms of the Agreement.
- There have been no significant acts of domestic violence, as defined by Arizona law, A.R.S. § 13-3601, by either parent or it is in the best interests of the minor child(ren) to award joint legal decision-making despite any violence that occurred.

5. CHILD SUPPORT:

The Child Support Order, dated: _____, is attached hereto and incorporated herein by this reference.

PARTY A or PARTY B shall pay child support to the other party in the amount of \$ _____ per month, PAYABLE THE FIRST DAY OF THE MONTH following the date this of this Judgment is signed by the judge until further order of the Court.

6. OTHER COSTS: PARTY A or PARTY B is awarded judgment in the amount of \$ _____ for expenses incurred relating to medical care, hospitalization and other costs related to the birth of the minor child(ren), which shall be paid by PARTY A or PARTY B.

7. FINANCIAL INFORMATION EXCHANGES: The parties shall exchange financial information (tax returns, spousal affidavits, earning statements and/or other related financial statements) every twenty-four months.

8. OTHER ORDERS: This Court makes further Orders relating to this matter as follows:

FINAL APPEALABLE ORDER. There are no further matters that remain pending before the court and this judgment is a final order under Rule 78(c) of the Arizona Rules of Family Law Procedure.

Done in open Court

Judicial Officer

If this Decree/Judgment was issued as a "Default:

I CERTIFY that within three (3) days of receiving this Decree/Judgment, I will mail a copy of this Decree/Judgment to the last known address of the party in default as follows:

Opposing Party's Name: _____

Mailing Address: _____

City, State Zip Code: _____

Your Signature: _____

Date: _____

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.

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.

| <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. 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: _____

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.*

| |
|---|
| <p>* IF THERE HAS BEEN DOMESTIC VIOLENCE OR A DUI OR DRUG CONVICTION:</p> <p>Explain below why Joint Legal Decision-making is still in the best interest of the children.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> |
|---|

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