

LEGAL DECISION-MAKING, PARENTING TIME, and CHILD SUPPORT

1

**To change an existing Court Order
when parties agree**

(Forms & Instructions)

LAW LIBRARY RESOURCE CENTER

When parties agree: How to change legal decision-making (legal custody), parenting time, and child support

CHECKLIST

Use the forms in this packet ONLY if the following factors apply to your situation:

- ✓ You have a court order about legal decision-making (legal custody), parenting time, and child support,
AND
- ✓ Both parents agree to change the court order,
AND
- ✓ The court order that you want to change is from an Arizona court or the children subject to the order you want to change have resided (lived) in Arizona at least 6 months before you file these agreement papers or you talked to a lawyer who advised you that you could pursue your case in Arizona.

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.

Agreement to modify legal decision-making (legal custody), parenting time and child support

This packet contains forms and instructions to file an Agreement to modify a court order for legal decision-making (legal custody), parenting time and child support for Party A or Party B. 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 File Your Agreement to Modify Legal Decision-making (Legal Custody), Parenting Time and Child Support	3
4	Helpful Information to Complete Parent's Worksheet for Child Support	1
5	Instructions to Complete an Order Stopping an Income Withholding Order	1
6	Procedures: How to File Your Agreement to Modify Legal Decision-making (Legal Custody), Parenting Time and Child Support	2
7	<i>Stipulation (Agreement) to Modify the Prior Court Order Regarding Legal Decision-making (Legal Custody), Parenting Time and Support</i>	2
8	<i>Order Modifying Legal Decision-making (Legal Custody), Parenting Time and Child Support</i>	4
9	<i>Parenting Plan for Joint Legal Decision-making (Legal Custody) With Joint Legal Decision-making Agreement, or Sole Legal Decision-making (Legal Custody) Agreement</i>	10
10	<i>Current Employer Information</i>	1
11	<i>Order Stopping Income Withholding Order</i>	1

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 complete an Agreement to Modify Legal Decision-making, Parenting Time, and Child Support

Step 1: Determine whether this court has the authority to hear your case. Either party or children of the parties must live in Yuma County to file for modification in this county:

If the court Order you want to change is from Yuma County, Arizona:

- Use your copy of the Order. You will need it to fill out the paperwork.

If the court Order you want to change is from another county in Arizona:

- Get a certified copy of the Order you want to change from the other county, and
- Bring the certified copy with you when you come to the Clerk of Superior Court to file your court papers, and
- Give the certified copy of the Order to the Clerk before filing any additional paperwork, and
- The Clerk will file the Order and assign a case number to your new case.

If the court order you want to change is from a state other than Arizona:

- Talk to a lawyer who can tell you what requirements are necessary for you to file for modification in Arizona.

Step 2: Important definitions to help you in your decision to change legal decision-making and parenting time.

- “Sole Legal Decision-making” means the one person has legal decision-making authority.
- “Joint Legal Decision-making” means both parties share legal decision-making.
- “Parenting time” means a parent has the right to have a minor child physically placed with the parent and the right and responsibility to make, during that placement, routine daily decisions regarding the minor child’s care consistent with the major decisions made by the person having legal decision-making.

- “Custody” usually refers to legal decision-making and used to be called legal custody.

Step 3: Complete the forms in this packet if both parties agree to ask the court to modify or change an existing court Order for legal decision-making, parenting time and child support.

- Have in front of you a copy of the current Parenting Plan (if you have one), legal decision-making and parenting time order, and Child Support Order. You will need to look at these documents to complete all the paperwork now.
- Important: If you want to modify legal decision-making, you must also consider whether it will be necessary to modify child support and/or parenting time. You will need all the documents that are required to modify the child support order and the parenting time order.
- Complete the required forms:
 1. Agreement (or Stipulation) to Modify the Prior Court Order Regarding Legal Decision-making, Parenting Time and Child Support, and
 2. Order Modifying Legal Decision-making, Parenting Time and Child Support, and
 3. Parenting Plan, and
 4. Child Support Worksheet,
 5. Child Support Order, and
 6. Current Employer Information Sheet (if applicable), and
 7. Order Stopping Income Withholding Order (if applicable).
- Use the “Parenting Time Guidelines” to help you make your new Parenting Plan.
- If you want to modify or change legal decision-making and/or parenting time, you must also consider whether it will be necessary to modify or change child support.

Use the free online child support calculator to produce the Child Support Worksheet, Child Support Order, and Current Employer Information Sheet that must be turned in along with your other court papers. This calculator is available at:

AzCourts <https://www.azcourts.gov/familylaw/2018-Child-Support-Calculator>

If you are changing parenting time and therefore changing child support, you might need to stop a current wage withholding order and have a new income withholding order issued, depending on which parent will now pay support. These forms are available at the Law Library Resource Center and online at the Law Library

Resource Center website.

- Remember that the court must do what is in the best interests of the minor children. Even if both parties agree to legal decision-making, parenting time and support, the judge will look over all the papers and decide what Order to make.
- Print clearly and use black ink when completing forms.
- The Current Employer Information Sheet is required whenever child support is ordered.
- An Order stopping an income withholding order is required if this modification changes which party is ordered to pay child support.

Once you have completed your forms, see: Procedures: How to file your Agreement to Modify Legal Decision-making, Parenting Time and Child Support.

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:

AzCourts <https://www.azcourts.gov/familylaw/2018-Child-Support-Calculator>

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, or may be downloaded for free from the Law Library Resource Center's web page (<https://www.azcourts.gov/familylaw/Child-Support-Guidelines>).

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

Procedures: How to file your "Agreement to Modify Legal Decision-Making, Parenting Time and Child Support"

STEP 1 COPY: Make three (3) copies* of the following documents:

- "Agreement (Stipulation) to Modify the Legal Decision-Making, Parenting Time and Child Support" ("Stipulation to Modify")
- "Order Modifying Legal Decision-Making, Parenting Time and Child Support"
- "Parenting Plan"
- "Child Support Worksheet"
- "Current Employer Information Sheet" ("CEI") (for the parent currently paying)
- "Order Stopping Income Withholding Order" (if applicable) and
- "Current Employer Information Sheet". (If this agreement changes who pays the child support, include a second CEI for the parent who will now pay.)

STEP 2 Separate documents into four (4) sets: 1 set of originals and 3 sets of copies.*

<p>Set 1: ORIGINALS to file with Clerk of Superior Court</p> <ul style="list-style-type: none"> • "Stipulation to Modify" • "Order Modifying Legal Decision-Making, Parenting Time and Child Support" • "Parenting Plan" • "Child Support Worksheet" • "Current Employer Information Sheet" • "Order Stopping Income Withholding Order" • "Current Employer Information Sheet" (if applicable) ** 	<p>Set 2: COPIES for the Judge</p> <ul style="list-style-type: none"> • "Stipulation to Modify" • "Order Modifying Legal Decision-Making, Parenting Time and Child Support" • "Parenting Plan" • "Child Support Worksheet" • "Current Employer Information Sheet" • "Order Stopping Income Withholding Order" • "Current Employer Information Sheet" (if applicable) ** <p>You must also provide 2 (two) 9" x 12" business envelopes, one stamped and addressed to each party</p>
<p>Set 3: COPIES for You</p> <ul style="list-style-type: none"> • Clerk-stamped copy of "Stipulation to Modify Court Order Regarding Legal Decision-Making, Parenting time and Support" • "Order Modifying Legal Decision-Making, Parenting Time and Child Support" • "Parenting Plan" • "Child Support Worksheet" • "Current Employer Information Sheet" • "Order Stopping Income Withholding Order" • "Current Employer Information Sheet" * (if applicable) ** 	<p>Set 4: COPIES for the Other Party</p> <ul style="list-style-type: none"> • Clerk-stamped copy of "Stipulation to Modify Court Order Regarding Legal Decision-Making, Parenting time and Support" • "Order Modifying Legal Decision-Making, Parenting Time and Child Support" • "Parenting Plan" • "Child Support Worksheet" • "Current Employer Information Sheet" • "Order Stopping Income Withholding Order" • "Current Employer Information Sheet" (if applicable) **
<p>* SET 5: If one of the parties is using the child support services of the Division of Child Enforcement (DCSE), add one additional copy of the proposed Order and attachments and a stamped envelope addressed to the Attorney General (see Step 3, below for address).</p>	

** If this agreement changes who pays child support, include a second CEI for parent who will NOW pay.

STEP 3 Go to the Clerk of Superior Court with all the documents properly assembled.

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

If you cannot afford the filing fee, 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.

File the original *"Agreement (Stipulation) to Modify the Legal Decision-Making, Parenting Time and Child Support"* with the Clerk of Superior Court.

Have the Clerk stamp your 3 copies of the stipulation and return the copies to you.

NOTE: If the Division of Child Support Enforcement (DCSE) is involved in your case, you must mail a copy of all of the signed and filed documents to:
Office of the Attorney General – Child Support Services Section,
1800 E. Palo Verde Street
Yuma, Arizona 85364

STEP 4 Take the documents to the Judge to review and sign:

- Find out which judge is assigned to your case. If you are not sure, look at the court case number in the upper right-hand corner and call Family Administration at 602-506-1561 to ask who your judge is.
- Hand-deliver the documents as indicated below (depending on the location of the court facility at which you choose to file):

**Yuma County Justice Center
Clerk of Superior Court
250 W. 2nd Street
Yuma, Arizona 85364**

STEP 5 Wait for the Judge to review and decide whether to sign the Order:

- A. If the judge agrees with you, he or she will sign the *"Order Modifying Legal Decision-Making, Parenting Time and Child Support,"* and if applicable the *"Income Withholding Order,"* and *"Order Stopping Income Withholding Order."*
- B. The judge might not agree, or might want both parents to come to court for a hearing. If so, you will receive an Order from the Judge in the mail.
- C. If you do not hear from the Judge in about 3 weeks, you can call the Judge's office to ask the staff about the status of your paperwork. Staff cannot tell you what the judge has decided. You cannot speak to the judge.

Petitioner's Name: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

ATLAS Number: _____

Lawyer's Bar Number: _____

For clerk use only

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

Respondent's Name: _____

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 YUMA COUNTY

Name of Petitioner / Party A (in original case),

Case Number: _____

Name of Respondent / Party B (in original case)

AGREEMENT (STIPULATION) TO MODIFY PRIOR COURT ORDER REGARDING LEGAL DECISION-MAKING, CUSTODY, PARENTING TIME AND CHILD SUPPORT

Party A and Party B agree as follows:

- 1. AGREE AND UNDERSTAND:** I have read this "*Stipulation to Modify Prior Court Order Regarding Legal Decision-Making, Parenting Time and Child Support.*" I understand and agree with what is written in the Stipulation and Order which is attached. Legal Decision Making (Legal-Custody), Parenting Time, and Child Support shall be ordered in accordance with the attached Order which has been approved and signed by both parties.

2. PRIOR ORDER. If the new legal decision making (legal-custody), parenting time and/or support order is granted by this court, it will replace the court order dated _____ and issued by _____ (name of Judge).

If the Superior Court of Arizona in Yuma County did not issue the order, we have attached a copy of the order to the original and all copies of this Stipulation. If the Superior Court of Arizona in Yuma County issued the order, we have attached a copy of the order to the copy of the papers for the judge. We have not attached a copy to the original Stipulation.

3. LEGAL DECISION MAKING (LEGAL-CUSTODY), PARENTING TIME AND CHILD SUPPORT. The agreement regarding legal decision making (legal-custody), parenting time and child support is in the best interest of the minor child(ren).

SIGNATURE BY PARTY A AND PARTY B: Everything stated by me in this Stipulation is true and correct to the best of my knowledge, information, and belief.

SIGNATURES

Petitioner / Party A's Signature

Respondent / Party B's Signature

STATE OF _____

STATE OF _____

COUNTY OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this:

Subscribed and sworn to or affirmed before me this:

_____(date)

_____(date)

by_____.

by_____.

Deputy Clerk or Notary Public

Deputy Clerk or Notary Public

(notary seal)

(notary seal)

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

ATLAS Number: _____

Lawyer's Bar Number: _____

For clerk 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 (in original case)

Case Number: _____

ORDER MODIFYING LEGAL DECISION- MAKING (LEGAL CUSTODY), PARENTING TIME AND CHILD SUPPORT

Name of Respondent/Party B (in original case)

The COURT FINDS:

1. This case has come before this Court for a final Order based upon the agreement of the parties.
2. This Court has jurisdiction to change legal decision-making (legal custody), parenting time, and support, and has jurisdiction over the parties. 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 Orders relating to legal decision-making, parenting time and support.

3. This Order applies to the following children:

Names	Birth date / Age
_____	_____
_____	_____
_____	_____

4. Grounds for changing legal decision-making and parenting time. Based upon the stipulation (agreement) of the parties, it is in the best interest of the child(ren) to change legal custody and parenting time at this time.
5. Joint legal decision-making cases only. Domestic Violence.
(If requesting joint legal decision-making, this statement must be true (ARS § 25-403.03). Check box if a true statement.)

☐ There has been no domestic violence, or no significant domestic violence.

The COURT ORDERS:

1. The Order regarding legal decision-making, parenting time and support dated _____ is changed as follows:

A. Legal decision-making (legal custody) and parenting time.

☐ Joint Legal Decision-making. Party A and Party B agree to act as joint legal decision-makers of the minor child(ren) with parenting time and physical legal custody as set forth in the Joint Legal Decision-making Agreement and Parenting Plan pursuant to A.R.S. Section § 25-403, signed by both parties and attached to and made a part of this Order. There have been no significant acts of Domestic Violence under A.R.S. § 13-3601 by either parent. The Court adopts the agreed terms of the Joint Legal Decision-making Agreement. Or

☐ Sole Legal Decision-making. Party A is awarded sole legal decision-making and physical legal custody of _____;

Party B is awarded sole legal decision-making and physical legal custody of _____, as described in the parenting time schedule in the attached Parenting Plan signed by both parties.

- B. Child support. ☐ Party A or ☐ Party B shall pay child support to the other party in the amount of \$ _____ per month payable on the first day of each month, beginning the first day of the month following the signing of this Order. Child support is based on Exhibit 1 attached hereto and incorporated by reference. All child support payments shall be made through the Clerk of Superior Court/ Clearinghouse, plus an applicable statutory fee by Order of Assignment.

Child support deviation. The Court, having considered the best interests of the child(ren), deviates from the guidelines for the following reasons. (Describe reasons.)

C. Medical and dental insurance, vision, payments and expenses.

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

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

The costs of medical/dental/vision care expenses not paid by insurance shall be shared as follows: Party A _____ % Party B _____ %.

Even though the Court's judgment contains orders regarding medical insurance and the allocation of the right to claim the child as a dependent for the purposes of federal taxes, these orders are not binding on the IRS. Under the Affordable Care Act, the parent who claims a 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. This penalty may be imposed even if it is the other parent's responsibility to carry health insurance on the child under the Divorce Decree.

D. Tax Deductions.

The Court allocates the federal tax exemption(s) for the dependent child(ren) as follows:

Child's Name	Date of Birth (Month, Day, Year)	Party Entitled to Deduction	For Calendar
		<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	

For years following those listed above while this Child Support Order remains in effect, the parties shall repeat the pattern above of claiming deductions for each child.

E. Other orders. This Court makes further Orders relating to this matter as follows:

F. FINAL APPEALABLE ORDER. No further claims or issues remain for the Court to decide. Therefore, IT IS FURTHER ORDERED pursuant to Rule 78(c), Arizona Rules of Family Law Procedure, this final judgment/decreed is signed by the Court and it shall be entered by the Clerk of Superior Court. The time for appeal begins upon entry of this judgment by the Clerk of Superior Court. For more information on appeals, see Rule 8 and other Arizona Rules of Civil Appellate Procedure. IT IS FURTHER ORDERED denying any affirmative relief sought before the date of this Order that is not expressly granted above.

Done in open Court: _____
JUDGE or COURT COMMISSIONER

**Order Modifying
Legal Decision-Making (Legal Custody), Parenting Time, and Support,
or Parenting Time and Support**

Do not write or sign below this line until you are instructed to do so by Clerk of Superior Court or Notary.

OATH OR AFFIRMATION OF THE PARTIES

By signing this Agreement, I/We:

- Waive the right to trial on this matter.
- Acknowledge reading and understanding the terms of this stipulation and agree to the terms of the attached Order.
- Entering this agreement voluntarily and not due to any threat of force or harm, duress, undue influence or coercion from anyone, including the other party.
- Swear *or affirm* the information provided is true and correct, under penalty of perjury.

Signatures

Party A's Signature

Party B's Signature

STATE OF _____

STATE OF _____

COUNTY OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this:

Subscribed and sworn to or affirmed before me this:

_____(date)

_____(date)

By _____.

By _____.

Deputy Clerk or Notary Public

Deputy Clerk or Notary Public

(Notary seal)

(Notary seal)

If the State of Arizona is a party to your case, a representative of the Attorney General's Division of Child Support Enforcement (DCSE) must also sign before you file. (See Instructions)

Signature of Attorney General's representative

Date

(Attorney Signatures –if applicable)

Party A's Attorneys: _____

Party B's Attorneys: _____

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: _____

AND

Name of Respondent / Party B

PARENTING PLAN FOR:

☐ JOINT LEGAL DECISION-MAKING (JOINT
LEGAL CUSTODY) WITH JOINT LEGAL
DECISION-MAKING (JOINT LEGAL CUSTODY)
AGREEMENT

OR

☐ SOLE LEGAL DECISION-MAKING
(SOLE LEGAL CUSTODY)

☐ to Party A

☐ to Party B

INSTRUCTIONS

This document has 4 parts: PART 1) General Information; PART 2) Legal Decision-Making (Legal Custody) and Parenting Time; PART 3) Danger to Children Notification Statement; and PART 4) Joint Legal Decision-Making (Joint Legal Custody) 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 (legal custody) and parenting time arrangements *but not to joint legal decision-making (legal custody)*: 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 (joint legal custody) and parenting time arrangements as presented in the Plan: Both parents must sign the Plan at the end of PART 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 (LEGAL CUSTODY) ARRANGEMENT IS REQUESTED:**

(Choose ONE of 1, 2, 3, 4.) (If you chose "sole legal decision-making authority" [1 or 2], you have the option of also requesting restrictions on the parenting time of the other party.

- ☐ **1. SOLE LEGAL DECISION-MAKING (SOLE LEGAL CUSTODY) BY AGREEMENT.**

The parents agree that sole legal decision-making authority (sole legal custody) 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 (SOLE LEGAL CUSTODY) REQUESTED BY THE PARENT SUBMITTING THIS PLAN.** The parents cannot agree to the terms of legal decision-making (legal custody) 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.

(Optional, if you marked 1 or 2 above)

- ☐ **RESTRICTED, SUPERVISED, OR NO PARENTING TIME.**

The parent submitting this Plan asks the court for an order restricting parenting time. The facts and information related to this request are described in the Petition or Response.

OR

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

OR

- ☐ **4. JOINT LEGAL DECISION-MAKING AUTHORITY (JOINT LEGAL CUSTODY) 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: PHYSICAL CUSTODY AND 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 physical custody 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>	
<input type="checkbox"/> New Year's Eve	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> New Year's Day	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Spring Vacation	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Easter	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> 4th of July	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Halloween	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Veteran's Day	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Thanksgiving	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Hanukkah	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Christmas Eve	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Christmas Day	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Winter Break	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Child's Birthday	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Mother's Day	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> 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:

- ☐ Both parents have the right to participate in school conferences, events and activities, and the right to consult with teachers and other school personnel.
- ☐ Both parents will make major educational decisions together. (optional) ☐ If the parents do not reach agreement, then:
- _____

OR

- ☐ Major educational decisions will be made by ☐ Party A ☐ Party B after consulting other parent.

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 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 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 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 Make Someone Obey a Court Order”*** for help.

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 (JOINT LEGAL CUSTODY) AGREEMENT (IF APPLICABLE):

- A. DOMESTIC VIOLENCE:** Arizona Law (A.R.S. § 25-403.03) states that joint legal decision-making authority (joint legal custody) shall NOT be awarded if there has been “a history of significant domestic violence”.

- ☐ Domestic Violence has **not** occurred between the parties, **OR**
- ☐ Domestic Violence **has** occurred but it has not been “significant” or 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 (Legal Custody) is in the best interest of the children.*

*** IF THERE HAS BEEN DOMESTIC VIOLENCE OR A DUI OR DRUG CONVICTION:**
Attach an extra page explaining why Joint Legal Decision-Making (Legal Custody) is still in the best interest of the children.

- C. JOINT LEGAL DECISION-MAKING (JOINT LEGAL CUSTODY) AGREEMENT:** If the parents have agreed to joint legal decision-making (legal custody), 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 (joint legal custody) 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 (LEGAL CUSTODY) (as instructed on page 1)

Signature of Party A: _____ Date: _____

Signature of Party B: _____ Date: _____

PART 5: AFFIDAVITS

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

SIGNATURES

Petitioner's / Party A's Signature Date

STATE OF _____

COUNTY OF _____

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

_____.

(Notary seal) _____
Deputy Clerk or Notary Public

Respondent's / Party B's Signature Date

STATE OF _____

COUNTY OF _____

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

_____.

(Notary seal) _____
Deputy Clerk or Notary Public

CURRENT EMPLOYER* INFORMATION

You may also fill out this form online at the Family Support Center Website.

For Clerk's Use Only

THIS FORM MUST BE COMPLETED FOR:

- ☐ **AN INCOME WITHHOLDING ORDER**
- ☐ **ORDER TO STOP AN INCOME WITHHOLDING ORDER**
- ☐ **NOTIFICATION OF A CHANGE OF EMPLOYER (*or OTHER PAYOR*)**

CASE NUMBER: _____ **ATLAS NUMBER:** _____

NAME OF PERSON ORDERED TO MAKE PAYMENTS:

LIST THE NAME OF THE EMPLOYER* AND THE ADDRESS OF THE PAYROLL OR FINANCIAL DEPARTMENT (for the person named above) WHERE THE INCOME WITHHOLDING ORDER OR STOP ORDER SHOULD BE MAILED.

EMPLOYER* NAME: _____

PAYROLL ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

EMPLOYER* TELEPHONE: _____

EMPLOYER* FAX: _____

****or other payor or source of funds***

FOR COURT USE ONLY. DO NOT WRITE BELOW THIS LINE.

WA/FSC

WA/LOG ID:	_____
TYPE OF W/A	_____
DATE	_____
AMOUNT OF ORDER	_____
EMPLOYER STATUS	_____
ENTERED BY	_____
NEW W/A	_____
AG	_____
SUB	_____
DCSE	_____

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

(1) _____
Petitioner in Original Case

(3) Case No. _____

(2) _____
Respondent in Original Case

(4) ATLAS No. _____

**ORDER STOPPING INCOME WITHHOLDING
ORDER (AND ALL YUMA COUNTY SUPPORT
ORDERS)
A.R.S. § 25-504**

To the employer(s) or other payor(s) of:

(5) Name of Employee: _____

DO NOT WRITE BELOW THIS LINE. COURT PERSONNEL WILL COMPLETE THE FORM.

IT IS ORDERED stopping the *Income Withholding Order* dated (6)_____, with the _____ same case number as in (3) above. The employer(s) or other payor(s) is/are ordered to stop withholding monies pursuant to the *Income Withholding Order* immediately upon receipt of this Order.

IT IS FURTHER ORDERED terminating all Yuma County child support and/or spousal maintenance orders in this case number and declaring all child support and/or spousal maintenance orders fully paid and satisfied, including all past due support, arrearage judgments and interest.

IT IS FURTHER ORDERED that the Support Payment Clearinghouse shall release any monies currently in its possession and future monies received to the person ordered to pay, less any fees owed to the Clearinghouse.

Dated: _____

Judicial Officer

Name of person filing: _____
Mailing Address: _____
City, State, Zip Code: _____
Daytime Phone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
If attorney, Bar Number: _____
Representing: ☐ Self (no attorney) ☐ Petitioner ☐ Respondent

Clerk's use only

IN THE SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY

Petitioner Case No. _____

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

Name of person filing: _____
Mailing Address: _____
City, State, Zip Code: _____
Daytime Phone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
If attorney, Bar Number: _____
Representing: ☐ Self (no attorney) ☐ Petitioner ☐ Respondent

Clerk's use only

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