

POST-DECREE MEDIATION

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**TO REQUEST MEDIATION FOR
LEGAL DECISION MAKING (CUSTODY) and
PARENTING TIME ISSUES AFTER AN ORDER HAS
BEEN ENTERED**

(Forms and Instructions)

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REQUEST POST-DECREE MEDIATION

CHECKLIST

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

- ✓ You or the other party want to modify your court order about who has authority to make decisions concerning your children and/or the schedule for parenting time or grandparent visitation, **AND**
- ✓ You and the other party do not agree on the proposed modification, **AND**
- ✓ You want to try mediation to resolve decision-making and/or parenting time issues, **AND**
- ✓ You have an existing case and case number in this Court and a final judgment, decree or order concerning legal decision-making (legal custody) or parenting time (or grandparent visitation) has previously been signed by a Judicial Officer, **AND**
- ✓ The prior case was for one of the following actions, involving the same minor child(ren) as in this case:
 - “Paternity,” **OR**
 - “Paternity plus Legal Decision-Making (Legal Custody), Parenting Time and/or Support,” **OR**
 - “Legal Decision-Making (Legal Custody), Parenting Time and/or Support,” **OR**
 - “Legal Separation” or “Divorce” with children, **OR**
 - “Grandparent Visitation”

NOTE: A “Joint Request for Post-Decree Mediation” is not the appropriate paperwork to resolve the following issues:

- **Child Support**
- **Enforcement of current court orders**
- **Cases in which there are allegations of child abuse or DCS involvement**
- **Modification of legal custody order earlier than one year after the date of the previous order.**

*****If you file this Request in error, the mediation fee will NOT be refunded to you.*****

***NOTE:** If this is a PRE-Decree matter, meaning an Order, Judgment or Decree has **NOT** been previously signed by a Judicial Officer in this case, **STOP** - you must use the PRE-DECREE version of the MEDIATION packet instead.

WARNING! THERE MAY BE A \$200 FEE FOR FAILURE TO ATTEND A SCHEDULED MEDIATION. IF YOU CANNOT ATTEND OR NO LONGER NEED MEDIATION, REFER TO THE INSTRUCTIONS FOR HOW TO PROVIDE PROPER NOTICE TO AVOID HAVING TO PAY THIS FEE.

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.

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REQUEST FOR POST-DECREE MEDIATION

This packet contains court forms and instructions to file for post-decree mediation in a Family Court case involving custody and parenting time issues. Documents listed in **BOLD** are forms that are filed with the Court; Non-bold items are instructions or procedures pages. Do NOT copy or file those pages. The documents should appear in the following order:

Order		Title	# pages
1		Checklist: <i>You may use these forms if . . .</i>	1
2		Table of Contents (this page)	1
3		Instructions and Procedures to Request Post-Decree Mediation	2
4		"Request for Post-Decree Mediation"	2
NOTE: Use either the "Request" above, or the "Joint Request", below, but not both.			
5		Instructions and Procedures for the (optional) "<u>Joint Request for Post-Decree Mediation</u>"	2
6		(optional) "<u>Joint Request for Post-Decree Mediation</u>" (<u>Both parties must sign the Joint Request</u>)	1

WARNING

YOU MAY HAVE TO PAY A \$200 FEE IF YOU FAIL TO ATTEND A SCHEDULED MEDIATION SESSION.

IF YOU CANNOT ATTEND, BOTH PARTIES MUST NOTIFY CONCILIATION SERVICES AND RECEIVE PERMISSION TO RESCHEDULE AT LEAST THREE FULL COURT DAYS BEFORE THE SESSION.

IF YOU REACH A FULL AGREEMENT ABOUT LEGAL DECISION MAKING (CUSTODY) AND PARENTING TIME AND DO NOT PLAN TO COME TO THE MEDIATION SESSION, BOTH PARTIES MUST NOTIFY CONCILIATION SERVICES AS SOON AS POSSIBLE OF THE SETTLEMENT TO AVOID PAYING THIS FEE.

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.

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INSTRUCTIONS and PROCEDURES TO REQUEST POST-DECREE MEDIATION

STEP 1 Determine if this is the appropriate paperwork.

All of the following statements must be true:

- There is an issue regarding custody and/or parenting time that you and the other party are unable to resolve.
- A final order regarding Custody and Parenting time has been previously filed with the court.
- You know where the other party is and are able to have them served with the papers.
- You and the other party do not wish to file the ***“Joint Request for Post-Decree Mediation”*** which does not have to be served on the other party (and which appears later in this packet).

NOTE: A Request for Mediation is not the appropriate paperwork to resolve the following issues:

- ☐ Child Support
- ☐ Enforcement of current court orders
- ☐ Cases in which there are allegations of child abuse or DCS involvement
- ☐ Modification of custody order earlier than one year after the date of the previous order.

*****If you file this Request in error, the mediation fee will NOT be refunded to you. *****

STEP 2 Complete the ***“Request for Post-Decree Mediation”***.

Type or print clearly. Use black ink only. (Match the numbered instructions to the numbers on the ***“Request for Post Decree Mediation”***).

- 1) Fill in the name, address, and phone number of the person requesting mediation. If your address is protected, write ‘Protected’ in the address field.
- 2) Fill in the name of the persons shown as “Petitioner” and “Respondent” in your pre-existing case.
- 3) Write in the case number in the space provided at the top right portion of the form. Your case number begins with “D”, “DR”, or “FC”. This is the same case number as your original divorce, paternity or other family court case.
- 4) Check the appropriate box in section 4 that tells the court whether you are divorced or have had paternity established or “Other” court order entered, such as for Grandparent Visitation.
- 5) Describe the disagreement between you and the other party.
- 6) Check the appropriate box in section 6 to indicate if you have ever participated in Mediation and list when and where any prior Mediation took place.
- 7) Complete the information about the other party. You must be able to provide the current address for the other party to use the mediation services of the Court.
- 8) Sign and date the ***“Request for Post-Decree Mediation”***.

STEP 3 Make 3 copies of the completed “*Request for Post-Decree Mediation*”.

There will also be an “***appearance fee***” due from the Respondent, ***if*** he or she has not previously “made an appearance”, that is filed a response or other papers and paid a filing fee in this case.

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

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

STEP 4 FILE: Take the original & 3 copies of the “*Request for Post-Decree Mediation*” to the Clerk of Superior Court Filing Counter at the location listed below. The Clerk will keep the original, date-stamp the 3 copies and return the copies to you.

250 W. 2nd Street, Yuma, Arizona 85364

- Conciliation Services will keep a copy of your *Request* and note if you have paid or deferred your fee.
- The staff will prepare an *Order to Appear* that you will serve on the other party along with another copy of your *Request*.
- Keep the remaining copy for your records.

STEP 5 Serve the papers on the other party: You must arrange for service of the following papers on the other party:

- A copy of the “***Request for Post-Decree Mediation***”
- A copy of the *Order to Appear* for Mediation

STEP 6 File the Proof of Service with the Clerk of Superior Court.

(1) 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

_____(2) Case Number: _____(3)
Name of Petitioner / Party A

_____(2) **REQUEST FOR POST-DECREE
MEDIATION**
Name of Respondent / Party B

A controversy exists between Party A and Party B regarding issues of legal decision-making (legal custody) and/or parenting time. I am requesting mediation of the issues, based on the following:

(4) Check one box only.

☐ We are divorced or legally separated from each other. **OR**

☐ An Order of Paternity has been entered by the court. **OR**

☐ OTHER (Describe): _____

(5) Describe the disagreement. Be brief and specific. (The disagreement must involve legal decision-making (legal custody) and/or parenting time of your minor children):

(6) Check one box only.

☐ We have not participated in mediation **OR**

☐ We have participated in mediation in the past.

When: _____

Where: _____

When: _____

Where: _____

(7) Information about the other party:

Name: _____

Address: _____

City, State, Zip: _____

Telephone #'s: _____

Attorney (if known): _____

Date: _____ **(8)**

Signature of Person Submitting Request **(8)**

Signature of Attorney (if applicable)

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INSTRUCTIONS and PROCEDURES to FILE JOINT REQUEST FOR POST-DECREE MEDIATION

STEP 1 Determine if this is the appropriate paperwork.

All of the following statements must be true:

- There is an issue regarding custody and/or parenting time that you and the other party are unable to resolve.
- A final order regarding Custody and Parenting time has previously been entered in this court.
- **Both** parties want to go to mediation *and* **both** parties **will sign** the Request.

NOTE: A “Joint Request for Post-Decree Mediation” is not the appropriate paperwork to resolve the following issues:

- ☐ **Child Support**
- ☐ **Enforcement of current court orders**
- ☐ **Cases in which there are allegations of child abuse or CPS involvement**
- ☐ **Modification of custody order earlier than one year after the date of the previous order.**

*****If you file this Request in error, the mediation fee will NOT be refunded to you.*****

STEP 2 Complete the “Joint Request for Post-Decree Mediation”.

Type or print clearly. Use black ink only and match the numbered instructions to the numbers on the “Joint Request for Post-Decree Mediation”.

- 1) Fill in the name of the persons shown as “Petitioner” and “Respondent” in your pre-existing case.
- 2) Write in the case number in the space provided at the top right portion of the form. Your case number begins with “D”, “DR”, or “FC”. This is the same case number as your original divorce, paternity or other family court case.
- 3) Check the appropriate box in section 3 that tells the court whether you are divorced or have had paternity established or “Other” court order entered, such as for Grandparent Visitation.
- 4) Briefly describe the disagreement between you and the other party.
- 5) Check the appropriate box in section 5 to indicate if you have ever participated in Mediation and list when and where any prior Mediation took place.
- 6) Provide current addresses and phone numbers for each party.
- 7) Both parties sign and date the “Joint Request for Post-Decree Mediation”.

STEP 3 Make 3 copies of the completed “Joint Request for Post-Decree Mediation”.

There will also be an “**appearance fee**” due from the Respondent, **if** he or she has not previously “made an appearance”, that is filed a response or other papers and paid a filing fee in this case.

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

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

STEP 4 FILE: Take the original & 3 copies of the ***“Joint Request for Post-Decree Mediation”*** to the Clerk of Superior Court Filing Counter at the location. The Clerk will keep the original, date-stamp the copies, and return the copies to you.

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

- Conciliation Services staff will prepare a *Notice to Appear for Mediation and Acknowledgment*.
- You will be asked to sign and date the Acknowledgment indicating your understanding of the fees, the date and time of the mediation and the consequences for failing to appear, including an **ADDITIONAL “NO SHOW” FEE FOR A PARTY WHO FAILS TO APPEAR.**
- Give a copy of the Joint Request to the other party and keep one for your own records.

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) Case Number: _____(2)
Name of Petitioner / Party A
Current Judge: _____

_____(1)
Name of Respondent / Party B

JOINT REQUEST FOR POST-DECREE MEDIATION

We, Party A and Party B, do not agree on issues of legal decision-making (legal custody) and/or parenting time but we do agree to participate in mediation. We ask for mediation of the issues, based on the following:

(3) Check one box only.

- ☐ We are divorced or legally separated from each other. **OR**
☐ An Order of Paternity has been entered by the court. **OR**
☐ OTHER (Describe): _____

(4) Describe the disagreement. Be brief and specific. (The disagreement must involve legal decision-making (legal custody) and/or parenting time of your minor children):

(5) Check one box only.

- ☐ We have not participated in mediation **OR**
☐ We have participated in mediation in the past.

When: _____ Where: _____
When: _____ Where: _____

Party A

Party B

(6) Address: _____

(7) Address: _____

City, State, Zip: _____

City, State, Zip: _____

Telephone #: _____

Telephone #: _____

_____(7)
Date Signature of Petitioner / Party A

_____(7)
Date Signature of Respondent / Party B

Party A's Attorney (if applicable)

Party B's Attorney (if applicable)