

# **LEGAL SEPARATION WITH MINOR CHILDREN**

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# **3**

## **Response**

**Part 3: Respond to a Petition for Legal Separation  
(Forms and Instruction)**

LAW LIBRARY RESOURCE CENTER

**RESPONSE TO PETITION AND PAPERS  
FOR LEGAL SEPARATION WITH MINOR CHILDREN**

**CHECKLIST**

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

- ✓ Your spouse filed a ***“Petition for Legal Separation With Minor Children”***, AND
- ✓ You want to file a ***“Response”*** to tell the Court whether you agree or disagree with something your spouse stated or requested in the ***“Petition for Legal Separation with Minor Children”***, AND

You and your spouse have minor children with each other.

**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.

## Legal separation with minor children

### Part 3: Response

This packet contains court forms and instructions to file a Response to a Petition for legal separation with minor children.

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

## Helpful information: How to file a response to a petition for legal separation with minor children

**IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE:** All court documents request your address and phone number. If you are a victim of domestic violence, you must file "*Request for Protected Address*" and ask that your address not be disclosed on court papers. With that order, you do not need to put your address and phone number on your court papers. Then, write "protected" where asked for this information and update the Clerk of Superior Court with an address and phone number as soon as possible. The Clerk of Superior Court will keep your address confidential.

### PAPERS YOU SHOULD HAVE RECEIVED WITH THE PETITION FOR LEGAL SEPARATION:

**SUMMONS:** You have been summoned to appear in court. The "*Summons*" tells you how many calendar days you have to file a Response, depending on how you were served with the court papers. Be sure to file a "**WRITTEN RESPONSE**" on time. If the time for you to file a "**WRITTEN RESPONSE**" has passed, your spouse must complete an Application and Affidavit for Entry of Default and send you a copy of that document. You will have 10 more court days in which to file your "**WRITTEN RESPONSE**." If you do not file a "**WRITTEN RESPONSE**" ON TIME, a default judgment can be entered. That means, you will not get to tell the judge your side of the story.

**PRELIMINARY INJUNCTION:** This is an order from the Court to both spouses about what you CAN and CANNOT do with property, minor children, and other issues while the legal separation is pending. If you or your spouse do not obey this order, the party who disobeys it can be in serious trouble with the Court. If your spouse disobeys the order, see a lawyer for help on what to do. The Law Library Resource Center has a list of lawyers who will help you help yourself, and this list tells how much they charge to help you.

**INFORMATION FOR CONCILIATION COURT:** You may or may not have received a paper on this. There is no requirement that your spouse serve this document on you. In either case, the court has services to help couples with their marriage, called "Conciliation" and "Mediation." You can ask for an appointment by filing a written Petition, to discuss your marriage with these court professionals. You can get the forms for the appointment at the Law Library Resource Center.

**PARENT INFORMATION PROGRAM ORDER and NOTICE:** This is an important document. You and the other parent must attend and complete a class in the Parent Information Program. This is a very exciting and wonderful class. They designed it to help you. The purpose of the Parent Information Program is to give parents information about the impacts that divorce, legal separation, the changes in the family unit, and court involvement have on minor children involved in a divorce, legal separation, paternity, or legal decision-making (legal custody) and parenting time case. This Order and Notice applies to all parents who file an action for dissolution of marriage or legal separation, or any paternity proceeding, in which a party has requested that the Court determine legal decision-making and parenting time, on or after January 1, 1997, and to all other domestic relations cases if ordered by the Court. Make sure you read this order and notice and do what it says.

**AFFIDAVIT REGARDING MINOR CHILDREN.** This document describes your minor children and where they have lived for the past five years. Both you and the other party must file this document telling the Court about other legal decision-making (legal custody) and parenting time cases involving your minor children.

**PETITION FOR LEGAL SEPARATION WITH CHILDREN:** This is the form your spouse completed to tell the Court his or her side of the story about property, debt, spousal maintenance/support (alimony), legal decision-making (legal custody), parenting time, child support, health insurance, pregnancy, and everything else about the marriage. Read each and every word very carefully, and decide what you want to do. Here are your choices:

1. Do nothing. This means your spouse can get a legal separation and tell the Judge his or her side of the story, without you telling your side at all. This is called default. Even in these cases, the Judge will try to decide what is best, but it is never a good idea to ignore the court proceeding and have a Court order that you had no input on. You should see a lawyer before you decide to do nothing.
2. Decide with your spouse how you want to handle everything: property, debt, spousal maintenance, child support, legal decision-making, parenting time, and everything else about the marriage. Then you and your spouse file papers in the court stating your agreement on everything. This is called a Consent or Stipulation. This is often the best way to proceed, if you and your spouse desire to live separate and apart, and can talk about the critical issues to decide how you both want to handle the legal separation. Mediators can help you with this. The Law Library Resource Center has a list of mediators, and how much they charge to help you.
3. Protest what your spouse said in the Petition, file a Response stating your side of the story, and how you want to handle everything: property, debt, spousal maintenance (alimony), legal decision-making, parenting time, child support, and everything else about the legal separation. This will make your case a contested matter. But, even if you originally file a Response, you and your spouse can still decide to agree on something, or everything, and file court papers for a Consent or Stipulation. Mediators can help you with this, and the Law Library Resource Center has a list of mediators, and how much they charge to help you. If you file a Response and do not settle everything with your spouse, you must be sure to file the court papers you will need to set the case for trial.

**PARENTING PLAN:** This plan is a detailed plan that says how decisions will be made and when the child will be with each parent. The parenting plan may be developed by the parents, through mediation, with the help of court staff, lawyers, or by a judge after a hearing or at trial.

**CHILD SUPPORT WORKSHEET:** This is the amount of child support that the other party believes the Court should order for the minor child(ren) including all of the information that the other party used to calculate the amount of child support owed.

## Instructions: How to respond to a petition for legal separation with children

**Domestic Violence:** Domestic violence can be part of any marriage. Domestic violence includes physical violence such as hitting, slapping, pushing or kicking or threats of physical violence directed against you and/or your children and/or verbal abuse used to control you and/or your children. Your spouse does not need to have been convicted of domestic violence or assault for you to be a domestic violence victim. You do not need to have sought medical care or been admitted to a hospital to be a victim of domestic violence.

Court documents request your address and phone number. If you are a victim of domestic violence, and you do not want your address to be known to protect yourself or your children from further violence, you must file a "Request for Protected Address" and ask that your address not be disclosed on court papers. With that Order, you do not need to put your address and phone number on your legal separation papers. Just write "protected" in the space on the form where you are asked for this information. You must tell the Clerk of Superior Court your address and phone number as soon as possible so the court can get in touch with you. The court will keep your address protected.

Completing your written response to the petition:

### Instructions

- ▶ Type or print with black ink only.
  - ▶ Make sure your form is titled Response to Petition for Legal Separation with Minor Children.
  - ▶ In the top left corner of the first page, fill out the following: Your name; address (if not protected); city, state and zip code; telephone number; and your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security. Then state whether you are representing yourself or whether an attorney represents you.
  - ▶ Fill in the name of Petitioner / Party A and Respondent / Party B exactly the same way as it looks on the Petition. Do this for every document you file with the court regarding this case from now on.
  - ▶ Use the case number that is stamped in the upper right-hand corner of the Petition. Do this for all documents you file with the court regarding this case from now on.

Statements made to the court under oath:

General information:

1. About my spouse. Fill in your spouse's name, address (if not protected), date of birth, occupation, and length of time domiciled (lived) in this state. This is basic information about your spouse.
2. About me. Fill in your name, address, date of birth, occupation, and length of time domiciled (lived) in this state. This is basic information about you.
3. About our marriage. This is general information about your marriage. Fill in the date that you were married, and the city and state where you were married. Read the 3 paragraphs, and decide if any of them are true. Place a mark in the box in front of the paragraph if it is true. Also, if the Petition states anything about your marriage that you believe is false or different, write your understanding of it on the lines provided.

\* To have a "Covenant Marriage", both Party A and Party B would have had to:

1. sign papers requesting to have a covenant marriage or to convert to a covenant marriage,
2. attend pre-marital counseling (unless converting an existing marriage to a covenant marriage, *AND*
3. Your marriage license would say "Covenant Marriage".

"Irretrievably broken" means that your marriage is broken beyond repair and there is no chance of getting back together with your spouse.

If you still have questions about whether you have a "covenant" marriage, contact a lawyer for help.

If you have a covenant marriage, you should file a motion to dismiss, and then petition the court for a legal separation of a covenant marriage. If you have a covenant marriage, attach a copy of the marriage license to show that you have a covenant marriage.

4. About the legal separation. Check one box only to inform the judge whether you want to be legally separated, you do not want to be legally separated, or you want to be divorced. Note: If you or your spouse have lived in Arizona for more than 90 days prior to filing the Petition for Legal Separation" the judge has the discretion to change the "Petition for Legal Separation to a Petition for Dissolution of Marriage (Divorce) if one of the parties believes the marriage is over and wants a divorce instead of a legal separation.
5. Residency Requirement. This tells the Court that you and/or your spouse have not lived in Arizona, or been stationed here while in the Armed Forces, prior to the date your spouse filed the divorce papers. If it is true, the case must be dismissed. You or your spouse can file

a "Motion to Dismiss," then once either party either lives in Arizona or is stationed in Arizona while a member of the Armed Forces, you or your spouse can refile the legal separation papers.

6. Property and debts: The information you give in this section informs the Court about your property and debts and how you think property and debts should be divided. Community property is any property you and your spouse purchased during your marriage or that was paid for during the marriage, regardless of who uses the property or who actually paid the money. Unless property was a gift or inheritance, all property acquired during the marriage is community property, and both you and your spouse are entitled to a roughly equal share of this property. Community debts also belong to both people, regardless of who spent the money. If you have questions, or have a lot of community assets, you may want to consult an attorney regarding issues of community property and debts before filing your Response and other papers.

It is very important that you be specific in your responses about the property and debt. Describe the property and debt that should go to or be paid by you in detail and describe the property and debt that should go to or be paid by your spouse in detail. Never list an item and check both Party A and Party B box.

- 6.a. Community Property. (Property Acquired During the marriage). If you and your spouse do not have any community property from the marriage, mark the first box. If you had property together, check the second box. If you checked the second box, you will then tell the Court what property should go to you and what property should go to your spouse. Generally, the Court will try to divide the property 50-50, unless there are good reasons not to. Realize that it is unlikely that the Court will give most or all of the property to either spouse, so try to put some thought into what you think would be a fair split before answering this question.

First, you will list the property that you want the Court to award to Party A. Next you will list the property that you want the Court to award Party B. Put a mark in the boxes corresponding to which property you want to go to which person. You should describe the property as thoroughly as you need to for identification purposes. You can use the brand name and model where applicable, as well as serial numbers.

Types of property include:

- a) Real estate (property or home). Mark who you want to get the property. You can ask the Court to give you the home, to give it to your spouse, or to sell the home and divide the proceeds. You should write the complete address of the property under "Real estate located at." Most property also has a legal description such as "LOT 77, PINE TREE ACRES, according to Book 111 of Maps," etc. You should use this description, which will appear on your deed papers, if you have it. Cemetery plots are also considered real property.
- b) Household furniture. This includes sofas, beds, tables, etc.



- c) Household furnishings. This generally includes other things in the house other than furniture, e.g., dishes, small appliances, rugs, etc.
- d) Other items (explain). List the things that you specifically want to go to one person or another that have not already been listed.
- e) Pension/retirement fund/profit sharing/stock plan. You and your spouse each generally have a right to a one-half interest in any spouse's plan; ONLY for the number of years you were married. The longer you have been married, the greater your financial interest in a spouse's plan, up to 50 percent if you have been together the whole period of the plan. Mark this box if you want to divide your interest in a retirement or profit sharing/ retirement/ 401K plan. If you mark this box, you should see an attorney about a document called a Qualified Domestic Relations Order or QDRO. A QDRO is a very specialized legal document that requires a professional's assistance to prepare. To find out what the actual cash value and present-day value of the pension plan is, you may want to consult with an accountant experienced in valuing pension plans.
- f) Motor vehicles. List the vehicle identification number, the year and make of car (Ford, Chevrolet) and the model (Mustang, Camaro), etc.

6.b. Separate property. (Property Acquired Before the Marriage). If Party A does not have any separate property, mark the first box. If Party B does not have any separate property, mark the second box. If Party A has separate property, check the third box. If Party B has separate property, check the fourth box. Then describe the property and who should get the property. Separate property is usually property an individual had prior to the marriage. Separate property also includes gifts, devises, and inheritances. There are other times that property can be separate property so it is always a good idea to talk to a lawyer before you fill out this or any court papers.

6.c. Community debts. If you and your spouse do not owe money on any debts from the marriage, mark the first box and go on. If you did have debt, mark the second box. If you mark the second box, tell the Court first which debts Party A should pay and then which debts Party B should pay. Generally, the Court will attempt to make a fair split of the debts, and if you get the property that money is owed on, you probably will also be given the debt. It is unusual that the Court will order one person to pay all the debts. Think about what is a fair split of the debts before answering this question. Put enough information to identify the specific debt.

If you and your spouse have been separated and have acquired new debts on your own before filing for legal separation or divorce, you may want the Court to Order that each of you pay for any new debts you have gotten after the date you separated. You can make this request on the page of your Response under "Community Debts."

6.d. Separate debts. If you and your spouse do not have separate debt, check the first box.

If Party A has separate debt, check the second box. If Party B has separate debt, check the third box. Then describe the debt and who should pay for it. Separate debt is usually debt acquired prior to the marriage. Then state to the Court what you are requesting regarding property and debts that is different from what your spouse asked for in the Petition.

7. Tax returns. Mark the box that shows how you want to handle income tax refunds. If you want some other arrangement, write that in instead. It is always a good idea to talk to a lawyer and an accountant about your taxes.
8. Spousal maintenance/support. Spousal maintenance/support is the term used to describe money paid from one spouse to the other spouse as part of a Divorce or Legal Separation Agreement or Order. You may know the term as alimony. The money is designed as a safety net for a spouse who cannot provide for his or her needs or who meets other requirements listed. The idea behind spousal maintenance/support (alimony) is that accomplishments during your marriage, including increases in earning potential and living standards are shared and earned by both parties to a marriage. Look at the list of boxes to see if any of the statements apply to you or your spouse. If so, you can decide to make a request that spousal maintenance/support be awarded to the appropriate party or that spousal maintenance/support not be awarded at all. Mark as many boxes as apply to your situation. If none apply, go on with the form. Spousal maintenance is paid separate from child support and is not a substitute for or a supplement to child support. Then state to the Court what you are requesting regarding spousal maintenance that is different from what your spouse asked for in the Petition.
9. Pregnancy. Mark the box that tells the Judge whether Party A or Party B is pregnant or not and fill in the required information if either Party is pregnant. Then state to the Court what you are asking for about pregnancy that is different from what your spouse asked for or stated in the Petition.
10. Domestic Violence. This tells the Court if domestic violence was in the marriage and affects a request for joint legal decision-making (joint legal custody), (if you intend to ask for joint legal decision-making). If you are not sure what domestic violence means see the first page of the document entitled "Helpful Information: How to Respond to a Petition for Legal Separation with Minor Children." Then, mark the box that applies to your situation. If domestic violence has not occurred and your spouse agrees with you, go to paragraph 11. Because you are responding to what your spouse asked for in the Petition, you should now summarize for the Court how Domestic Violence is different from what your spouse said about Domestic Violence.
11. Drug / alcohol conviction within last twelve months. Drug and alcohol convictions are important to the Court to determine legal decision-making (legal custody) and parenting time. Mark the box if either you or your spouse were convicted of drug/alcohol abuse within the last twelve (12) months. If convicted, write explanations for the issues on the lines provided.

- A conviction of any drug offense within 12 months of filing of the petition for legal decision-making creates a rebuttable presumption that awarding either joint or sole legal decision-making to that parent is not in the child's best interest. This is because the court considers evidence of drug and alcohol convictions as being against the best interest of the child A.R.S. § 25-403.04.
- If the court finds evidence of a conviction of any drug/alcohol offense within 12 months of filing of a petition for legal decision-making has occurred, the court shall make arrangements for parenting time that best protect the child.

12. Children common to the parties who are less than 18 years of age. Mark the box that best describes your situation and whether the Court has jurisdiction to enter orders regarding legal decision-making. If you and the minor children involved in this case have lived in Arizona for the past 6 months or longer, mark the first box. Your residence and your child's residence in Arizona over 6 months is a requirement for the Court to order a decision about legal decision-making and parenting time for the child. If you have questions regarding this requirement or other reasons why the Court may not have jurisdiction, see a lawyer for help. Write the names of any children under age 18 born to you and your spouse during your marriage or adopted by you and your spouse. Include the child's birth date, and current address. If you do not have any minor children, you should be using the Response Packet without Minor Children. Because you are responding to what your spouse asked for in the Petition, you should now summarize for the Court how your statements regarding children common to the parties is different from what your spouse said about children common to the parties.

13. Child support and other expenses. Arizona law states that every person has the duty to provide all reasonable support for that person's natural and adopted minor, unemancipated children - regardless of the presence or residence of the child in this state A.R.S. § 25-501.

- Place a mark in the boxes that best describe your situation.
- Write in the dates if there is already a child support order in place.
- If you disagree with the child support statements in the Petition, summarize the differences by writing your explanation on the lines provided.
- Title IV-D program or Temporary Assistance for Needy Families (TANF) recipients Note: Mark the box if you or the other party are involved in the TANF or Title IV-D programs. In Part 4, you must obtain the written approval and signature of the Attorney General or county attorney assisting you on your TANF or IV-D case. You must include or attach the signature to the Final Decree before filing it. (A.R.F.L.P. Rule 45 (c) (3))

14. Written Agreement. Mark the box to show whether you and your spouse have a written agreement regarding legal decision-making, parenting time and child support

that both of you signed before you filed the Response to the Petition for Legal Separation. If you have only discussed these issues and do not have a written agreement, do not check this box.

15. Parent Information Program: The Superior Court in Yuma County offers a parent information program that offers information for parents to provide information to parents who are divorcing, or parents who are involved in other domestic relations actions, regarding what their child / a (s) may be feeling emotionally difficult during this time (Per Arizona law (ARS § 25-351: "Domestic Relations Education Regarding Juvenile Matters
- Completing the parent information program is a requirement for all parents involved in divorce, legal separation, or paternity cases in which one party is requesting that legal decision-making, parenting time, or child support be established. juvenile. At the discretion of the court parties involved in other types of domestic relations cases, such as modifying or enforcing an order of legal decision making or parenting time, as well as child support cases may be required to take the class. information for parents.
  - Both Party A and Party B must complete this class within 45 days from the date is the Petition is served. (A.R.S. § 25-352). Both spouses must register for and complete the course whether a "Response" or "Answer" to the Petition/Complaint is filed.
  - Please be advised that a Certificate of Completion will be e-filed with the Yuma County Clerk of Superior Court by the approved class provider upon your completion of the class. This certificate will be available to the court within 5 to 7 business days after your successful completion of the class.
  - Approved Parent Information Program classes are offered by a number of community-based providers at various locations throughout Yuma County as well as online.
  - Check the box that answers whether you have completed the Parent Information Program.
16. General Denial: This tells the Court that even if you did not answer each and everything said in the Petition, you deny what you did not address. This is extra protection for you.

Requests to the Court: This section of the Response formally requests the Court to grant or not grant you and your spouse the legal separation, and tells the Court other requests you are making:

- A. Legally separate or change to divorce. This is your request to be legally separated from your spouse, or if you do not want to be legally separated but want a divorce from your spouse instead. See a lawyer for help on this, if you are not sure.
- B. Paternity and minor child(ren)'s names. Only write in this section if you and your spouse have minor child(ren) that was/were born before the marriage and both parties are the legal parents of the minor child(ren). Check which party you want the Court to declare as the legal parent of the minor child(ren) born prior to the marriage and write the name(s) of those minor child(ren).
- C. Spousal maintenance/support (alimony). Mark the box you prefer. This tells the Court that you or your spouse should pay money to the other spouse monthly to help with living expenses. If you do want one party to receive spousal maintenance, check Party A or Party B box, the monthly amount, and the time period. If you do not want spousal maintenance ordered, do not mark anything, go on.
- (You can only mark a box here if you marked the same box in the section above). If you request spousal maintenance, choose what you believe to be a reasonable monthly amount and tell the Court how long the money should be paid. Base the amount of any request based on the receiving party's need and the income of the spouse paying this money. Remember, spousal maintenance is not a substitute for, or a supplement to, child support that may be ordered.
- D. Community property. This tells the Court that your requested division of the property is fair, and that the Court should divide the property as requested by you in your Response.
- E. Community debt. This tells the Court that your requested division of the debts is fair, and that the Court should divide the debts as requested by you in your Response. If you have been separated from your spouse for enough time that you or your spouse may have additional debts, write the date of separation on the line provided if you want each of you to pay the debts you caused after you separated.
- F. Separate property and debt. This states you want you and your spouse to keep property you each owned before you were married or that is separate property, and to pay debt that was acquired before you were married or that is separate debt.
- G. Primary Residence, Parenting Time, and Legal Decision-Making (Legal Custody)

G.1. Primary Residence: The physical place where the child is cared for, supervised, and sleeps overnight. If you want your residence to be the place the child sleeps overnight the majority of the time, check the box that applies to you. The write in the name(s) of the child(ren). This tells the court whether you want the primary residence of the minor child(ren) to be with you or your spouse.

G.2. 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.

Note: (If you want to know more about primary residence and parenting time, refer to "Planning for Parenting Time: Arizona's Guide for Parents Living Apart." 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' web page.

- Check only one of the first three boxes. You can ask that the non-primary residential parent (the parent having parenting time with the minor child less than 50% of the time) have one of the following types of parenting time.
  - Reasonable parenting time. This suggests an amount of parenting time appropriate to the age of the child(ren). The Court offers suggested amounts of parenting time, but the amount can vary by agreement of both parents.
  - Supervised parenting time to the non-primary residential parent. You should request supervised parenting time if the non-primary residential parent cannot adequately care for the minor child(ren) without another person present. You may request this if the parent whose home is not the primary residence has a problem with drugs or alcohol; is violent or abusive; or does not have the parenting skills to care for the minor child(ren) without another adult present. Remember, supervised parenting time is not intended to punish the parent, but to protect the minor child(ren).
  - No parenting time to the non-primary residential parent. You should mark this option only if the non-primary residential parent has seriously harmed, abused, or otherwise is a serious danger to the minor child(ren)'s physical and/or emotional health, or if there is a criminal court order stating no contact between the minor child and the parent whose home is not the primary residence of the children. You may use this as a last resort to protect the minor child.
- Write in the name of a person you would like to supervise the child-parent visit. Also, mark the box that shows who you think should pay for the supervisor.

G.3. Legal Decision-Making: "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. For the purposes of interpreting or applying any international treaty, federal law, a uniform code or the statutes of other jurisdictions of the United States, legal decision-making means legal custody A.R.S. § 25-401.

In the context of legal decision-making, “sole” means one parent, “joint” means both parents. First, place a mark in the box to show if you want sole or joint legal decision-making. Then, mark the Party (A or B or both) you want to be awarded the authority for legal decision-making.

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

H. Child Support:

1. Tell the Court who you think should pay child support. The income of the parties may determine the amount of the support according to Court guidelines. Mark only *one* box.
2. Past Support is child support after a couple has separated but before any paperwork is filed or Court orders issued. Mark the party who owes past child support, if any is owed.

I. Insurance and health care expenses for children: Mark the box(es) to request to the Court which parent should provide insurance for the minor children.

J. Tax exemption: Decide how you and your spouse will declare the tax dependency exemptions, for which minor children, for which years. Federal Tax law also determines this for you. Mark the box that best describes your preference. If you are not sure, see a lawyer or an accountant for help.

K. Other Orders. Tell the Court anything else you may want ordered in your Legal Separation that has not been covered elsewhere in your Response.

Oath and verification of party filing the Response: Sign this form in front of the Clerk of Superior Court, or a Notary Public. By doing so you are informing the Court that everything contained in the Response to Petition for Legal Separation is true. Then write in the date you sent your Response to the other party or his or her attorney if represented by an attorney, and the address you mailed the Response to other party or his or her attorney, if represented by an attorney.

Parent Information Program. Remember to attend the Parent Information Program class. For further information see the Order and Notice to Attend the Parent Information Program class you should have received from other Party. If you did not receive this information, the Law Library Resource Center has the form.

Other important forms in this packet:

Parenting Plan: Fill out the Parenting Plan to let the Court know details about what you want for

legal decision-making authority and parenting time. It is important to be specific when filling out the Parenting Plan. You may refer to the “Planning for Parenting Time: Arizona’s Guide for Parents Living Apart” to help make your parenting plan. The Guide is available for purchase at all Superior Court Law Library Resource Center locations, or may be viewed online and downloaded for free from the State Courts’ webpage. After completing the Parenting Plan, FILE it with your Response.

**Affidavit Regarding Minor Children.** This affidavit form involves information about the residence of your minor children. This form is required for the Court to make a decision about legal decision-making. Fill out this Affidavit completely and provide accurate information. Use additional paper if necessary.

Other court papers to be completed **not** in this packet:

**Child Support Worksheet.** Read the Instructions on how to fill out the Worksheet to help you prepare this document. You can use the free online Child Support Calculator at the websites listed below to complete a child support worksheet.

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

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

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

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

Wait to sign this form until you are in front of a notary or the Clerk of Superior Court at the filing counter.

What to do next: See the Law Library Resource Center “Procedures” document in this packet.



## 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 Spousal Maintenance Worksheet (Applies only to cases in which the original petition for dissolution or legal separation was filed on or after September 24, 2022)

In a dissolution of marriage (divorce) or legal separation, one party may request that the court order the other party to pay “spousal maintenance.” This is financial support paid by one party to the other party. The court considers certain statutory factors to decide whether a party is eligible for spousal maintenance. In these cases, either party may request that the other pay spousal maintenance.

### Spousal Maintenance Guidelines:

For a case filed on or after September 24, 2022, if a person is eligible for spousal maintenance, then the court uses the Arizona Spousal Maintenance Guidelines to determine the amount and duration of the award for spousal maintenance.

The Guidelines can be found here:

<https://www.azcourts.gov/familylaw/Child-Support-Family-Law-Information/Spousal-Maintenance-Guidelines>.

### Spousal Maintenance Calculator:

In any dissolution of marriage or legal separation case that was originally filed on or after September 24, 2022, when a party requests spousal maintenance, or requests to change a past spousal maintenance court order, it is recommended that the requesting party file a completed Spousal Maintenance Worksheet. The worksheet is created using the FREE online Spousal Maintenance Calculator. Access to the internet is required.

The online Spousal Maintenance Calculator can be found here:

<https://www.superiorcourt.maricopa.gov/app/selfsuffcalc/>.

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.

### Next Steps:

After completing the Spousal Maintenance Calculator, print out the Spousal Maintenance Worksheet in order to file it with your other paperwork.

When you have completed all necessary forms, go to the “Procedures” page and follow the steps.

## Procedures: How to file a response with the court

- Step 1: Complete the Family Department Sensitive Data / Cover Sheet. (Do not copy or provide this document to the other party).
- Step 2: Complete the Child Support Worksheet online using:  
AzCourts: <https://www.azcourts.gov/familylaw/2018-child-support-calculator>
- Print out 1 copy of the completed Child Support Worksheet.
- Step 3: Copy: Make 2 copies of the Response, Child Support Worksheet, Parenting Plan and the other papers after you complete them.
- Step 4: Separate your documents into three (3) sets:

|   |  |
|---|--|
| <p>Set 1 - Originals for Clerk of Superior Court:</p> <ul style="list-style-type: none"><li>• <i>Family Department Sensitive Data / Cover Sheet</i></li><li>• <i>Response</i></li><li>• <i>Parenting Plan</i></li><li>• <i>Affidavit Regarding Minor Children</i></li><li>• <i>Child Support Worksheet</i></li><li>• </li></ul> | <p>Set 3 – Your copies:</p> <ul style="list-style-type: none"><li>• <i>Response</i></li><li>• <i>Parenting Plan</i></li><li>• <i>Affidavit Regarding Minor Children</i></li><li>• <i>Child Support Worksheet</i></li></ul> |
| <p>Set 2 - Copies for your spouse:</p> <ul style="list-style-type: none"><li>• <i>Response</i></li><li>• <i>Parenting Plan</i></li><li>• <i>Affidavit Regarding Minor Children</i></li><li>• <i>Child Support Worksheet</i></li></ul>   |  |

Step 5: File the papers at the Court:

Go To: The Clerk of Superior Court to file your papers. The Court is open from 8:00 a.m. - 5:00 p.m., Monday-Friday. You should go to the Court at least two hours before it closes. You may file your court papers at the following Superior Court locations:

Clerk of Superior Court  
250 West Second Street  
Yuma, Arizona 85364

File: Deliver your Response papers (3 sets) to the Clerk of Superior Court at the filing counter.

Fees: Pay your fee to the Clerk of Superior Court. A list of current fees is available from the Law Library Resource Center and from the Clerk of Superior Court's website. If you completed a Fee Deferral Application, give it to the Clerk of Superior Court. If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a deferral (payment plan) when you file your papers with the Clerk of Superior Court. Deferral Applications are available at no charge from the Law Library Resource Center.

Papers: Hand all three (3) sets of your court papers to the Clerk of Superior Court. The Clerk of Superior Court will date-stamp and notarize the papers.

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

- Your set of copies and –
- You spouse's set of copies

Step 6: Keep one copy of your Response packet for yourself and mail or hand-deliver the other copy of your Response packet to the other person (or the person's attorney, if he/she is represented by an attorney. If the person is represented by an attorney, the attorney's name and address may be found on the Petition in the upper left-hand corner.)

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

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

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

For Clerk's Use Only

## SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

Case No. \_\_\_\_\_

Petitioner / Party A

ATLAS No. \_\_\_\_\_

Respondent / Party B

**FAMILY DEPARTMENT SENSITIVE DATA  
COVERSHEET WITH CHILDREN  
(CONFIDENTIAL RECORD)**

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

### A. Personal Information:

#### Petitioner / Party A

#### Respondent / Party B

Name

Gender

Date of Birth (Month/Day/Year)

Social Security Number

☐ Male or ☐ Female

☐ Male or ☐ Female

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

Mailing Address

City, State, Zip Code

Contact Phone

Receive texts from Court to  
contact phone number above?

☐ Yes ☐ No texts

☐ Yes ☐ No texts

Email Address

Current Employer Name

Employer Address

Employer City, State, Zip Code

Employer Telephone Number

Employer Fax Number

### B. Child(ren) Information:

Child Name

Gender

Child Social Security Number

Child Date of Birth

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

☐ Dissolution (Divorce)

☐ Paternity

☐ Order of Protection

☐ Legal Separation

☐ \*Legal Decision-Making  
/ Parenting Time

☐ Register Foreign Order

☐ Annulment

☐ \*Child Support

☐ Other

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

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

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

FOR CLERK'S USE ONLY

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

## SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

\_\_\_\_\_  
Name of Petitioner / Party A

Case Number: \_\_\_\_\_

ATLAS Number: \_\_\_\_\_  
(if applicable)

\_\_\_\_\_  
Name of Respondent / Party B

### RESPONSE TO PETITION FOR LEGAL SEPARATION WITH MINOR CHILDREN

## STATEMENTS TO THE COURT, UNDER OATH OR BY AFFIRMATION:

### GENERAL INFORMATION:

#### 1. INFORMATION ABOUT MY SPOUSE,

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Job Title: \_\_\_\_\_  
Starting with today, number of months/years in a row, my spouse has lived in Arizona: \_\_\_\_\_

#### 2. INFORMATION ABOUT ME,

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Job Title: \_\_\_\_\_  
Starting with today, number of months/years in a row I have lived in  
Arizona: \_\_\_\_\_

**3. ABOUT OUR MARRIAGE**

Date of Marriage: \_\_\_\_\_

City and state, or country where we were married: \_\_\_\_\_

(Check all boxes below that are true.)

☐

We have a **covenant marriage**. I have attached a copy of my marriage license to show that we have a covenant marriage.

☐

Our marriage is irretrievably broken (our marriage is over) and there is no reasonable prospect of reconciliation, or ☐ **Party A desires** ☐ **Party B desires** to live separate and apart. The conciliation requirements under Arizona law either do not apply or have been met.

**OR**☐

Our marriage **is not irretrievably broken** and there are reasonable prospects of reconciliation. The conciliation requirements under Arizona law, A.R.S. § 25-381.09 either apply or have not been met. Explain to the Court why you disagree with the other Party's statement (that the marriage is irretrievably broken):

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Summary of what I say about **OUR MARRIAGE** that is **different from** what my spouse said in the Petition:

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**4. ABOUT THE LEGAL SEPARATION** (check one box)☐

I want to be legally separated from my spouse.

☐

I do not want to be legally separated from my spouse.

☐

I do not want to be legally separated from my spouse because my marriage is over and I want to be **divorced**.

**5. RESIDENCY REQUIREMENT.** (Check only if true.)☐

Party A has not lived in Arizona and has not been stationed in Arizona while a member of the Armed Forces.

☐

Party B has not lived in Arizona or has not been stationed in Arizona while a member of the Armed Forces.



**6. INFORMATION ABOUT PROPERTY AND DEBT**

Instructions: You must be specific. You must describe the property and debt that should go to you or be paid by you and then check the box. You must then describe the property and debt that should go to or be paid by your spouse, and check the box. For example, under household furnishings you could say, blue and white living room sofa, and then check the box to say whether it should go to you or to your spouse.

Never list an item and check both the Party A and the Party B box.

**6.a. COMMUNITY PROPERTY: (Property acquired during the marriage).**

(check one box)

- ☐ My spouse and I did not acquire any community property during the marriage, **OR**
- ☐ My spouse and I acquired community property during our marriage, and we should divide it as follows:

| Description of property  | Party A                  | Party B                  | Value    |
|--|--------------------------|--------------------------|----------|
| <input type="checkbox"/> Real estate at: _____<br>Legal Description: _____ | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| <input type="checkbox"/> Real estate at: _____<br>Legal Description: _____ | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| <input type="checkbox"/> Household furniture and appliances:               |                          |                          |          |
| _____  | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| _____  | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| _____  | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| _____  | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| <input type="checkbox"/> Household furnishings:                            |                          |                          |          |
| _____  | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| _____  | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| _____  | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| _____  | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| <input type="checkbox"/> Other items:                                      |                          |                          |          |
| _____  | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| _____  | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| _____  | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |

| Description of property  | Party A                  | Party B                  | Value    |
|--|--------------------------|--------------------------|----------|
| <input type="checkbox"/> Pension/retirement fund/profit sharing/stock plan/401K: |                          |                          |          |
| _____  | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| _____  | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| _____  | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| _____  | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |

| Description of property                  | Party A                  | Party B                  | Value    |
|--|--------------------------|--------------------------|----------|
| <input type="checkbox"/> Motor vehicles: |                          |                          |          |
| Make: _____                              | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| Model: _____                             |                          |                          |          |
| VIN Number: _____                        |                          |                          |          |
| Lien Holder: _____                       |                          |                          |          |
| <br>Make: _____                          | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| Model: _____                             |                          |                          |          |
| VIN Number: _____                        |                          |                          |          |
| Lien Holder: _____                       |                          |                          |          |

**6.b. SEPARATE PROPERTY. (Property acquired before the marriage)**  
 (Check all boxes that apply.)

- ☐ Party A does not have any separate property.
- ☐ Party B does not have any separate property.
- ☐ Party A has separate property. I want this property awarded to Party as described below.
- ☐ Party B has separate property. I want this property awarded to Party B as described below.

**Separate Property:** (List the property and the value of the property, and check the box to tell the Court who should get the property.)

| Description of property | Party A                  | Party B                  | Value    |
|-------------------------|--------------------------|--------------------------|----------|
| _____                   | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| _____                   | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| _____                   | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |

**6.c. COMMUNITY DEBTS: (Check one box.)**

- ☐ My spouse and I did not incur any community debts during the marriage, **OR**
- ☐ We should divide the responsibility for the debts incurred during the marriage as follows:

| Description of debt / Amount of debt: | Party A                  | Party B                  | Amount   |
|---------------------------------------|--------------------------|--------------------------|----------|
| _____                                 | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| _____                                 | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| _____                                 | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| _____                                 | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| _____                                 | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| _____                                 | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |

**6.d. SEPARATE DEBTS. (Check all boxes that apply.)**

- ☐ My spouse and I do not have any debts that were incurred prior to the marriage or separate debt,  
**OR**
- ☐ Party A has separate debt that should be paid as described below:
- ☐ Party B has separate debt that should be paid as described below:

| Description of debt | Party A                  | Party B                  | Amount   |
|---------------------|--------------------------|--------------------------|----------|
| _____               | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| _____               | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| _____               | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |
| _____               | <input type="checkbox"/> | <input type="checkbox"/> | \$ _____ |

Summary of what I request concerning **PROPERTY AND DEBTS** that is different from what the other Party asked for in the Petition:

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**7. TAX RETURNS: (Check the box(es) to tell the Court what you want).**

After the Judge or Commissioner signs the Decree of Legal Separation, we will, subject to IRS Rules and Regulations, pay federal and state taxes as follows:

**7. TAX RETURNS, continued: (Check the box(es) to tell the Court what you want).**

☐ For the calendar year (the year that the Decree is signed) and all future calendar years, each party will, subject to IRS Rules and Regulations:

☐ The parties will file **joint** federal and state income tax returns. The parties will pay, and hold the other harmless from, 1/2 of all additional income taxes if any and other costs and each will share equally in any refunds.

**OR**

☐ The parties will file **separate** federal and state income tax returns. Each party will pay and hold the other harmless from any income taxes and/or incurred as a result of the filing of that party's tax return and each party will be awarded 100% of any refund received as a result of the filing of that party's tax return.

☐ For previous years (the years we were married, **not** including the year the Decree was signed), (check one box)

☐ The parties will file **joint** federal and state income tax returns. For previous calendar years, both parties will pay, and hold the other harmless from, 1/2 of all additional income taxes if any and other costs and each will share equally in any refunds.

**OR**

☐ The parties will file **separate** federal and state income tax returns. For previous calendar years, each party will pay and hold the other harmless from any income taxes and/or incurred as a result of the filing of that party's tax return and each party will be awarded 100% of any refund received as a result of the filing of that party's tax return.

Summary of what I request concerning TAX RETURNS that is different from what the other Party asked for in the Petition:

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**8. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY) (check the box that applies to you):**

☐ Neither party is entitled to Spousal Maintenance (alimony), **OR**

☐ Party A **OR** ☐ Party B is entitled to Spousal Maintenance because: (Check all the box(es) below that apply. At least one reason must apply to get spousal maintenance.)

☐ Person lacks sufficient property to provide for his or her reasonable needs;

☐ Person is unable to support himself or herself through appropriate employment;

☐ Person is the custodian of a child(ren) whose age or condition is such that the person should not be required to seek employment outside the home;

- ☐ Person lacks earning ability in the labor market adequate to support himself or herself;
- ☐ Person made a significant financial or other contribution to the education, training, vocational skills, career, or earning ability of the other spouse;
- ☐ Person had a marriage of long duration, and is now of an age that precludes the possibility of gaining employment adequate to be self-sufficient; and/or
- ☐ Person has significantly reduced that spouse's income or career opportunities for the benefit of the other spouse.

Summary of what I say about **SPOUSAL MAINTENANCE** that is different from what the other Party said in Petition:

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## 9. PREGNANCY

- ☐ Party A is pregnant      **OR**      ☐ Party A is **NOT** pregnant,  
**OR**
- ☐ Party B is pregnant      **OR**      ☐ Party B is **NOT** pregnant

If either party is pregnant, please complete the following and check one box below:

The baby is due on \_\_\_\_\_ (date):

- ☐ Party A and Party B are the parents of the child; **OR**
- ☐ Party A is not the parent of the child; **OR**
- ☐ Party B is not the parent of the child.

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

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## 10. DOMESTIC VIOLENCE: (Check the box that is true. If you intend to ask for joint legal decision-making, there must have been no "significant" domestic violence. A.R.S. § 25 - 403.03):

- ☐ Domestic violence has not occurred, **OR**
- ☐ There has been domestic violence in this relationship and no legal decision-making (legal custody) should be awarded to the party who committed the violence.
- ☐ Domestic Violence has occurred but it was committed by both parties or it is otherwise still in the best interests of the minor child(ren) to grant joint or sole legal decision-making (joint or

sole legal custody) to a party who has committed domestic violence because: (Explain.)

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**SUMMARY OF WHAT I SAY ABOUT DOMESTIC VIOLENCE THAT IS DIFFERENT FROM WHAT MY SPOUSE SAID IN THE PETITION:**

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

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

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

☐ Party A was convicted. ☐ Party B was convicted.

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

Explain how this arrangement appropriately protects the minor children.

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

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**12. CHILDREN COMMON TO THE PARTIES WHO ARE LESS THAN 18 YEARS OLD**  
(Check box below, if true.)

☐ There are **no children** under the age of 18 either born to, or adopted by Party A and Party B.

**NOTE: If you checked this box, stop. You should be using the response packet to get a legal separation without children. OR**

- ☐ This Court **does not have jurisdiction** to determine legal decision-making (legal custody) concerning the minor child(ren) common to the parties under Arizona law because the minor child(ren) **has not lived** in Arizona for at least the 6 months prior to the Petition being filed.
- ☐ Listed below are children still under the age of 18 born to or adopted by my spouse and me during our marriage, or where indicated, born before.

|                            |       |   |
|----------------------------|-------|---|
| Child's Name:              | _____ | <input type="checkbox"/> Born prior to marriage |
| Birthdate:                 | _____ |   |
| Address:                   | _____ |   |
| Length of Time at Address: | _____ |   |

|                            |       |   |
|----------------------------|-------|---|
| Child's Name:              | _____ | <input type="checkbox"/> Born prior to marriage |
| Birthdate:                 | _____ |   |
| Address:                   | _____ |   |
| Length of Time at Address: | _____ |   |

|                            |       |   |
|----------------------------|-------|---|
| Child's Name:              | _____ | <input type="checkbox"/> Born prior to marriage |
| Birthdate:                 | _____ |   |
| Address:                   | _____ |   |
| Length of Time at Address: | _____ |   |

|                            |       |   |
|----------------------------|-------|---|
| Child's Name:              | _____ | <input type="checkbox"/> Born prior to marriage |
| Birthdate:                 | _____ |   |
| Address:                   | _____ |   |
| Length of Time at Address: | _____ |   |

|                            |       |   |
|----------------------------|-------|---|
| Child's Name:              | _____ | <input type="checkbox"/> Born prior to marriage |
| Birthdate:                 | _____ |   |
| Address:                   | _____ |   |
| Length of Time at Address: | _____ |   |

☐ Information for additional children is listed on attached page(s), made part of this document.

Summary of what I say about MINOR CHILDREN that is different from what the other Party said in the Petition or Affidavit of Minor Child(ren).

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### 13. CHILD SUPPORT and OTHER EXPENSES

☐ There is an Order for Child Support, dated \_\_\_\_\_ from  
(name of Court) \_\_\_\_\_.

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

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

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

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

**OR**

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

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

Summary of what I say about **CHILD SUPPORT AND EXPENSES** that is different from what the other Party said in the Petition.

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☐ **Title IV-D program or Temporary Assistance for Needy Families (TANF) Programs:**

☐ Does not apply.

☐ Party A ☐ Party B is applying for or currently receiving TANF or services from the Arizona Title IV-D program. NOTE: If one or both of the parties is or will be receiving TANF or Title IV-D support, you must obtain the Attorney General or county attorney approval by signature on the Final decree BEFORE you file it. (Rule 45(c)(3))

**14. WRITTEN AGREEMENT. CHECK ONLY IF TRUE:**

☐ My spouse and I have a written agreement signed by both of us about the maintenance of a spouse, division of property/debt, where the children will live, legal decision-making concerning the children (legal custody), parenting time, and child support and I have attached a copy of the written agreement,

**OR**

☐ My spouse and I **DO NOT** have a written agreement signed by both of us about the maintenance of a spouse, division of property/debt, where the children will live (authority for legal decision-making concerning the children (legal custody), parenting time, and child support.



- 15. SUMMARY OF WHAT I ASKED FOR THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION:** (Here summarize what is different between you want and what your spouse asked for.)

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- 16. THE PARENT INFORMATION PROGRAM** is required for parties seeking legal decision-making (legal custody) or parenting time. (Check one box.)

I, ☐ have **OR** ☐ have not, already completed the Parenting Information Program.

- 17. GENERAL DENIAL:**

I deny anything stated in the Petition that I have not specifically admitted, qualified, or denied.

## REQUESTS TO THE COURT:

- A. LEGALLY SEPARATE OR CHANGE TO DIVORCE:**

- ☐ Do not order legal separation. **OR**
- ☐ Legally separate the parties. **OR**
- ☐ Change this case to a divorce case because my marriage is over and either I or my spouse have lived in Arizona for the last 90 days. **OR**
- ☐ Legally separate the parties, but refuse to decide legal decision-making matters due to lack of jurisdiction because the minor child(ren) has not lived in Arizona for at least the 6 months prior to the Petition being filed.

- B. PATERNITY and MINOR CHILD(REN)'S NAMES.** Declare ☐ **Party A** ☐ **Party B**  
to be a parent of the following named minor child(ren) born before the marriage and (optional) change the legal name of those minor child(ren) to the name listed on the right, below:

**Current Legal Name**

**(Optional) Change the name of the child to:**

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**C. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):**

☐ Not applicable.

☐ Order spousal maintenance/support to be paid by ☐ Party A **OR** ☐ Party B in the amount of \$ \_\_\_\_\_ per month, to begin on the first day of the month after the Judge or Commissioner signs the Order with all payments, plus the statutory handling fee, to be paid through the Support Payment Clearinghouse, PO Box 52107, Phoenix, Arizona 85072-7107 by income withholding order and continuing until the person receiving the spousal maintenance is deceased, or for \_\_\_\_\_ months.

**D. COMMUNITY PROPERTY:** ☐ Make a fair division of all community property as requested in this Response.

**E. COMMUNITY DEBTS:**

☐ Order each party to pay community debts as requested in this Response, and to pay any other community debts unknown to the other party. Order each party to pay and hold the other party harmless from debts incurred by Party A or Party B.

☐ Since the parties separation on (date) \_\_\_\_\_,

**OR**

☐ Since the date I was served with the Petition for Legal Separation \_\_\_\_\_.

**F. SEPARATE PROPERTY AND DEBT:**

☐ Award each party his or her separate property.

☐ Order each party to pay his or her separate debt, and hold the other party harmless from debts incurred before the marriage.

**G. PRIMARY RESIDENCE, PARENTING TIME, AND AUTHORITY FOR LEGAL DECISION-MAKING (LEGAL CUSTODY):** Declare the Primary Residence for each minor child as follows:

☐ Neither party's home is designated as the primary residence for the minor child(ren).

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

\_\_\_\_\_

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

\_\_\_\_\_

**G.1. PARENTING TIME: Award parenting time with the minor child(ren) as follows:**

- ☐ Reasonable parenting time as described in the Parenting Plan, OR
- ☐ Supervised parenting time between the children and ☐ Party A OR ☐ Party B,
- OR
- ☐ No parenting time rights to ☐ Party A OR ☐ Party B.

Supervised or no parenting time between the minor children and ☐ Party A OR  
☐ Party B is in the best interests of the child(ren) because:

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

- a. Name this person to supervise: \_\_\_\_\_
- b. Restrict parenting time as follows: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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

- ☐ Party A OR
- ☐ Party B OR
- ☐ Shared equally by the parties.

**G.2. AUTHORITY FOR LEGAL DECISION-MAKING (Legal Custody): Award legal authority to make decisions concerning the child(ren) as follows:**

☐ AWARD SOLE LEGAL DECISION-MAKING to: ☐ Party A OR ☐ Party B

OR

☐ AWARD JOINT LEGAL DECISION-MAKING to BOTH PARENTS.

Party A and Party B will act as joint legal decision-makers concerning the minor child(ren). (For the Court to order "joint" legal decision-making, there must have been no "significant" domestic violence according to Arizona law, A.R.S. § 25-403.03).

Party A and Party B will act as joint legal decision makers concerning the minor child(ren).

(For the court to order "joint" legal decision-making, there must have been no "significant" domestic violence according to Arizona law, A.R.S. § 25-403.03).

**G.3. ☐ Provisions for LEGAL DECISION-MAKING and PARENTING TIME to be within or attached to the Decree as a Parenting Plan. (Rule 45 (c)(1))**

**H. CHILD SUPPORT:**

☐ Order that child support will be paid by ☐ Party A **OR** ☐ Party B in an amount as determined by the Court under the Arizona Child Support Guidelines. Support payments will begin on the first day of the first month after the Judge or Commissioner signs the Order with all payments, plus the statutory handling fee, to be paid through the Support Payment Clearinghouse, PO Box 52107, Phoenix, Arizona 85072-7107 by income withholding order. The Child Support Order to be attached to the Decree.

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

**I. MEDICAL, DENTAL, VISION CARE INSURANCE AND HEALTH CARE EXPENSES FOR MINOR CHILDREN:** Order that:

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

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

☐ The parties shall share all reasonable medical/dental/vision care expenses for the minor child(ren) not paid by insurance in proportion to their respective incomes.

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

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

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

| <u>Parent entitled to claim</u>                                      | <u>Name of child</u> | <u>Current tax year</u> | <u>Later tax years</u> |
|--|----------------------|-------------------------|------------------------|
| <input type="checkbox"/> Party A or <input type="checkbox"/> Party B | _____                | _____                   | _____                  |
| <input type="checkbox"/> Party A or <input type="checkbox"/> Party B | _____                | _____                   | _____                  |
| <input type="checkbox"/> Party A or <input type="checkbox"/> Party B | _____                | _____                   | _____                  |
| <input type="checkbox"/> Party A or <input type="checkbox"/> Party B | _____                | _____                   | _____                  |

**K. OTHER ORDERS I AM REQUESTING (Explain request here):**

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**UNDER OATH OR BY AFFIRMATION**

**I swear or affirm under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

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

\_\_\_\_\_.

(Notary seal)

\_\_\_\_\_  
Deputy Clerk or Notary Public

Copy of the foregoing mailed to the other party on \_\_\_\_\_  
Month/Day/Year

At the following address:

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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

### 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)

\_\_\_\_\_  
Name of Respondent / Party B

☐ 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 *but* 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 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

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

Case Number: \_\_\_\_\_

ATLAS Number: \_\_\_\_\_  
(if applicable)

\_\_\_\_\_  
Name of Respondent

### AFFIDAVIT REGARDING MINOR CHILDREN

**NOTICE:** This "*Affidavit Regarding Minor Children*" is required for all legal decision making (custody) cases. If you are asking to modify an existing Arizona legal decision making (custody) order, it is only required if the children have lived outside the state at some time in the last 5 years.

Fill out this Affidavit completely, and provide accurate information. Use additional paper if necessary. You must give copies of this Affidavit and all other required documents to the other party, and to the judge.

- 1. CHILDREN OF THE PARTIES WHO ARE UNDER 18 YEARS OLD.** The following child(ren) are under age 18 and were born to, or adopted by, me and the other party.

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Birthdate: \_\_\_\_\_ Age: \_\_\_\_\_ Birthdate: \_\_\_\_\_ Age: \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Birthdate: \_\_\_\_\_ Age: \_\_\_\_\_ Birthdate: \_\_\_\_\_ Age: \_\_\_\_\_



**2. INFORMATION REGARDING WHERE THE CHILDREN UNDER 18 YEARS OLD HAVE LIVED FOR THE LAST 5 YEARS (or since birth, if younger than 5).**

Child's Name: \_\_\_\_\_ Dates: From \_\_\_\_\_ To \_\_\_\_\_

Address: \_\_\_\_\_ Lived with: \_\_\_\_\_

City, State: \_\_\_\_\_ Relationship to Child: \_\_\_\_\_

Child's Name: \_\_\_\_\_ Dates: From \_\_\_\_\_ To \_\_\_\_\_

Address: \_\_\_\_\_ Lived with: \_\_\_\_\_

City, State: \_\_\_\_\_ Relationship to Child: \_\_\_\_\_

Child's Name: \_\_\_\_\_ Dates: From \_\_\_\_\_ To \_\_\_\_\_

Address: \_\_\_\_\_ Lived with: \_\_\_\_\_

City, State: \_\_\_\_\_ Relationship to Child: \_\_\_\_\_

**3. COURT CASES IN WHICH I HAVE BEEN A PARTY/WITNESS THAT INVOLVED THE LEGAL DECISION MAKING (CUSTODY) AND/OR PARENTING TIME OF THE MINOR CHILD(REN).** (Check one box.)

☐ I have or ☐ I have **not** been a party/witness in court in this state or in any other state that involved the legal decision making (custody) and/or parenting time of the child(ren) named above. (If so, explain on separate paper. If not, go on.)

Name of each child: \_\_\_\_\_

Name of Court: \_\_\_\_\_ Court Location: \_\_\_\_\_

Court Case Number: \_\_\_\_\_ Current Status: \_\_\_\_\_

How the child is involved: \_\_\_\_\_

Summary of any Court Order: \_\_\_\_\_

**4. INFORMATION REGARDING PENDING COURT CASES RELATED TO THE LEGAL DECISION-MAKING AUTHORITY (CUSTODY) OF THE MINOR CHILD(REN).** (Check one box.)

☐ I do have or ☐ I do not have information about a legal decision making (custody) court case

Case No. \_\_\_\_\_

relating to any of the children named above that is pending in this state or in any other state. (If so, explain. If not, go on.)

Name of each child: \_\_\_\_\_

Name of Court: \_\_\_\_\_ Court Location: \_\_\_\_\_

Court Case Number: \_\_\_\_\_ Current Status: \_\_\_\_\_

How the child is involved: \_\_\_\_\_

Summary of any Court Order: \_\_\_\_\_

**5. LEGAL DECISION-MAKING (CUSTODY) OR PARENTING TIME CLAIMS OF ANY PERSON.** (Check one box.)

☐ I do know or ☐ I do not know a person other than the Petitioner or the Respondent who has physical custody or who claims legal decision-making (custody) or parenting time rights to any of the children named in this Affidavit. (If so, explain below. If not, go on.)

Name of each child: \_\_\_\_\_

Name of person with the claim: \_\_\_\_\_

Address of person with the claim: \_\_\_\_\_

Nature of the claim: \_\_\_\_\_

**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)

\_\_\_\_\_.

(notary seal)

\_\_\_\_\_  
Deputy Clerk or Notary Public