

# **PARENTING TIME (VISITATION)**

**3**

## **Part 3: Responding to the Petition**

Forms and Instructions

LAW LIBRARY RESOURCE CENTER

**RESPONSE TO PETITION TO ESTABLISH PARENTING TIME**

**CHECKLIST**

*You may use this packet if . . .*

- ✓ Someone filed a petition to establish a court order for “parenting time” for your minor children, AND
- ✓ You want to file a “*Response*” to tell the Court that you disagree with something stated or requested in the “*Petition*”.

**READ ME:** Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Law Library Resource Center website.

## Response to petition to establish parenting time

### Part 3 -- Responding to the petition

This packet contains court forms and instructions to file a response to petition to establish parenting time. Items in BOLD are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

Order	Title	# pages
1	Checklist: <i>You may use this packet if . . .</i>	1
2	Table of Contents (this page)	1
3	Instructions: How to respond	5
4	Parenting Plan Information	2
5	<b>"Family Department Sensitive Data / Cover Sheet in Cases With Children"</b> (do not copy)	1
6	<b>"Response to Petition"</b>	6
7	<b>"Parenting Plan"</b>	10

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## Instructions: How to respond to parenting time papers

### When to use this form:

Use this form if you want to respond to a petition to get a first court order of parenting time (visitation).

### Important information about when you must file your response

- Look at the timetable below. If the last day to respond falls on a Saturday, Sunday, or legal holiday, you do not count that day.
- Include weekends and holidays in your count - until you reach the number of days in the timetable below. If a written response is filed with the court on time, the other party cannot proceed by default.

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

### Important notice about when you can be sued as a defendant/ respondent in Arizona for paternity or child support:

A responding party can be sued in Arizona in a case establishing, enforcing, or changing a support order, or establishing paternity, if ONE of the following is true about the defendant/respondent:

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

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

Important notice to victims of domestic violence:

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

All court documents will request your address and phone number. If you are a victim of domestic violence, are in a domestic violence shelter, or if you do not want your address known in order to protect yourself or your children from further violence, you must file for a *"Request for Protected Address"* first 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 divorce papers. If possible, get a P.O. box or use another valid address on these papers. If you have no P.O. Box or other address or phone where you can be reached when you file, write "protected" where asked for this information and as soon as possible, update the Clerk of Superior Court with an address and phone number.

Information about papers you should have received from the other party with the petition about parenting time (visitation)

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

**PETITION FOR PARENTING TIME (VISITATION):** This is the form the other party completed to tell the court his/her side of the story about the parenting time. Read each and every word very carefully, and decide what you want to do. Here are your choices:

1. **DO NOTHING.** This means the other party can get a court order and tell the judge his/her side of the story, without you telling your side at all. This is called a default. Even in these cases, the judge will try to decide what is best, but it is never a good idea to ignore the court proceeding and have a court order that you had no input on.
2. **DECIDE WITH THE OTHER PARTY HOW YOU WANT TO HANDLE EVERYTHING CONCERNING PARENTING TIME.** Then you and the other party 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 the other party can talk about the critical issues to decide how you both want to handle everything. 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 THE OTHER PARTY STATED IN THE PETITION** and file a *"Response"* stating your side of the story, and how you want to handle everything. This is called a contested matter.

But, even if you originally file a response, you and you other party can still decide to agree on something, or everything, and file court papers for a Consent or Stipulation. Mediators can help you with this. The Law Library Resource Center has a list of mediators, and how much they charge to help you. If you file a response and do not settle everything with the other party, you must be sure to file the court papers you will need to set the case for trial.

Completing your written response to the petition to establish parenting time (visitation):

Use this form if you want to respond or answer a *“Petition to Establish Parenting Time.”*

- A. Complete the *Sensitive Data Sheet*. Do not copy. Do not serve on the other party.
- B. Make sure your form states “Response to petition for parenting time” in the upper right hand part of the page.
- C. 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.
- D. Fill in the name of “Petitioner/Party A” and “Respondent/Party B” exactly the same way as it looks on the Petition. Do that for every document you ever file with the court from now on.
- E. Use the case number that is stamped in the upper right-hand corner of the Petition. Do that for every document you ever file with the court from now on.

General information:

1. Fill in the name, address and date of birth for the other party. This is basic information about the relationship to the children for whom the person wants the parenting time order.
2. Fill in the information about you.
3. Fill in information about all the minor children for whom the other party wants parenting time. The same persons should be the mother and the father for all the minor children for whom you want this order.

Statements about paternity AND child support. In this section you will tell the court what the current situation is.

4. What is the current status of paternity in this case? Mark whichever box describes your case.
  - ORDER: Mark whichever box describes your case. On the first line, print the date the Order was signed. On the second line, print the County where the Order was made. On the next line, print the name of the father.
  - OTHER: Mark this box if you have a court order for child support.
5. What is the current situation as to child support? Give the date of the child support order on the case.

Other information about the children:

If you are aware of court cases about the minor children, you need to tell the court that. Attach a

copy of the orders about legal decision-making (legal custody), parenting time, or child support to the petition, unless the orders are from the Superior Court in Yuma County.

6. Fill out where the minor child(ren) involved in this action have been living for the past 5 years; if the child(ren) are under age 5, simply put information since their birth. Write each child's name; the address where each child lived; what dates each child lived at each address; who each child lived with; and the relationship of that person to the child(ren). While you may not remember exact dates and addresses when you moved from one location to another, fill this information out as completely as possible.
7. The court **MUST** know if there have been other cases involving legal decision-making (legal custody), parenting time or child support of the children, even if you were not a party. If there are no other legal decision-making (legal custody) or parenting time cases, or you don't know of any, mark the first box and GO ON. If you have been involved in any way with this type of Court case, mark the second box and give the information where requested. Tell the Court what happened and what is going on now in the other case(s).
8. The court **MUST** know if there have been other cases involving the minor child(ren) such as cases related to domestic violence, protective orders, termination of parental rights and adoption even if you were not a party. If there are no other cases, or you don't know of any, mark the first box and GO ON. If you have been involved in any way with this type of Court case, mark the second box and give the information where requested. Tell the Court what happened and what is going on now in the other case(s).
9. If you do not know of another person *other than the opposing party* who has physical custody of the minor child(ren) or is claiming legal decision-making (legal custody) or parenting time rights to the child(ren), mark the first box and GO ON. If you do know of such a person, put the information here, including the minor child(ren)'s name(s) and the person who believes they have a legal decision-making (legal custody) or parenting time claim. If there is such a person, you must include the person as a party in this court case.
10. State here what you say about the minor child(ren) that is different from what the other party asked for. This is because the form of petition the other party used might not be from the Law Library Resource Center, and so it might be arranged a little differently than this form of response.

Other statements to the court:

11. **DOMESTIC VIOLENCE:** This tells the court if there was domestic violence in the relationship, and relates to a request for joint legal decision-making (joint legal custody), if you intend to ask for joint legal decision-making (joint legal custody). If you are not sure what this means, see the *Important notice to victims of domestic violence* on the first page of these instructions. Mark the box corresponding to your situation. If domestic violence has not occurred, GO ON.
12. **VENUE:** This tells the court that one parent or the child(ren) live(s) here, so the court can make a decision about your case. Generally, if either one of the parents or the minor child(ren) are residents of Yuma County, the case can be taken care of here, even if everyone is not a resident of this state and does not live in Yuma County. **AND**, you also need to be sure that the responding party can legally be brought into the lawsuit. See comments on the first page for help on deciding this.
13. **GENERAL DENIAL:** This tells the court that, even if you did not answer each and everything said in the Petition, you deny what you did not specifically address. This is extra protection for you.

## Requests made to the court for parenting time:

This section of the Complaint/Petition formally requests that the court make Orders relating to parenting time.

1. **PARENTING TIME (VISITATION):** Describe who should get parenting time, and how the parenting time should be handled. Be very specific. Use detail.

**SUPERVISED PARENTING TIME:** Describe how you think this should be handled.

2. **OTHER ORDERS:** Mark this box only if you have made other requests of the court. If you mark the box, write the specific additional orders you are requesting the court to make that were not covered elsewhere in your Petition.

Oath or affirmation of party filing this response: Sign this form in front of a Notary. By doing so, you are telling the court that everything contained in the Parenting Time (Visitation) *Response* is true.

## What to do next:

1. Copies of response: after completing your “*response*,” make two (2) copies before you file.
2. Filing the response and payment of court fee: File all copies and the original of your “*Response*” with the Clerk of Superior Court. Be sure you file within the time limit set, or you might lose significant rights. There are fees for filing petitions, responses, requests, motions, objections, and various forms with the Court. A list of current fees is available from the Law Library Resource Center and from the Clerk of Superior Court’s website.

If this is the first time one of the parties or his or her attorney has “appeared”, that is, filed papers in this case, a substantial “appearance fee” (also known as a “response” or “answer” fee) *will be due from that party* at the time of filing.

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

3. You do not need to send a copy of the fee deferral request to the other party or his/her attorney. Make sure you receive all copies back from the Clerk and they have been stamped.
4. Mail a copy to the other party: You need to mail or hand-deliver one copy to the other party. If the person is represented by an attorney, mail or hand-deliver the copy to the attorney whose name and address appears on the Petition in the upper right hand corner.
5. Keep the last copy for your records: You should always keep a copy of any document that you file with this Court.
6. What will happen next? You will receive an Order from the Court telling you and the other party to come to an Early Resolution Conference. You must come to that conference or you will be charged a “no show” fee for failure to appear.

## 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?

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

Regarding the Matter of:

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

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

### RESPONSE TO PETITION TO ESTABLISH FIRST COURT ORDER FOR PARENTING TIME

AND

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

## STATEMENTS TO THE COURT, UNDER OATH OR AFFIRMATION

### 1. INFORMATION ABOUT ME:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
Occupation: \_\_\_\_\_

Relationship to children for whom I want the Parenting Time (or Parenting Time and Child Support) Order:

☐ Mother

☐ Father

☐ Other. My relation to the child(ren) is: \_\_\_\_\_

**2. INFORMATION ABOUT OTHER PARTY:**

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

Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Occupation: \_\_\_\_\_

Relationship to children for whom I want the Parenting Time (or Parenting Time and Child Support) Order:

☐ Mother☐ Father☐ Other. Other Party's relation to the child(ren) is: \_\_\_\_\_**3. INFORMATION ABOUT MINOR CHILDREN FOR WHOM PARENTING TIME ORDER IS REQUESTED**

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

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

Current Address: \_\_\_\_\_

County of residence: \_\_\_\_\_

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

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

Current Address: \_\_\_\_\_

County of residence: \_\_\_\_\_

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

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

Current Address: \_\_\_\_\_

County of residence: \_\_\_\_\_

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

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

Current Address: \_\_\_\_\_

County of residence: \_\_\_\_\_

**STATEMENTS ABOUT PATERNITY AND CHILD SUPPORT:****4. INFORMATION ABOUT PATERNITY OF MINOR CHILD(REN):** (check one box)☐ An Order for Paternity is dated \_\_\_\_\_ from (name of court) \_\_\_\_\_ which states that (father's name) \_\_\_\_\_ is the natural father of the minor child(ren). A copy of the order is in this court file. (See instructions)☐ We do not have an order of paternity, but we do have a child support order or paternity was legally established by other means such as both parents signing an affidavit acknowledging paternity at the hospital at the time of birth or afterwards. (See instructions)**5. INFORMATION ABOUT CHILD SUPPORT FOR CHILDREN:** (You must check only one of the boxes)☐ An Order for Child Support is dated \_\_\_\_\_ from (name of court) \_\_\_\_\_ which states that child support is established.

(Note: if order is from court other than Superior Court in Yuma County, see instructions).

☐ There is no Order for child support.

**Other information about the minor children:****6. WHERE THE CHILDREN WHO ARE UNDER 18 YEARS OF AGE, HAVE LIVED FOR THE LAST 5 YEARS.** (Attach extra pages if necessary.)

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

Lived with: \_\_\_\_\_ Relationship to child: \_\_\_\_\_

Street address: \_\_\_\_\_ City, State \_\_\_\_\_

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

Lived with: \_\_\_\_\_ Relationship to child: \_\_\_\_\_

Street address : \_\_\_\_\_ City, State \_\_\_\_\_

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

Lived with: \_\_\_\_\_ Relationship to child: \_\_\_\_\_

Street address: \_\_\_\_\_ City, State \_\_\_\_\_

**7. COURT CASES INVOLVING PHYSICAL CUSTODY, LEGAL DECISION-MAKING (LEGAL CUSTODY) OR PARENTING TIME RELATED TO THE CHILDREN UNDER 18 YEARS OLD: (check one box) ☐ I HAVE ☐ I HAVE NOT** been a party or a witness in court in this state **or** any other state involving the legal decision-making (custody) or parenting time of any of the minor children named above (If so, explain below, using extra pages if necessary. **IF NOT, GO ON.**)

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

Court State: \_\_\_\_\_ Court location (county/city): \_\_\_\_\_

Court case number: \_\_\_\_\_ Current case status: \_\_\_\_\_

How the minor children are involved: \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

**8. COURT CASES NOT INVOLVING PHYSICAL CUSTODY, LEGAL DECISION-MAKING (LEGAL CUSTODY) OR PARENTING TIME RELATED TO CHILDREN UNDER 18 YEARS OLD: (Check one box)**

☐ **I HAVE** ☐ **I DO NOT HAVE** information regarding any court action in this state **or** any other state involving the minor child(ren) listed above that could affect this case including court cases for enforcement and relating to domestic violence, protective orders, termination of parental rights and adoptions (If you have, explain below, using extra pages if necessary. **IF NOT, GO ON.**)

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

Court State: \_\_\_\_\_ Court location (county/city): \_\_\_\_\_

Court case number: \_\_\_\_\_ Current case status: \_\_\_\_\_

Nature (type) of court proceeding: \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

**9. PHYSICAL CUSTODY, LEGAL DECISION-MAKING (LEGAL CUSTODY) OR PARENTING TIME CLAIMS OF ANY PERSON:**

**(check one box)**

☐ **I DO NOT KNOW** ☐ **I DO KNOW** a person other than the Party A or the Party B who has physical custody or who claims legal decision-making authority (legal custody) or parenting time rights to any of the minor children named above. (If so, explain below, using extra pages if necessary. **IF NOT, GO ON.**)

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

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

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

Nature of the Claim: \_\_\_\_\_

\_\_\_\_\_

10. **SUMMARY OF WHAT I SAY ABOUT THE MINOR CHILDREN THAT IS DIFFERENT FROM WHAT THE OTHER PERSON SAYS:** (here summarize what is different between what you say about the child(ren), and what the other party said)

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### Other Statements to the Court:

11. **DOMESTIC VIOLENCE:** ☐ Domestic violence has **not** occurred between the parties.
12. **VENUE:** This is the proper court to bring this lawsuit under Arizona law because it is the county of residence of Party A, Party B, or the child(ren).
13. **GENERAL DENIAL:** I deny anything stated in the Petition that I have **not** specifically admitted, qualified, or denied.

### REQUESTS TO THE COURT:

1. **AWARD PARENTING TIME AS FOLLOWS: (Check only one.)**

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

**Supervised or no parenting time is in the best interests of the child(ren) because: \***

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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:** \_\_\_\_\_

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

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

**2. OTHER ORDERS:**

☐ OTHER: (explain specifically)

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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 this document mailed to the other party on:**

\_\_\_\_\_  
Month / Date / Year

**To 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

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

### PARENTING PLAN FOR:

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

OR

☐ SOLE LEGAL DECISION-MAKING  
(SOLE LEGAL CUSTODY)

☐ to Party A

☐ to Party B

## INSTRUCTIONS

**This document has 4 parts:** PART 1) General Information; PART 2) Legal Decision-Making (Legal Custody) and Parenting Time; PART 3) Danger to Children Notification Statement; and PART 4) Joint Legal Decision-Making (Joint Legal Custody) Agreement. Where this form refers to "children" it refers to any and all minor children common to the parties whether one or more.

**One or both parents must complete and sign the Plan as follows:**

- a. If only *one* parent is submitting the Plan: that parent must sign at the end of PART 2 and 3.
- b. If both parents agree to legal decision-making (legal custody) and parenting time arrangements *but not to joint legal decision-making (legal custody)*: Both parents must sign the Plan at the end of PART 2 and 3, and the Affidavits under Section 5.
- c. If both parents agree to joint legal decision-making (joint legal custody) and parenting time arrangements as presented in the Plan: Both parents must sign the Plan at the end of PART 2, 3, and 4, and the Affidavits under Section 5.

**PART 1: GENERAL INFORMATION:**

- A. MINOR CHILDREN.** This Plan concerns the following minor children:  
(Use additional paper if necessary)

_____	_____
_____	_____
_____	_____

- B. THE FOLLOWING LEGAL DECISION-MAKING (LEGAL CUSTODY) ARRANGEMENT IS REQUESTED:**

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

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

The parents agree that sole legal decision-making authority (sole legal custody) should be granted to

☐ Party A      ☐ Party B.

The parents agree that since each has a unique contribution to offer to the growth and development of their minor children, each of them will continue to have a full and active role in providing a sound moral, social, economic, and educational environment for the benefit of the minor children, as described in the following pages,

**OR**

- ☐ **2. SOLE LEGAL DECISION-MAKING (SOLE LEGAL CUSTODY) REQUESTED BY THE PARENT SUBMITTING THIS PLAN.** The parents cannot agree to the terms of legal decision-making (legal custody) and parenting time. The parent submitting this Plan asks the Court to order sole legal decision-making authority and parenting time according to this Plan.

(Optional, if you marked 1 or 2 above)

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

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

**OR**

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

**OR**

- ☐ **4. JOINT LEGAL DECISION-MAKING AUTHORITY (JOINT LEGAL CUSTODY) REQUESTED BY THE PARENT SUBMITTING THIS PLAN.** The parents cannot agree to the terms of legal decision-making and parenting time or are unable to submit this plan together at this time. My request for joint legal decision-making authority is deferred for the Court's determination.

**PART 2: PHYSICAL CUSTODY AND PARENTING TIME.** Complete each section below.  
Be specific about what you want the Judge to approve in the court order.

**A. (School Year) WEEKDAY AND WEEKEND TIME-SHARING SCHEDULE:**

- ☐ The minor children will be in the care of Party A as follows: (Explain). \_\_\_\_\_
- ☐ The minor children will be in the care of Party B as follows: (Explain). \_\_\_\_\_
- ☐ Other physical custody arrangements are as follows: (Explain). \_\_\_\_\_
- ☐ Transportation will be provided as follows:
- ☐ **Party A** or ☐ **Party B** will pick the minor children up at \_\_\_\_\_ o'clock.
- ☐ **Party A** or ☐ **Party B** will drop the minor children off at \_\_\_\_\_ o'clock.

Parents may change their time-share arrangements by mutual agreement with at least \_\_\_\_\_ days' notice in advance to the other parent.

**B. SUMMER MONTHS OR SCHOOL BREAK LONGER THAN 4 DAYS:** The weekday and weekend schedule described above will apply for all 12 calendar months **EXCEPT**:

- ☐ During summer months or school breaks that last longer than 4 days, no changes shall be made. **OR,**
- ☐ During summer months or school breaks that last longer than 4 days, the minor children will be in \_\_\_\_\_ the care of Party A: (Explain) \_\_\_\_\_
- ☐ During summer months or school breaks that last longer than 4 days, the minor children will be in \_\_\_\_\_ the care of Party B: (Explain) \_\_\_\_\_
- ☐ Each parent is entitled to a \_\_\_\_\_ week period of vacation time with the minor children. The parents will work out the details of the vacation at least \_\_\_\_\_ days in advance.

**C. TRAVEL**

- ☐ Should either parent travel out of the area with the minor children, each parent will keep the other parent informed of travel plans, address(es), and telephone number(s) at which that parent and the minor children can be reached.
- ☐ Neither parent shall travel with the minor children outside Arizona for longer than \_\_\_\_\_ days without the prior written consent of the other parent or order of the court.

- D. HOLIDAY SCHEDULE:** The holiday schedule takes priority over the regular time-sharing schedule as described above. Check the box(es) that apply and indicate the years of the holiday access/Parenting time schedule.

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

☐ **Each parent may have the children on his or her birthday.**

☐ **Three-day weekends** which include Martin Luther King Day, Presidents' Day, Memorial Day, Labor Day, Columbus Day, the children will remain in the care of the parent who has the minor children for the weekend.

☐ **Other Holidays** (Describe the other holidays and the arrangement) :

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☐ **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 Phoenix metropolitan area without prior written consent of the other parent, or a court ordered Parenting Plan. **A.R.S. 25-408 (B)**
- ☐ **COMMUNICATE.** Each parent agrees that all communications regarding the minor children will be between the parents and that they will **not** use the minor children to convey information or to set up parenting time changes.
- ☐ **METHOD OF COMMUNICATION.** Each parent agrees to use the following means of communication:  
\_\_\_\_\_.
- ☐ **FREQUENCY OF COMMUNICATION.** Each parent agrees to communicate regarding the child(ren) on a regular basis. That communication schedule will be:  
\_\_\_\_\_.
- and will be by the following methods: ☐ Phone ☐ Email ☐ Other
- ☐ **PRAISE OTHER PARENT.** Each parent agrees to encourage love and respect between the minor children and the other parent, and neither parent shall do anything that may hurt the other parent's relationship with the minor children
- ☐ **COOPERATE AND WORK TOGETHER.** Both parents agree to exert their best efforts to work cooperatively in future plans consistent with the best interests of the minor children and to amicably resolve such disputes as may arise.

- ☐ **NOTIFY OTHER PARENT OF PROBLEMS WITH TIME-SHARING AHEAD OF TIME.** If either parent is unable to follow through with the time-sharing arrangements involving the minor child(ren), that parent will notify the other parent as soon as possible.
- ☐ **PARENTING PLAN.** Both parents agree that if either parent moves out of the area and returns later, they will use the most recent ***"Parenting Plan/Access Agreement"*** in place before the move.
- ☐ **MEDIATION.** If the parents are unable to reach a mutual agreement regarding a legal change to their parenting orders, they may request mediation through the court or a private mediator of their choice.

**NOTICE: DO NOT DEVIATE FROM 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