

PATERNITY

**WITH LEGAL DECISION-MAKING
(CUSTODY), PARENTING TIME, and
CHILD SUPPORT**

3

RESPONSE

To Respond to/Disagree with a Petition

Part 3: Completing and Filing a Response

Forms and Instructions

RESPONSE TO PETITION TO ESTABLISH PATERNITY, LEGAL DECISION-MAKING* (CUSTODY), PARENTING TIME, AND CHILD SUPPORT

CHECKLIST

You may use this packet if . . .

- ✓ Someone filed a petition to establish a court order concerning your minor child or children declaring:
 - PATERNITY (legally establishing who the father is),
 - Which parent's home will be primary residence,
 - Who has legal authority to make decisions concerning the children,
 - Time each parent is to have with the children, and (optionally)
 - Child support, **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 paternity, legal decision-making (legal custody), parenting time and child support

Part 3 - Response to Petition

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

Order	Title	# pages
1	Checklist: You may use these forms if . . .	1
2	Table of Contents (this page)	1
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4	Instructions: How to fill out the forms	2
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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 paternity, legal decision-making, parenting time, and/or child support

IMPORTANT NOTICE TO VICTIMS OF 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.

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 divorce papers. Just write "protected" in the space on the form where you are asked for this information. You must tell the Clerk of the 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.

PAPERS YOU SHOULD HAVE RECEIVED with this PETITION: You should have received the following papers. If one or more papers are missing, you may obtain copies of the papers from the Yuma County Law Library.

1. **SUMMONS:** A summons is a legal notice to you that a court action against you was filed in the court issuing the summons. It also notifies you and that a judgment will be taken against you if don't answer the complaint or petition within a certain time.
 - The summons also 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 may complete an Application and Affidavit for Entry of Default and send you a copy. 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 may be entered, and you miss your opportunity to tell the judge your side of the story.
2. **PETITION for PATERNITY, Legal Decision-Making, Parenting Time, and/or Child Support:** This is the form the other party completed to request Paternity be established, and to tell the Court his/her side of the story about the minor children, pregnancy, child support, parenting time, and family living situation. Read each and every word very carefully, and decide what you want to do. Here are your choices:
 - A. Do nothing. This means the other party can tell the judge his/her side of the story, and get a court order 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 papers and proceeding which results in a court order that you had no input on. See a lawyer for help before you choose this option.

- B. Work together. Decide with the other party how you want to handle everything about the minor children, pregnancy, child support, child parenting time, and legal decision-making. Then you and the other party file papers in the court stating your agreement on everything. This is called 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.
- C. Disagree with the court papers and file a RESPONSE stating your side of the story, and how you want to handle the issues. This is called a “contested” matter. But, even if you originally file a response, you and the other party can 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 the other party, you must be sure to file the court papers you will need to set the case for trial.
3. PARENT INFORMATION PROGRAM ORDER and NOTICE: These papers are important. You and the other parent must attend and complete a class in the Parent Information Program. The class was designed to help you parent your child through and beyond the court process. Make sure you read this order and notice and do what it says.
 4. PARENTING PLAN: This plan is a detailed plan that says how decisions will be made and when the child will be with each parent.
 5. 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 that is owed.

WHEN MUST YOU FILE YOUR RESPONSE? If you decide to file the response, you have a limited time to file it. A calendar is helpful for you to find the last day you may respond.

- Look at the last column, titled “Event”. On a calendar, begin counting on the day after the date of the event. End your calendar count using the number of days to respond. The calendar day you end on will be the date which is your last day to respond. If the last day to respond falls on a Saturday, Sunday, or legal holiday, you do not count that day. Your last day to respond would be the next 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 party cannot proceed by default.

<u>SERVICE BY</u>	<u>COUNT</u>	<u>EVENT</u>
Acceptance in Arizona	20 Days	after the “Acceptance of Service” is filed
Acceptance out-of-state	30 Days	after the “Acceptance of Service” is filed
Signature with Confirmation	20 Days	after you signed the Confirmation
Signature with Confirmation out of state	30 Days	after you signed the Confirmation
Process Server in Arizona	20 Days	after you received papers from Server
Process Server out-of-state	20 Days	after you received papers from Server
Sheriff in Arizona	20 Days	after you received papers from Sheriff
Sheriff out-of-state	30 Days	after you received papers from Sheriff
Publication in Arizona	50 Days	after the 1st date of publication
Publication out-of-state	60 Days	after the 1st date of publication

When may a party bring a petition to establish paternity, legal decision-making, parenting time, or child support in the superior court in Arizona?

Generally a party must have resided in Arizona with the minor children for at least 6 months; or the minor child must have been born in Arizona if the child is less than 6 months old, before filing a petition to establish paternity, legal decision-making, parenting time, or child support. If you have questions regarding this requirement, see a lawyer before filing.

When can you be sued in Arizona for establishing paternity, legal decision-making, parenting time, or child support?

A party can be sued in Arizona in a case about establishing paternity, legal decision-making, parenting time, and/or support order, if at least one of the following is true:

- The person being sued 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 in this state at some time;
- The person lived in this state and provided pre-birth expenses or support for the minor child;
- The minor child 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 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 responding party is very serious. If you have any doubts about whether it was proper for you to be sued in Arizona, you should see a lawyer IMMEDIATELY, BEFORE you file any written response, answer or other court paper.

Instructions: How to fill out forms to respond to a petition to establish paternity, legal decision-making (legal custody), child support and parenting time

Important Notice to Victims of Domestic Violence:

All court documents will request your address and phone number. If you are a victim of domestic violence and are in a domestic violence shelter, or if you do not want your address known to protect yourself or your children from further violence, you must file for a Request for Protected Address and ask that your address not be disclosed on court papers. If the Court grants your Request, you do not need to put your address and phone number on your court papers. Write “protected” where asked for this information and update the Clerk of Superior Court with an address and phone number as soon as possible so that the Court can reach you.

Make sure you use a computer or print clearly using **black** ink only.

Response to Petition to Establish

- A. Make sure your form states “Response to petition for paternity, legal decision-making parenting time and child support” in the upper right-hand part of the page.
- B. 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 in this case.
- C. Use the DR, FC, or FN 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 in this case.
- D. Important information regarding past child support:
 - Check box to designate the party who owes past support.
 - Choose the starting date of when the calculation of past support should begin.
 - The first option elects that child support should be claimed at the starting point of when this Petition was filed.
 - The second option chooses the starting point to begin from the date the parties started living apart, if that date falls within three years of the Petition being filed.
 - The third option chooses the starting point to begin from the date the parties started living apart, if that date falls MORE than three years from the date the

Petition was filed. (If you choose the third option, you will need to explain why the Court should award you past support for this time period as it is only awarded under certain circumstances. *See* A.R.S. §25-809(B)).

Wait to sign this form until you are in front of the Deputy Clerk of Superior Court or a Notary.

Other important papers in this packet:

Parenting Plan

Fill out the Parenting Plan to let the Court know details about what you want for legal decision-making authority and parenting time. It is important to be specific when filling out the Parenting Plan. You may refer to the “Planning for Parenting Time: Arizona’s Guide for Parents Living Apart” to help make your parenting plan.

The Guide is available for purchase at all 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.

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

Child Support Worksheet

You can use the free online Child Support Calculators at the website listed below to complete a child support worksheet.

ezCourtForms <https://www.azcourts.gov/familylaw/Which-Child-Support-Calculator-Should-I-Use>

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.

Next Step: Read the document in the instructions packet called Procedures: How to file a response to a petition to establish paternity.

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?

Law Library Resource Center

Procedures: How to file a response to a petition to establish paternity, legal decision-making (legal custody), child support and parenting time

Step 1: Complete the following documents:

- Family Department Sensitive Data / Coversheet
- Response
- Parenting Plan

Step 2: Complete the Child Support Worksheet online via ez AzCourts CourtForms:

<https://www.azcourts.gov/familylaw/Which-Child-Support-Calculator-Should-I-Use>

Print out 1 copy of the completed Child Support Worksheet.

Step 3: Make 2 copies of the Originals of the following documents:

- Response
- Parenting Plan
- Child Support Worksheet

Step 4: Separate your documents into three (3) sets (4 sets if the State of Arizona is a party in your case):

<p>SET 1 – <u>Originals</u> for Clerk of Superior Court:</p> <ul style="list-style-type: none">• Family Department Coversheet• Response• Child Support Worksheet• Parenting Plan	<p>SET 2 -- <u>Copies</u> for other party:</p> <ul style="list-style-type: none">• Response• Child Support Worksheet• Parenting Plan
<p>SET 3 – <u>Copies</u> for you:</p> <ul style="list-style-type: none">• Response• Child Support Worksheet• Parenting Plan	<p>SET 4 – to serve on the State if DES/DECSE is involved:</p> <ul style="list-style-type: none">• Response• Child Support Worksheet• Parenting Plan

Step 5: Take the papers to the Clerk of Superior Court's filing counter:

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

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

File response and pay the filing fee: (also known as "response" or "answer" fee)

- File the Family Department Sensitive Data / Coversheet, the original and both copies of your Response, Child Support Worksheet and Parenting Plan with the Clerk of Superior Court, and pay your filing fee.
- The Clerk of Superior Court will keep the originals, stamp and return the copies to you.
- Make sure you receive both (2) copies back from the Clerk of Superior Court and they have been stamped.

Fees:

- 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.

Step 6: Mail a copy to the other party.

- Mail or hand-deliver the other copy of your Response, Child Support Worksheet and Parenting Plan to the other party (or the party'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.)

If DES is already involved in child support matters regarding any of the children in this case, send a copy to DES at:

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

Step 7: Keep the last copy for your records.

Step 8: 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: _____

**RESPONSE TO PETITION TO
ESTABLISH PATERNITY and
(Check all boxes as they appear on
the Petition)**

Name of Respondent / Party B

- ☐ LEGAL DECISION-MAKING
☐ PARENTING TIME
☐ CHILD SUPPORT
☐ VITAL RECORDS

STATEMENTS TO THE COURT UNDER PENALTY OF PERJURY:

1. INFORMATION ABOUT THE OTHER PARTY

Name: _____

Address: _____

Date of Birth: _____

Occupation: _____

Relationship to children for whom the other Party wants the Court Order:

- ☐ Mother
☐ Father or Claims to be the Father
☐ Other. (Explain) _____

2. INFORMATION ABOUT ME

Name: _____

Address: _____

Date of Birth: _____

Occupation: _____

MY Relationship to children for whom the other Party wants the Court Order:

- ☐ Mother
☐ Father or Claims to be the Father
☐ Other. (Explain) _____

3. VENUE: (Check box if true)

- ☐ This is **NOT** the proper court to bring this lawsuit under Arizona law because it is not the county of residence of Party A, or Party B, or the minor child(ren).

4. JURISDICTION: (Check all boxes that are true.)

- ☐ This Court **does not have jurisdiction** under A.R.S. §§ 25-502 and 25-1221 *et. seq.* to order a party to pay child support.
- ☐ This Court **does not have jurisdiction** to decide legal decision-making matters under Arizona law, A.R.S. §§ 25-402, and 25-1031.

Summary of what I say about **VENUE and JURISDICTION** that is different from what the other Party said in the Petition:

5. INFORMATION ABOUT MINOR CHILDREN is contained in the Petition and/or Affidavit Regarding Minor Children contained within the Petition or filed with the Petition and incorporated by reference.

Summary of what I say about the **MINOR CHILDREN** that is different from what the other Party stated in the Petition:

STATEMENTS ABOUT PATERNITY:**6. WHY YOU THINK YOU OR THE OTHER PERSON IS NOT A LEGAL PARENT OF THE MINOR CHILD(REN): (Check all boxes that apply)**

- A. ☐ **AFFIDAVIT:** Party A and Party B **did not sign** an **Affidavit or Acknowledgment of Paternity** acknowledging that ☐ Party A or ☐ Party B is the child(ren)'s natural father.
- B. ☐ **BIRTH CERTIFICATE:** ☐ Party A or ☐ Party B **is not named as the father** on the minor child(ren)'s birth certificate(s), **and** (if applicable) the name listed below **is** listed as the father on minor children's birth certificates:

- C. ☐ **DNA/BLOOD TEST:** The parties had DNA (Deoxyribonucleic Acid) testing administered and ☐ Party A or ☐ Party B is shown **not** to be the minor child(ren)'s natural father. A copy of the test results is attached to this Response.

- D. ☐ **PARTIES NOT LIVING TOGETHER:** Party A and Party B were not married to each other at any time during the ten months before the birth of the minor child(ren). The parties did not live together during the period(s) when the minor child(ren) could have been conceived.
- E. ☐ **NO SEXUAL INTERCOURSE:** Party A and Party B were not living together and did not have sexual intercourse at the probable date of conception of the minor child(ren).
- F. ☐ **SEXUAL INTERCOURSE:** The mother of the minor children had sexual intercourse with someone else during the period in which the minor child(ren) could have been conceived.
- G. ☐ **OTHER:** (explain) _____

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

7. **ABOUT MARRIAGE:** (if applicable, check one box only).

- ☐ **Mother was not married** at the time the minor child(ren) were born or conceived or at least 10 months before minor child(ren) were born or conceived, **OR**
- ☐ **Mother was married** when minor child(ren) were born or conceived or at least 10 months before the minor child(ren) were born or conceived, but Mother's Spouse is not the parent of the minor child(ren). (Mother's Spouse must be included as a party to this court case because of marriage.)

8. **COURT CASES INVOLVING LEGAL DECISION-MAKING (LEGAL CUSTODY) OR PARENTING TIME RELATED TO CHILDREN UNDER 18 YEARS OLD.** (Check one box.)

- ☐ **I HAVE** ☐ **I HAVE NOT** been a party or witness or participated in any court case involving the physical custody, legal decision-making (legal custody), or parenting time for any of the minor children named above in this state or in any other state (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. COURT CASES NOT INVOLVING LEGAL DECISION-MAKING (LEGAL CUSTODY) OR PARENTING TIME RELATED TO THE CHILDREN. (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: _____

How the children are involved: _____

Summary of any Court Order: _____

10. PHYSICAL CUSTODY, LEGAL DECISION-MAKING (LEGAL CUSTODY) OR PARENTING TIME CLAIMS OF ANY PERSON. (Check one box.)

☐ **I do** ☐ **I do not** **know** a person other than Party A or Party B who has physical custody or who claims legal decision-making (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 TO #11).

Name of each child: _____

Name of Person with the claim: _____

Address of Person with the claim: _____

Nature of the Claim: _____

OTHER STATEMENTS TO THE COURT

11. MEDICAL EXPENSES: (check the boxes that apply)

☐ **There are** **OR** ☐ **There are not** unreimbursed medical expenses incurred by the mother, resulting from the birth of the child(ren). If there are, these costs and expenses should be awarded to ☐ **Party A** **OR** ☐ **Party B** according to law, A.R.S. § 25-809.

12. OTHER EXPENSES: The parties ☐ **should** **OR** ☐ **should not** 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.

- 13. THE PARENT INFORMATION PROGRAM (PIP)** is required for persons seeking legal decision-making authority (legal custody) or parenting time. (If you intend to ask for legal decision-making (legal custody) or parenting time, check one.)

☐ I have ☐ I have not already completed the Parenting Information Program (PIP).

- 14. DOMESTIC VIOLENCE:** (If you intend to ask for joint legal decision-making (joint legal custody), there must have been no significant domestic violence between the parties or you must provide reasons for the court to find joint legal decision-making is in the best interests of the minor(s) *despite* the domestic violence. (A.R.S. § 25-403.03). (Check one box)

☐ There has been domestic violence in this relationship and no legal decision-making (no joint or sole legal custody) should be awarded to ☐ Party A ☐ Party B who committed the violence.

☐ Domestic violence has not occurred in this relationship; OR

☐ Domestic violence has occurred in this relationship but it was committed by both parties or it is otherwise still in the best interests of the minor child(ren) to award joint or sole legal decision-making (joint or sole legal custody) to the person who committed the violence *because*: (Explanation Required)

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

- 15. DRUG / ALCOHOL CONVICTION WITHIN LAST TWELVE MONTHS:** (If you intend to ask for **joint** legal decision-making (joint legal custody), check one box.)

☐ **Neither** parent 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** parents 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.

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

16. CHILD SUPPORT:

☐ There is an Order for Child Support, dated _____ from (name of court) _____.

This order ☐ needs ☐ does not need to be changed.

☐ There is a pending child support petition or modification currently filed in this Court or a different court.

(If you checked this box, complete the following.)

Name and Location of Court _____

Nature of the Case: _____

Status of Case: _____

☐ To my knowledge **there is no child support order** for the minor child(ren) and the court ☐ should ☐ should not 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 in the amount of** \$_____ 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 this 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 this Petition was filed and the date current child support is ordered.

OR

☐ the **date the parties started living apart**, which is **MORE THAN** three years before the date of this petition was filed, and the date current child support is ordered. * If you check this box, you must explain why the Court should award past support for this time period. **EXPLAIN:** _____

17. **GENERAL DENIAL:** I deny anything stated in the Petition that I have not specifically admitted, qualified, or denied.

REQUESTS TO THE COURT:

1. FOR ORDER OF PATERNITY:

Issue order declaring that ☐ Party A or ☐ Party B claimed to be the father, (named below)

☐ IS (OR) ☐ IS NOT the natural father of the minor child(ren),

IN THE EVENT THE COURT ORDERS THAT ABOVE-NAMED PARTY IS THE NATURAL FATHER, THEN THE COURT SHOULD ALSO ORDER AS FOLLOWS:

A. BIRTH CERTIFICATE: (check the box and complete if this is desired)

- ☐ Order that the name of the father as appears on his birth certificate or other legal document should be added to each minor child's birth certificate as the father;

B. LAST NAME: (check the box and complete if this is desired)

- ☐ Order that each minor child's last name be changed to the last name of:

2. FOR ORDER DECLARING PRIMARY RESIDENCE, PARENTING TIME, AND AUTHORITY FOR LEGAL DECISION-MAKING (LEGAL CUSTODY):

A. PRIMARY RESIDENCE: Declare which parent's home shall be primary residence for each minor child as follows:

- ☐ Declare **NEITHER** parent's home is designated as the primary residence, OR

- ☐ 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:

B. PARENTING TIME: Award parenting time as follows:

- ☐ **Reasonable parenting time rights** 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 the ☐ Party A **OR** ☐ Party B.

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

☐ 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 cost of supervised parenting time** (if applicable) **to be paid by:**

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

C. LEGAL DECISION-MAKING (Legal Custody):

Award legal decision-making (legal custody) concerning the children as follows:

☐ **SOLE LEGAL DECISION-MAKING (sole legal custody) to:** ☐ Party A ☐ Party B

OR

☐ **JOINT LEGAL DECISION-MAKING (joint legal custody) to BOTH PARENTS.**

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

(Check "3" below if you are asking for a child support order or a change of child support in this case.)

3. CHILD SUPPORT:

A. ☐ Order that child support be paid by ☐ **Party A** ☐ **Party B**

☐ in the amount set forth in the Child Support Worksheet filed with this Response and incorporated by this reference.

OR

☐ in the amount of \$_____, which is a deviation from the amount set forth under the Arizona Child Support Guidelines. I am requesting a deviation because: (EXPLAIN):_____

B. ☐ Order that **past child support** for the period stated under #16 above, be paid by ☐ **Party A** ☐ **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.

4. MEDICAL, DENTAL, VISION CARE INSURANCE AND HEALTH CARE FOR MINOR CHILD(REN): Order that:

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

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

☐ Order that Party A and Party B pay for all reasonable unreimbursed medical, dental, vision care, and health-related expenses incurred for the minor child(ren) in proportion to their respective incomes as described on the Child Support Order, which shall be submitted with the Judgment and Order.

5. EXPENSES OF MOTHER: Order that ☐ **Party A** OR ☐ **Party B** pay a reasonable amount to cover unreimbursed expenses incurred by the mother related to the birth of the child(ren).

6. TAX EXEMPTION: Allocate tax exemptions for the minor child(ren) as determined by the Court under the Arizona Child Support Guidelines.

Under the Affordable Care Act, the parent 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.

Parent entitled to claim	Name of minor child	in Tax Year
<input type="checkbox"/> Party A <input type="checkbox"/> Party B	_____	
<input type="checkbox"/> Party A <input type="checkbox"/> Party B	_____	
<input type="checkbox"/> Party A <input type="checkbox"/> Party B	_____	

☐ Pattern shall repeat for subsequent years.

7. TESTING and COSTS: Order that if paternity is contested, Party A and Party B be ordered to submit to such blood and tissue tests as may be necessary by this Court to establish paternity. And, that the other party pay all costs and expenses of this lawsuit under Arizona law, A.R.S. § 25-809, including blood tests or other genetic testing; filing each child's birth certificate, attorney's fees and court costs;

8. OTHER ORDERS I AM REQUESTING: (explain request here) _____

UNDER OATH OR 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: _____
(date)

By _____.

(notary seal)

Deputy Clerk or Notary Public

A copy of this response will be mailed to the other party on: _____
Month / Date / Year

At the following address: _____

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

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

For Clerk's Use Only

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

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

Name of Petitioner / Party A

Case Number: _____

AND

Name of Respondent / Party B

PARENTING PLAN FOR:

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

OR

☐ SOLE LEGAL DECISION-MAKING
(SOLE LEGAL CUSTODY)

☐ to Party A

☐ to Party B

INSTRUCTIONS

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

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

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

PART 1: GENERAL INFORMATION:

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

_____	_____
_____	_____
_____	_____

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

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

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

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

☐ Party A ☐ Party B.

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

OR

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

(Optional, if you marked 1 or 2 above)

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

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

OR

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

OR

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

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

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

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

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

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

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

C. TRAVEL

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

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

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

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

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

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

☐ **Telephone Contact:** Each parent may have telephone contact with the minor children during the children's normal waking hours, **OR:** (Explain) _____

☐ **Other** (Explain) : _____

E. PARENTAL ACCESS TO RECORDS AND INFORMATION: Under Arizona law (A.R.S. § 25-403.06), unless otherwise provided by court order or law, on reasonable request, both parents are entitled to have equal access to documents and other information concerning the minor children's education and physical, mental, moral and emotional health including medical, school, police, court and other records. A person who does not comply with a reasonable request for these records shall reimburse the requesting parent for court costs and attorney fees incurred by that parent to make the other parent obey this request. A parent who attempts to restrict the release of documents or information by the custodian of the records without a prior court order is subject to legal sanctions.

F. EDUCATIONAL ARRANGEMENTS:

☐ Both parents have the right to participate in school conferences, events and activities, and the _____ right to consult with teachers and other school personnel.

☐ Both parents will make major educational decisions together. (optional) ☐ If the parents do not reach agreement, then:

OR

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

G. MEDICAL AND DENTAL ARRANGEMENTS:

☐ Both parents have the right to authorize emergency medical treatment, if needed, and the right to consult with physicians and other medical practitioners. Both parents agree to advise the other _____ parent immediately of any emergency medical/dental care sought for the minor children, to _____ cooperate on health matters concerning the children and to keep one another reasonably _____ informed. Both parents agree to keep each other informed as to names, addresses and telephone numbers of all medical/dental care providers.

☐ Both parents will make major medical decisions together, except for emergency situations as _____ noted above. (optional) ☐ If the parents do not reach an agreement, then:

OR

☐ Major medical/dental decisions will be made by ☐ Party A ☐ Party B after consulting _____ other parent.

H. RELIGIOUS EDUCATION ARRANGEMENTS: (Choose **ONE**)

- ☐ Each parent may take the minor children to a church or place of worship of his or her choice during the time that the minor children is/are in his or her care.
- ☐ Both parents agree that the minor children may be instructed in the _____ faith.
- ☐ Both parents agree that religious arrangements are not applicable to this plan.

I. ADDITIONAL ARRANGEMENTS AND COMMENTS:

- ☐ **NOTIFY OTHER PARENT OF ADDRESS CHANGE.** Each parent will inform the other parent of any change of address and/or phone number in advance **OR** within _____ days of the change.
- ☐ **NOTIFY OTHER PARENT OF EMERGENCY.** Both parents agree that each parent will promptly inform the other parent of any emergency or other important event that involves the minor children.
- ☐ **TALK TO OTHER PARENT ABOUT EXTRA ACTIVITIES.** Each parent will consult and agree with the other parent regarding any extra activity that affects the minor children's access to the other parent.
- ☐ **ASK OTHER PARENT IF HE/SHE WANTS TO TAKE CARE OF CHILDREN.** Each parent agrees to consider the other parent as care-provider for the minor children before making other arrangements
- ☐ **OBTAIN WRITTEN CONSENT BEFORE MOVING.** Neither parent will move with the minor children out of the Yuma metropolitan area without prior written consent of the other parent, or a court ordered Parenting Plan. **A.R.S. 25-408 (B)**
- ☐ **COMMUNICATE.** Each parent agrees that all communications regarding the minor children will be between the parents and that they will **not** use the minor children to convey information or to set up parenting time changes.
- ☐ **METHOD OF COMMUNICATION.** Each parent agrees to use the following means of communication:
_____.
- ☐ **FREQUENCY OF COMMUNICATION.** Each parent agrees to communicate regarding the child(ren) on a regular basis. That communication schedule will be:
_____.
- and will be by the following methods: ☐ Phone ☐ Email ☐ Other
- ☐ **PRAISE OTHER PARENT.** Each parent agrees to encourage love and respect between the minor children and the other parent, and neither parent shall do anything that may hurt the other parent's relationship with the minor children
- ☐ **COOPERATE AND WORK TOGETHER.** Both parents agree to exert their best efforts to work cooperatively in future plans consistent with the best interests of the minor children and to amicably resolve such disputes as may arise.

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

NOTICE: DO NOT DEVIATE FROM PLAN UNTIL DISPUTE IS RESOLVED.

Both parents are advised that while a dispute is being resolved, neither parent shall deviate from this Parenting Plan, or act in such a way that is inconsistent with the terms of this agreement.

Once this Plan has been made an order of the Court, if either parent disobeys the court order related to parenting time with the children, the other parent may submit court papers to request enforcement. See the Law Library Resource Center packets ***“To Make Someone Obey a Court Order”*** for help.

PART 2: SIGNATURE OF ONE OR BOTH PARENTS (as instructed on page 1)

Signature of Party A: _____ Date: _____

Signature of Party B: _____ Date: _____

PART 3: STATEMENT REGARDING CONTACT WITH SEX OFFENDERS AND PERSONS CONVICTED OF DANGEROUS CRIMES AGAINST CHILDREN.

According to A.R.S. §25-403.05, a child’s parent or custodian must immediately notify the other parent or custodian if the person knows that a convicted or registered sex offender or someone who has been convicted of a dangerous crime against children may have access to the child.

The parent or custodian must provide notice by first class mail, return receipt requested, by electronic means to an electronic mail address that the recipient provided to the parent or custodian for notification purposes or by another form of communication accepted by the court.

According to A.R.S. § 13-705 (P) (1), "Dangerous crime against children" means any of the following that is committed against a minor who is under fifteen years of age:

- (a) Second degree murder.
- (b) Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.
- (c) Sexual assault.
- (d) Molestation of a child.
- (e) Sexual conduct with a minor.
- (f) Commercial sexual exploitation of a minor.
- (g) Sexual exploitation of a minor.
- (h) Child abuse as prescribed in section 13-3623, subsection A, paragraph 1.
- (i) Kidnapping.
- (j) Sexual abuse.
- (k) Taking a child for the purpose of prostitution as prescribed in section 13-3206.
- (l) Child prostitution as prescribed in section 13-3212.
- (m) Involving or using minors in drug offenses.
- (n) Continuous sexual abuse of a child.
- (o) Attempted first degree murder.
- (p) Sex trafficking.
- (q) Manufacturing methamphetamine under circumstances that cause physical injury to a minor.
- (r) Bestiality as prescribed in section 13-1411, subsection A, paragraph 2.
- (s) Luring a minor for sexual exploitation.
- (t) Aggravated luring a minor for sexual exploitation.
- (u) Unlawful age misrepresentation.

PART 3: SIGNATURE OF ONE OR BOTH PARENTS (as instructed on page 1)

I/We have read, understand, and agree to abide by the requirements of A.R.S. § 25-403.05 concerning notification of other parent or custodian if someone convicted of dangerous crime against children may have access to the child.

Signature of Party A: _____

Date: _____

Signature of Party B: _____

Date: _____

PART 4: JOINT LEGAL DECISION MAKING (JOINT LEGAL CUSTODY) AGREEMENT (IF APPLICABLE):

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

- ☐ Domestic Violence has **not** occurred between the parties, **OR**
- ☐ Domestic Violence **has** occurred but it has not been “significant” or has been committed by both parties.*

B. DUI or DRUG CONVICTIONS: (A.R.S. § 25-403.04)

- ☐ Neither party has been convicted of driving under the influence or a drug offense within the past 12 months, OR
- ☐ One of the parties HAS been convicted of driving under the influence or a drug offense within the past 12 months but the parties feel Joint Legal Decision-Making (Legal Custody) is in the best interest of the children.*

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

- C. JOINT LEGAL DECISION-MAKING (JOINT LEGAL CUSTODY) AGREEMENT:** If the parents have agreed to joint legal decision-making (legal custody), the following will apply, subject to approval by the Judge:

1. **REVIEW:** The parents agree to review the terms of this agreement and make any necessary or desired changes every _____ month(s) from the date of this document.
2. **CRITERIA.** Our joint legal decision-making (joint legal custody) agreement meets the criteria required by Arizona law A.R.S. § 25-403.02, as listed below:
 - a. The best interests of the minor children are served;
 - b. Each parent's rights and responsibilities for personal care of the minor children and for decisions in education, health care and religious training are designated in this Plan;
 - c. A practical schedule of the parenting time for the minor children, including holidays and school vacations is included in the Plan;
 - d. A procedure for the exchange(s) of the child(ren) including location and responsibility for transportation.
 - e. The Plan includes a procedure for periodic review;

- f. The Plan includes a procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved.
- g. A procedure for communicating with each other about the child, including methods and frequency.

PART 4: SIGNATURES OF BOTH PARENTS REQUESTING JOINT LEGAL DECISION-MAKING AUTHORITY (LEGAL CUSTODY) (as instructed on page 1)

Signature of Party A: _____ Date: _____

Signature of Party B: _____ Date: _____

PART 5: AFFIDAVITS

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

SIGNATURES

Petitioner's / Party A's Signature Date

STATE OF _____

COUNTY OF _____

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

_____.

(Notary seal)

Deputy Clerk or Notary Public

Respondent's / Party B's Signature Date

STATE OF _____

COUNTY OF _____

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

_____.

(Notary seal)

Deputy Clerk or Notary Public