

PATERNITY

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

4

THE COURT ORDER

(Part 4: Forms and Instructions)

PATERNITY

with **LEGAL DECISION-MAKING (Legal Custody),
PARENTING TIME, and CHILD SUPPORT**

PART 4: THE COURT ORDER

CHECKLIST

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

- ✓ You or the other party filed a petition to establish paternity, legal decision-making (legal custody), parenting time, and child support, **AND**
- ✓ You have attended the Parent Information Program (PIP) and the PIP provider filed your certificate of attendance with the Clerk of the Court, **AND**
- ✓ You have paid the filing fee, **AND**
- ✓ You are either going to a default hearing, or you filed a Motion to get a Default Decree without a hearing, or you are going to a trial on what you disagree about,

AND

- ✓ You are ready to complete the court papers about the final order.

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.

Paternity with legal decision-making (legal custody), parenting time, and child support

Part 4: The Court Order

This packet contains court forms and instructions to get a Court Order for paternity with legal decision-making, parenting time, and child support. 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!

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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.

Instructions: How to fill out the judgment (order) for your paternity case

Information about the Judgment/Order

1. The Judgment is the legal document relating to the paternity action. It is important because it determines the rights and responsibilities of both you and the other party. If either party does not follow the terms of the Judgment, then the other party can ask the Court for help.

Instructions:

1. When filling out any court forms, type or print clearly using black ink only!
2. Your paternity judgment should repeat as closely as possible what you requested in your Petition, unless the other party has provided written consent to any changes. If you want to change your requests to the Court, you must file an amended Petition. It is a good idea to have your Petition handy when you follow the instructions to fill out the Judgment.
3. Fill in the caption as you have previously done. Include your name, address, phone number, whether you are representing yourself, the name of the Petitioner (Party A) and the Respondent (Party B), and the case number. Then check the box to describe the type things you want in addition to paternity: Legal Decision-making (legal custody), parenting time and support. Check all the boxes that apply. Then if your minor child(ren) were born in Arizona and you want the father's name to be added and/or the child's last name to be changed on the birth certificate, check the box marked "vital records."

Section: The Court Finds:

1. This states that the Court has all information necessary to enter a Judgment and Order.
2. This states that this Court is able to make the Orders relating to you and the other party.
3. This states that the Court will make only those Orders that are legally proper under the circumstances of your case.
4. Print or type the full name of the children for whom paternity was established, and their dates of birth.
5. Information about legal parents: Print or type the full name of the legal parents in the space provided, including the Father's date and place of birth.

6. Parent Information Program:
 - A. Check the box to say whether you have or have not attended the parent information program class.
 - B. Check the box to say whether the other party has or has not attended the parent information program class.
7. Child Support: This states that the parties have a duty to support the minor children listed in #5 above and that the Court has determined child support pursuant to the Arizona Child Support Guidelines.
8. Deviation from child support: Leave this section blank
9. Physical custody adjustment: Leave this section blank
10. Domestic Violence. Check the box if it applies to you. If domestic violence has occurred between the parties and you are requesting joint legal decision-making, you must write in why joint legal decision-making (legal custody) is still in the best interests of the children.
11. Supervised or no parenting time. If you are asking for supervised or no parenting time for the other party, you must have a very good reason. Check the boxes that apply and write that reason in here.
12. Drug conviction within the last twelve months. Check this box if it applies to you.

Section: The Court Orders:

1. Paternity. Print or type the full name of the father of the minor child(ren).
2. Birth Certificate. Mark this box if you want father's name to appear on the birth certificate.
3. Minor child(ren)'s Last Name: Mark this box if you want to legally change the minor children's last name to the father's last name and put in the new last name.
4. Primary Residence, Parenting Time, and Legal Decision-making (legal custody):
 - A. Primary Residence: Mark the box for which party's home will be the primary residence for the minor child(ren).
 - B. Parenting Time: Mark only one of the three types of parenting time: reasonable, supervised, or no parenting time. If parenting time is supervised, write in the

restrictions on parenting time, mark who will be paying for costs of supervision and who will be doing the supervising. Be sure to attach the Parenting Plan.

- C. Mark the box for either sole or joint legal decision-making (sole or joint custody). The legal decision-making box you mark should be the same as you did in your Petition for Paternity, unless you and the other parent have signed a Joint Legal Decision-making (custody) agreement, which will be attached to the Order.
- 1) For sole legal decision-making of the minor child(ren), check the first box and mark who is to have sole legal decision-making.
 - 2) For joint legal decision-making authority for the minor child(ren), mark the second box.
5. Child Support: Mark who is to pay the child support. If there is a previous Child Support Order still in effect from a court in another state or county, do not mark this box. If the Petition was served by publication, mark the second box.
6. Medical, Dental, and Vision Care Insurance: Mark who will be responsible for medical, dental, and vision care insurance, based on the request made in your Petition for Paternity or the Agreement of the parties. Also mark the box indicating who will pay for past medical expenses.
7. Other costs. Mark first who is to be awarded money for any costs related to the birth of the minor children, then the total amount owed for those costs, and finally who should pay the money for the costs related to the birth of the children. Be prepared to tell the Judge what amount is fair.
8. Financial information: Both parents must exchange financial information every 2 years.
9. Other matters: If there are other things you have asked for in the Petition that have not already been covered in the Judgment and Order, list them here. Be specific and be sure you use the same or similar language to that used in your Paternity Petition.

Judge's signature and copy for other party: You do not have a valid court order until the judge signs and dates the original order. If the other party does not have a copy, mail a copy of the signed and dated order to him or her.

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 Superior Court Law Library Resource Center locations or may be viewed online and downloaded for free from the State Courts’ webpage.

After completing the Parenting Plan, include it with your Judgment.

Other Important Papers to be Completed Not in this Packet

Child Support Worksheet

You can use the free Online Child Support Calculator at the website listed below to complete a Child Support Worksheet, Child Support Order, and Current Employer Information Sheet.

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

To complete the Child Support Worksheet, Child Support Order, and Current Employer Information sheet 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 calculator, print out the Child Support Worksheet, Child Support Order, and Current Employer Information Sheet and include them with your Judgment.

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?

Procedures: How to get your order for paternity signed by the judge

Requirements

A Judgment/Order of Paternity is your final court order that states you are the legal father, and requires the parties comply with the Court Orders about legal decision-making, parenting time, and child support. Before you get the Judgment/Order, the following requirements must be completed.

- ✓ Parent Information Program: The court must have a copy of your “Certificate of Completion” showing that you attended the Parent Information Program.
- ✓ Fees: Your court fees must be paid. This includes all filing fees. If you were granted a deferral (Payment plan), the payments must be current. Please note: You must attach to the Judgment/Order, proof of payment for fees in the form of a receipt, or a copy of the Order for initial Deferral of fees.

If you completed the above requirements, follow the steps below.

Procedures

Step 1: Complete the Forms in the packet: Remember your original forms are the papers you wrote on, or printed from the computer:

- Judgment/Order Establishing Paternity, Legal Decision-making, Parenting Time and Child Support.
 - Add to the last page of the Judgment, the fee receipt or a copy of the order for Initial Deferral to show the “Paid” status of your case.
- Parenting Plan, signed by you.

Step 2: Complete the Child Support Worksheet, Child Support Order, and Current Employer Information online via

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

Print out 1 copy of the completed Child Support Worksheet, Child Support Order, and Current Employer Information Sheet.

Step 3: Copy - Make two (2) copies of the set of original forms listed above.

Step 4: Separate - Make three (3) sets of the papers you copied:

Set 1 (Originals)	
<ul style="list-style-type: none">• Judgment/Order of Paternity• +Attached <u>Fee Receipt</u>, or a copy of the <u>Order</u> for initial fee deferral• Parenting Plan• Child Support Worksheet• Child Support Order• Current Employer Information Sheet (for new payor)	
Set 2 (Copies for you)	Set 3 (Copies for other party)
<ul style="list-style-type: none">• Judgment/Order of Paternity• + Attached <u>Fee Receipt</u>, or a copy of the <u>Order</u> for initial fee deferral• Parenting Plan• Child Support Worksheet• Child Support Order	<ul style="list-style-type: none">• Judgment/Order of Paternity• + Attached <u>Fee Receipt</u>, or a copy of the <u>Order</u> for initial fee deferral• Parenting Plan• Child Support Worksheet• Child Support Order

Step 5: Take the documents to your trial or default hearing. If you are using the default process and you wish to proceed without a hearing, see the procedures and forms to proceed by Motion.

Step 6: (For Default Hearing Only) IF the Judge signs the orders (including the Child Support Order, if applicable) and the other Party was served personally (No publication) you must either:

- ✓ Mail one Judge-signed copy to the other Party, or
- ✓ Give one Judge-signed copy to the other Party.

Instructions and Procedures for a Default Decree by Motion, without a Hearing

REQUIREMENTS

Sometimes a court hearing is not required to get a default decree. If you meet the following requirements, you may use this “no hearing” process to request a default decree:

- ✓ All parties must be legally competent and sane.
- ✓ The “*Summons*” and “*Petition*” were served to the other party, other than by publication
- ✓ The “*Petition*” requests to the Court are the same as the requests proposed in the default order.

This means, you cannot use this process if . . .

- the responding party was served by publication,
- if the other party is insane or incompetent, or
- if the other party has filed a response, or made an appearance in the cases, or
- the requests to the Court in the proposed default order are not the same as those requested in the “*Petition*.”

You must have already filed and mailed to the other party an “*Application and Affidavit for Default*.” Also, it must be at least ten (10) court (business) days since you filed and mailed the “*Application*.”

If you filed for divorce, legal separation or annulment, it must also have been at least 60 calendar days since service of the “*Summons*” and “*Petition*” was completed.

INSTRUCTIONS

Complete the “*Motion and Affidavit for Default Decree without a Hearing*”

1. Complete the top part of the page with your personal information, name of parties, and case number.
2. On the upper page right, mark the box that describes the kind of court order you are requesting (i.e. divorce, annulment, etc.)
3. SECTION A:
 - Read the information carefully.
 - Mark the boxes in front of the statements that are true.
4. SECTION B: (To be completed only by parties seeking a decree of dissolution, legal separation, or annulment)
 - Mark the boxes that best apply to your situation.
 - NOTE: ATTACHMENTS. If you marked a box next to a statement that requires an “attachment”, be sure to attach the required document at the end of the original “*Motion and Affidavit for Default Decree without a Hearing*.” If you are missing an attachment or any required document, your case could be rescheduled for a hearing, which extends the process and delays your decree or court order.
5. SECTION C: (To be completed only by parties seeking a judgment of paternity/maternity, and/or legal decision-making, parenting time or child support.)
 - Mark the boxes that best apply to your situation.
 - If the statement next to the box asks for an explanation, write it clearly in black ink.
 - NOTE: ATTACHMENTS. If you marked a box next to a statement that requires an “attachment”, be sure to attach the required document at the end of the original “*Motion and Affidavit for Default Decree without a Hearing*.” If you are missing an attachment or any required document, your case could be rescheduled for a hearing, which extends the process and delays your decree or court order.

6. SECTION D: To be completed if it applies to you.

NOTE: ATTACHMENTS. If you marked a box next to a statement that requires an "attachment", be sure to attach the required document at the end of the original "*Motion and Affidavit for Default Decree without a Hearing.*" If you are missing an attachment or any required document, your case could be rescheduled for a hearing, which extends the process and delays your decree or court order.

7. OATH or Affirmation: Sign and date this in front of the Clerk of Superior Court or Notary, with a picture identification.

8. COPY: Make two copies of the original "*Motion and Affidavit for Default Decree **without** a Hearing,*" with ALL the REQUIRED ATTACHMENTS.

Complete the Default Decree / Judge / Order

1. See the instructions in this packet to complete the Default Decree / Judgment / Order.

2. If children are involved, there will be additional forms to complete, such as a Parenting Plan, Child Support Worksheet, and Child Support Order. See additional instructions in this packet.

3. COPY:

- Make two (2) copies of the original "*Decree / Judge / Order*", plus attachments and any addition required forms.
- Note: If you are missing an attachment or any required form, your case could be rescheduled for a hearing, which extends the process and delays your decree or court order.

After completing instructions above, you are ready to complete the Decree/Order, also in this packet.

However, BEFORE YOU REQUEST Default Decree by Motion Without A Hearing, CHECK TO BE SURE THAT YOU:

- Properly served the "*Petition*", Summons and other papers to other party and filed the proof of service. (Service cannot be done by publication if you are using this method (without a hearing)), AND
- Completed and filed the "*Application and Affidavit for Default,*" with ALL the REQUIRED ATTACHMENTS and mailed a copy to the other party; AND
- IF the other party is on active duty in the United State Military, you completed and notarized "*Service Member Civil Relief Act Waiver*", AND
- Waited at least 61 days after the completion of service, if you filed for divorce, legal separation or annulment.

PROCEDURES

1. FILE the original "*Motion and Affidavit for Default Decree without a Hearing,*" with ALL the REQUIRED ATTACHMENTS, and two copies with all the attachments at one of the following Clerk of Superior Court locations.

- The Clerk of Superior Court will keep the original "*Motion*" and all the attachments, as well as date-stamp the copy, and return both copies to you.

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

3. WAIT. There is a review process upon receipt of your paperwork. This process can take as long as 4-6 weeks. Please wait at least four (4) weeks before checking the status.

The Judge will review your file and the documents you have submitted.

- If the Judge determines that everything is in order they will sign the final decree. The Clerk will file-stamp your copies and they will be mailed to you and the other party in the envelopes you have provided.
- If the Judge finds anything wrong with your court file or paperwork, your documents will be returned to you in the envelope you have provided along with a coversheet describing the deficiency and in most cases how it can be corrected.

Common reasons why your paperwork may be rejected:

- Incomplete: The "*Decree*" was not fully completed.
 - Not all applicable boxes were marked.
 - An explanation(s) was missing
 - An attachment(s) was missing
- Different Requests: Items asked for in the "*Decree*" were not the same as the items asked for in the "*Petition*."
- Missing Documents: The original "*Decree*" and copies were not submitted with the "*Motion and Affidavit for Default Decree without Hearing*".
- Overlooked "True" Statements: You did not mark all boxes on the "*Motion and Affidavit for Default Decree without Hearing*" as true statements.
- No notarized Waiver: Did not provide a notarized "*Service Members Civil Relief Act Waiver*."

Arizona Rules of Family Law Procedure (ARFLP), Rule 44.1, allows for application for a default decree *without hearing* in Family cases for divorce, legal separation, annulment, maternity or paternity, money judgments, attorney fees, and spousal maintenance, but be WARNED:

- There are special legal requirements involved in qualifying for an annulment, and a default decree with no hearing.
- If your court papers do not fully explain how you meet those requirements, it could result in your case being delayed or dismissed.
- Consulting an experienced attorney about whether your situation *and your papers* indicate you qualify for an annulment or a default decree, may help you to avoid unnecessary expense, delay, and disappointment.

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

Case Number: _____

Petitioner / Party A

JUDGEMENT AND ORDER FOR PATERNITY and (check box if applicable)

☐ LEGAL DECISION-MAKING (LEGAL
CUSTODY)

☐ PARENTING TIME

☐ CHILD SUPPORT

☐ VITAL RECORDS (Check this box if the
Department of Vital Records is ordered to
change the birth records of a child born in
Arizona.)

Respondent / Party B

THE COURT FINDS:

1. This case has come before the Court for a final Order. If necessary, the Court has taken any testimony needed to enter a final Order.
2. This Court has jurisdiction over the parties under the law.
3. Where it has the legal power to do so and where it is applicable to the facts of this case, this Court has considered, approved, and made an Order relating to paternity, legal decision-making (legal custody), support, parenting time, and expenses related to birth of the minor child(ren).
4. **Party A and Party B are the natural parents of the minor child(ren) listed below and named on birth certificates as:** (List name as appears on child's birth certificate - if any.)

	First	Middle	Last
(a)	_____	_____	_____
(b)	_____	_____	_____
(c)	_____	_____	_____
(d)	_____	_____	_____

Who were born on this date and at this place: (List in same order as above)

Month/ Day /Year

City, State, and Nation of Birth

- | | | |
|-----|-------|-------|
| (a) | _____ | _____ |
| (b) | _____ | _____ |
| (c) | _____ | _____ |
| (d) | _____ | _____ |

☐ Same information for *additional* children listed on attached page made part of this document by reference

5. INFORMATION ABOUT THE LEGAL PARENTS:

A. Information about the Mother:

The Mother's Complete Name is:

_____ as listed on above-named child(ren)'s birth certificates, or ☐ her current legal name

Previous Legal Name(s) (if any):

B. Information about the Father:

The Father's Complete Name is:

_____ as listed on his birth certificate, or ☐ his current legal name

Previous Legal Name(s) (if any):

Date of Birth: _____
(Month/Date/Year)

Place of Birth: _____
(City, State, Nation of Birth)

6. PARENT INFORMATION PROGRAM.

A. Party A ☐ **has attended** the Parent Information Program as evidenced by the Certificate of Completion in the Court file, **OR**

Party A ☐ **has NOT attended** the Parent Information Program and ☐ shall be denied any requested relief to enforce or modify this Order until Party A has completed the class.

B. Party B ☐ **has attended** the Parent Information Program as evidenced by the Certificate of Completion in the Court file, **OR**

Party B ☐ **has NOT attended** the Parent Information Program and ☐ shall be denied any requested relief to enforce or modify this Order until Party B has completed the class.

7. **CHILD SUPPORT: The Court finds that Party A and Party B owe a duty to Support the child(ren) listed above.** The required financial factors and any discretionary adjustment pursuant to the Arizona Child Support Guidelines are as set forth in the Parent's Worksheet for Child Support are attached hereto and incorporated by reference.

8. **DEVIATION FROM CHILD SUPPORT.** The Court, having considered the best interests of the child(ren), deviates from the guidelines for the following reasons:

- ☐ Application of the guidelines is inappropriate.
- ☐ Application of the guidelines is unjust.
- ☐ The parties have signed a written agreement with knowledge of the amount of support that would have been ordered by the guidelines if there was no agreement.

THE COURT MAKES THE FOLLOWING FINDING REGARDING THE DEVIATION:

- ☐ The child support order *would have been:* \$ _____
- ☐ The child support order after deviation is: \$ _____
- ☐ All parties have signed the agreement free of duress and coercion.

9. **PHYSICAL CUSTODY ADJUSTMENT, COURT APPROVED DISCRETIONARY PARENTING TIME ADJUSTMENT AND/OR OTHER ADJUSTMENTS. (THE COURT MUST MAKE WRITTEN FINDINGS IF ANY OF THESE ADJUSTMENTS ARE MADE.)**

The court finds that the person responsible for paying child support has the ability to pay child support:

- ☐ In the amount entered on Line 33 of the Worksheet for \$ _____
- ☐ In an adjusted amount calculated using the self-support reserve on line 35 of the Worksheet for \$ _____

THE COURT FURTHER FINDS:**10. DOMESTIC VIOLENCE:**

YOU MAY SKIP "11" IF THERE HAS BEEN NO DOMESTIC VIOLENCE AND THIS IS AN UNCONTESTED COURT ACTION (meaning no response was filed).

You must COMPLETE "11" if:

- (a) legal decision-making (legal custody) is contested, or**
(b) there has been domestic violence between the parties and legal decision-making (legal custody) is to be awarded to or shared with a party who has committed domestic violence.

A. Domestic Violence ☐ has OR ☐ has not occurred between the parties;

B. ☐ Domestic Violence has occurred between the parties, but:

1. ☐ **it was mutual** (committed by both parties), (see A.R.S. § 25-43.03(D)) **or**
 2. ☐ **it is otherwise still in the best interests of the minor child(ren) to grant joint or sole legal decision-making (joint or sole legal custody) to a party who has committed domestic violence *because*: (EXPLAIN)**

11. SUPERVISED OR NO PARENTING TIME:

(Check and complete ***only if*** supervised or no parenting time is ordered.)

☐ **NO Parenting Time or ☐ Supervised Parenting Time with ☐ Party A ☐ Party B,**
is in the best interests of the minor child(ren), for the following reasons:

12. DRUG or ALCOHOL CONVICTION WITHIN LAST TWELVE MONTHS:

(Check box if applicable).

☐ **Party A** and/or ☐ **Party B has been convicted** of driving under the influence of alcohol or drugs, or was convicted of any drug offense within 12 months of filing the request for legal decision-making (legal custody), **however** the legal decision-making (legal custody) and/or parenting time arrangement ordered by this Court appropriately protects the minor child(ren).

THE COURT ORDERS:

1. **PATERNITY:** (Name of **father** as on his birth certificate or ☐ his current legal name)

_____ is the natural father of the minor child(ren).

- ☐ FOR ANY CHILDREN BORN IN THE STATE OF THE ARIZONA, THE CLERK OF COURT SHALL FORWARD A COPY OF THIS ORDER TO THE OFFICE OF VITAL RECORDS, WHICH IS ORDERED TO AMEND THE BIRTH CERTIFICATE(S) AS FOLLOWS:

2. ☐ The father's name shall be entered on the minor child(ren)'s birth certificate.
3. ☐ The minor child(ren)'s last name shall be changed to: _____

4. **PRIMARY RESIDENCE, PARENTING TIME, and LEGAL DECISION-MAKING**
(Legal Custody)

A. PRIMARY RESIDENTIAL PARENT:

- ☐ NEITHER party's home is designated as the primary residence, OR
- ☐ Party A's home as the primary residence for following named child(ren):

- ☐ Party B's home as the primary residence for following named child(ren):

B. PARENTING TIME:

- ☐ Reasonable parenting time rights as described in the Parenting Plan attached as Exhibit A and made a part of this decree, OR
- ☐ NO PARENTING TIME RIGHTS to ☐ Party A OR ☐ Party B, OR
- ☐ SUPERVISED PARENTING TIME to ☐ Party A OR ☐ Party B according to the terms of the Parenting Plan attached as Exhibit A and made part of this Decree. Parenting time may only take place in the presence of another person, named below or otherwise approved by the court.

(IF supervised) Name of person to supervise (Optional):

The cost of supervised parenting time shall be paid by the:

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

THE COURT FURTHER ORDERS these restrictions on parenting time (if applicable):

C. LEGAL DECISION-MAKING (Legal Custody):

Award legal decision-making concerning the child(ren) (custody) 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**.

Both parties will agree to act as joint legal decision-makers of the minor children, as set forth in the ***Joint Legal Decision-Making Agreement*** contained in the ***Parenting Plan***, to be agreed upon and signed by both parties **if** the Court adopts the terms of the **Agreement**. 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 custody despite any violence that occurred.

5. CHILD SUPPORT:

☐ The Child Support Order, _____, is attached hereto and incorporated herein by this reference. (date of Order)

☐ **PARTY A** or ☐ **PARTY B** shall pay child support to the other party in the amount of \$_____ per month, PAYABLE THE FIRST DAY OF THE MONTH following the signing of this Judgment. All child support payments shall be made through the **Support Payment Clearinghouse, P.O. Box 52107, Phoenix, Arizona 85072-2107**, by Income Withholding Order and must include the statutory fee for the Income Withholding Order signed this date.

OR

☐ This Court cannot make a legal order, without personal service of the Petition with respect to issues of child support, medical and dental insurance for the minor child(ren) or regarding costs relating to birth of the child(ren). The Court reserves the right to enter such orders at such time as the court acquires personal jurisdiction over the responding Party.

6. MEDICAL/DENTAL/VISION CARE INSURANCE and OTHER HEALTH EXPENSES FOR CHILDREN

PARTY A is ordered to provide ☐ medical ☐ dental ☐ vision care insurance.

PARTY B is ordered to provide ☐ medical ☐ dental ☐ vision care insurance.

Medical, dental, and vision care insurance, payments and expenses are based on the information in the Child Support Order attached to and made part of this order. The party ordered to pay for medical/dental/vision care insurance must keep the other party informed of the insurance company's name, address, and telephone number, and provide the other party with the documents necessary to submit insurance claims.

☐ **PARTY A** is ordered to pay _____% **and/or**

☐ **PARTY B** is ordered to pay _____% of all reasonable uncovered and/or uninsured medical, dental, vision care, prescription, and other health care expenses for the minor child(ren), including co-payments.

Costs for past medical expenses for minor child(ren) in the amount of \$_____ shall be paid by ☐ **PARTY A** or ☐ **PARTY B** in the amount of \$_____ each month until paid in full. Payments shall be made as stated above.

Even though the Court's judgment contains orders regarding medical insurance and the allocation of the right to claim the child as a dependent for the purposes of federal taxes, these orders are not binding on the IRS. Under the Affordable Care Act, the party who claims a child as a dependent on a federal tax return has the obligation to ensure that the child is covered by medical insurance and may be penalized by the IRS for failing to do so. This penalty may be imposed even if it is the other party's responsibility to carry health insurance on the child under this Order.

7. OTHER COSTS: ☐ **PARTY A** or ☐ **PARTY B** is awarded judgment in the amount of \$ _____ for expenses incurred relating to medical care, hospitalization and other costs related to the birth of the minor child(ren), which shall be paid by ☐ **PARTY A** or ☐ **PARTY B**.

8. FINANCIAL INFORMATION EXCHANGES: The parties shall exchange financial information (tax returns, spousal affidavits, earning statements and/or other related financial statements) every twenty-four months.

9. OTHER ORDERS: This Court makes further Orders relating to this matter as follows:

FINAL APPEALABLE ORDER. Pursuant to Arizona Rules of Family Law Procedure, Rule 78, this final judgment/decreed is settled, approved and signed by the court and shall be entered by the clerk.

DONE IN OPEN COURT _____

JUDICIAL OFFICER

If this Decree/Judgment was issued as a “Default,” I certify that within three (3) days of receiving this Decree/Judgment, I will mail a copy of this Decree/Judgment to the last known address of the party in default as follows:

Opposing Party’s Name: _____

Mailing Address: _____

City, State Zip Code: _____

Your Signature: _____

Date: _____

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 *but not to joint legal decision-making (legal custody)* 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 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

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**

Petitioner/Party A

Case No. _____

Date of Birth (Month, Date, Year)

ATLAS No. _____

Respondent/Party B

**CHILD SUPPORT ORDER
When establishing Paternity
A.R.S. § 25-503**

Date of Birth (Month, Date, Year)

The Court Finds:

1. Party A: _____ and

Party B: _____

Have a duty to support the following children:

Child(ren)'s Name(s)

Date of Birth

2. Child Support Guidelines: The required financial factors and any discretionary adjustments pursuant to the Arizona Child Support Guidelines are as set forth in the Child Support Worksheet, attached and incorporated by reference.

3. Child Support (choose only one):

☐ ☐ Party A ☐ Party B is ordered to pay child support in the amount of \$_____ per month to _____ pursuant to the Arizona Child Support Guidelines without deviation.

☐ ☐ Party A ☐ Party B is obligated to pay child support to ☐ Party A ☐ Party B in the amount of \$_____ per month pursuant to the Arizona Child Support Guidelines without deviation. This amount is an appropriate amount to award for child support in this case except that the Court finds it more appropriate and just to make a rounding adjustment to the exact guideline amount for ease of calculation to \$_____ per month.

☐ ☐ Party A ☐ Party B is obligated to pay child support to ☐ Party A ☐ Party B in the amount of \$_____ per month pursuant to the Arizona Child Support Guidelines. Application of the child support guidelines in this case is inappropriate or unjust. The Court has considered the best interests of the child in determining that a deviation is appropriate.

After deviation the child support order is \$_____ per month.

☐ ☐ Party A ☐ Party B is obligated to pay child support to ☐ Party A ☐ Party B in the amount of \$_____ per month pursuant to the Arizona Child Support Guidelines. Application of the child support guidelines in this case is inappropriate or unjust. The Court has considered the best interests of the child in determining that a deviation is appropriate.

After deviation the child support order is \$_____ per month. Further, the parties have entered into a written agreement or their agreement is on the record and is free of duress and coercion with knowledge of the amount of child support that would have been ordered under the guidelines but for the agreement.

Reason(s) for deviation:

4. Support Arrears:

- ☐ ☐ Party A ☐ Party B owes child support arrearages to ☐ Party A ☐ Party B in the total amount of \$_____ for the time period of _____ through _____ plus accrued interest on prior child support arrearages due of \$_____ calculated through the date of _____.
- ☐ The Court finds no child support arrearages due and owing.
- ☐ No evidence was presented in support of child support arrearages.

5. Past Support:

- ☐ It is appropriate to award ☐ Party A ☐ Party B an additional judgment for past support in the amount of \$_____ for the period between the filing of this current petition and the date current child support is ordered to begin.
- ☐ Temporary support or voluntary/direct support payments in the amount of \$_____ were paid during the period above; therefore, the past support is adjusted to \$_____.
- ☐ It is appropriate to award ☐ Party A ☐ Party B an additional judgment in the amount of \$_____ for past support owed from the date of separation, but not more than three years before the date of filing the current petition.
- ☐ Temporary support or voluntary / direct support payments in the amount of \$_____ were paid during the period above; therefore, the past support is adjusted to \$_____.
- ☐ It is appropriate to award ☐ Party A OR ☐ Party B an additional judgment for past support in the amount of \$_____ for the period from the date of separation, which is more than three years before the date of filing of this current petition.

The Court finds good cause to award past support owed more than three years before the date of filing of this current petition based on the following:

☐ Temporary support or voluntary/direct support payments in the amount of \$_____ were paid during the period above; therefore, the past support is adjusted to \$_____.

☐ The Court finds no past support amount due and owing.

☐ No evidence was presented in support of past child support.

☐ The Court finds no temporary support or voluntary/direct support payments were paid.

☐ No evidence was presented in support temporary support or voluntary/direct support payments.

6. Interest:

☐ The Court finds interest in the amount of \$_____ due to ☐ Party A ☐ Party B For the period of: _____ to _____.

It Is Ordered That:

1. Child Support Judgment:

☐ Party A ☐ Party B shall pay child support to ☐ Party A ☐ Party B in the amount of \$_____ per month. This monthly amount, payable by income withholding order, shall be paid on the 1st day of each month beginning _____.

2. Support Arrearages Judgment:

☐ Party A ☐ Party B is granted judgment against _____ in the amount of \$_____ as and for child support arrearages for the period of _____ through the date of _____ together with interest on said amount at the legal rate of 10% per annum until paid in full, plus additional accrued interest on prior child support judgments of \$_____ calculated through the date of _____.

☐ Party A ☐ Party B shall pay, in addition to his or her current support payment, the amount of \$_____ per month toward this judgment, payable on the first day of each month, beginning _____ until paid in full.

☐ NO Judgment for child support arrearages is entered.

3. Past Support Judgment:

☐ Party A ☐ Party B is granted a past support judgment against ☐ Party A ☐ Party B in the additional amount of \$ _____. ☐ Party A ☐ Party B shall pay the additional amount of \$ _____ per month toward this judgment, payable on the first day of each month commencing _____ until paid in full.

OR

☐ NO Judgment for past support is entered.

4. Payments and Clearinghouse: All payments, plus the statutory handling fee, shall be made through the Support Payment Clearinghouse pursuant to an Order of Assignment, or Income Withholding Order signed this date. Any time the full amount of support ordered is not withheld, the person obligated to pay (the obligor) remains responsible for the full monthly amount ordered. Payments not made directly through the Support Payment Clearinghouse shall be considered gifts unless otherwise ordered. All payments shall be made payable to and mailed directly to:

Support Payment Clearinghouse
P.O. Box 52107
Phoenix, AZ 85072-2107

Payments must include ☐ Party A's or ☐ Party B's name, and ATLAS number. Pursuant to A.R.S. § 25-322, the parties shall submit current address information in writing to the Clerk of Superior Court and the Support Payment Clearinghouse immediately. The obligor (party being ordered to pay) shall submit the names and addresses of his or her employers or other payors within 10 days. Both parties shall submit address changes within 10 days of the change.

5. Total Monthly Payments:

☐ Party A ☐ Party B shall make total monthly payments to ☐ Party A ☐ Party B in the amount of \$ _____ per month, payable on the first day of each month, beginning _____ as follows:

Monthly Payments:

Current child support payment as ordered above:	\$ _____
Current spousal maintenance payment:	\$ _____
Support arrearage payment:	\$ _____
Clearinghouse handling fee:	\$ 8.00
TOTAL MONTHLY PAYMENT:	\$ _____

6. Medical, Dental, Vision Care Insurance for Minor Children:

☐ ☐ Party A OR ☐ Party B is responsible for providing: ☐ medical ☐ dental ☐ vision care insurance for the minor child(ren) and shall continue to pay premiums for any medical, dental and vision policies covering the child(ren) that are currently included in the incorporated Child Support Worksheet.

Or

☐ ☐ Party A OR ☐ Party B shall be individually responsible for providing medical insurance for the minor child(ren) of the parties as soon as it becomes accessible and available at a reasonable cost, as neither party currently has the ability to obtain such medical insurance.

Medical, dental, and vision insurance, payments and expenses are based on the information in the Child Support Worksheet attached hereto and incorporated by reference.

The party ordered to pay must keep the other party informed of the insurance company name, address and telephone number, and must give the other party the documents necessary to submit insurance claims. An insurance card must be provided to the other party. Notification must also be provided to the other party if coverage is no longer being provided for the child(ren).

7. Non-Covered Medical Expenses:

☐ Party A is ordered to pay _____ % and ☐ Party B is ordered to pay _____ % of all reasonable uncovered and/or uninsured medical, dental, vision, prescription and other health care charges for the minor child(ren).

- A request for payment or reimbursement of uninsured medical, dental and/or vision costs must be provided to the other party within 180 days after the date the services occur.
- The party responsible for payment or reimbursement must pay their share, as ordered by the Court, or make acceptable payment arrangements with the provider or person entitled to reimbursement within 45 days after receipt of the request.

8. Travel Expenses: The costs of travel related to parenting time over 100 miles one way shall be shared as follows: Party A _____ % Party B _____ %

9. Information Exchange: The parties shall exchange financial information such as copies of tax returns, financial affidavits, and earnings statements every twenty-four months. At the time the parties exchange financial information, they shall also exchange residential addresses and the names and addresses of their employers unless the Court has ordered otherwise.

10. Tax Exemptions: The Court allocates the following federal tax exemption(s) for the dependent child(ren):

Child's Name	Date of Birth (Month, Day, Year)	Parent Entitled to Deduction	For Calendar 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	
		<input type="checkbox"/> Party A <input type="checkbox"/> Party B	

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

☐ Party A or ☐ Party B may claim the allocated tax exemptions only if all support and arrears ordered for the year have been paid by January 15th of the following year. An Internal Revenue Service form 8332 may need to be signed and filed with a party's income tax return. *See IRS Form 8332 for more detailed information.*

☐ Party A or ☐ Party B may unconditionally claim the tax exemption allocated to ☐ Party A or ☐ Party B for income tax purposes. An Internal Revenue Service Form 8332 may need to be signed and filed with a party's income tax return. *See IRS Form 8332 for more detailed information.*

Even though the court's judgment contains orders regarding medical insurance and the allocation of the right to claim the child as a dependent for the purposes of federal taxes, these orders are not binding on the IRS. Under the Affordable Care Act, the party who claims a child as a dependent on a federal tax return has the obligation to ensure that the child is covered by medical insurance and may be penalized by the IRS for failing to do so. This penalty may be imposed even if it is the other party's responsibility to carry medical insurance on the child under the Decree of Dissolution of Marriage.

Important Information

11. Modification: If this is a modification of child support, all other prior orders of this Court not modified remain in full force and effect.
12. Emancipation: A child is emancipated:
- On the child's 18th birthday, however if a child is still attending high school or a certified high school equivalency program, support will continue until graduation or the child reaches 19 years of age.

- On the date of the child's marriage.
- When the child is adopted.
- When the child dies.

13. Other Findings and Orders:

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

Date

Judicial Officer

15. Stipulation. Signature by both Parties (if applicable):

☐ Party A ☐ Party B, by signing this document, we state to the Court under penalty of perjury that we read and agree to this Court Order, and that all the information contained in it is true, correct, and complete to the best of our knowledge and belief.

Party A's Signature

Date

Party B's Signature

Date

If either party is represented by a lawyer, the lawyer must sign below:

Party A's Lawyer Signature

Date

Party B's Lawyer Signature

Date

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

In the Marriage of

Case No. _____

Name of Petitioner / Party A

MOTION AND AFFIDAVIT FOR DEFAULT DECREE WITHOUT HEARING for:

and

- ☐ DISSOLUTION OF MARRIAGE (Divorce)
☐ LEGAL SEPARATION
☐ ANNULMENT
☐ MATERNITY/PATERNITY
☐ ESTABLISH LEGAL DECISION-MAKING /
PARENTING TIME / CHILD SUPPORT
A.R.F.L.P. 44.1

Name of Respondent / Party B

I am the Petitioner / Party A and I am asking the Court to enter a **“Decree”** of **Dissolution of Marriage,” “Legal Separation,” “Annulment,”** or **“Maternity/Paternity,”** or an **“Order”** establishing legal-decision-making by default without a court hearing.

SECTION A:

I have marked each box in front of the statements below that are true and I understand that if any statement is not true, I cannot get a default decree *without a hearing*.

- ☐ I have read this **“Motion and Affidavit for Default Decree without a Court Hearing”** and to the best of my knowledge everything I said is true.
- ☐ I have paid the filing and service fees or the filing and service fees were waived or deferred. A copy of the receipt showing payment or a copy of the Order showing that the fees were waived or deferred is attached.
- ☐ To the best of my knowledge, both Party A and Party B are competent and sane at this time (even if “legal incompetence” or “insanity” *at the time of the marriage* is listed as a ground for an annulment).

- ☐ At least 60 days have passed since the other Party (Respondent) was served with the dissolution, legal separation, or annulment papers. OR my case is to establish maternity/paternity and/or legal decision-making / parenting time / child support and there is no 60 day waiting period.
- ☐ Service was not done by publication.
- ☐ Party B has not made an appearance in this matter or filed a **“Response.”** I filed the **“Application and Affidavit for Default”** and Default has been entered against the other Party.
- ☐ At the time this action was filed, Party A or Party B was domiciled in Arizona or was stationed in Arizona while a member of the United States Armed Forces. If this is an action for dissolution of marriage (divorce) or annulment, Party A or Party B was domiciled or stationed in Arizona for more than 90 days, at the time the Petition was filed.
- ☐ My case does not involve a member of the military waiving service **OR** - I have submitted a notarized **“Service Members Civil Relief Act Waiver”** completed by the other party.

SECTION B.

I am requesting Judgment of DISSOLUTION, LEGAL SEPARATION, or ANNULMENT.

☐ **YES** - If YES, answer each question below.

☐ **NO** - If NO, skip to Section C.

☐ Conciliation Services provisions have been met since the filing of the Petition, or the provisions do not apply. This must be true to proceed. (A.R.S. § 25-381.09).

Covenant Marriage: Our marriage ☐ IS or ☐ IS NOT a covenant marriage.

Pregnancy: ☐ Neither party ☐ Party A ☐ Party B is pregnant with a child common to the parties.

Choose only one that applies:

☐ If seeking divorce, the marriage is irretrievably broken.

☐ If seeking legal separation, the parties desire to live separate and apart.

☐ If seeking annulment, a condition exists which renders the marriage void or voidable.

Spousal Maintenance: (choose only one)

- ☐ Party A or Party B has made a claim for spousal maintenance/support and Form 6 “(Default Information for Spousal Maintenance)” is attached to this Motion and Affidavit.
- ☐ Party A or Party B has NOT made a claim for spousal maintenance/support, and the claim is deemed waived by **both** parties.

Property and Debt: (choose all that apply)

- ☐ There was no property or debt obtained during the marriage.
- ☐ Does not apply because (explain): _____

- ☐ All of the allegations, including those concerning property and debts listed in the **“Petition”** were true at the time filed and remain true as of the date of the filing of this motion and affidavit, **OR any changes are explained below:**

- ☐ I attached a list of all community property and debt (obtained or incurred during the marriage), including personal property, motor vehicles, bank accounts, retirement assets, life insurance, real property, including the **value** and the **party to whom the property or debt is to be awarded**. The attached list also includes any requests for the award of sole and separate property and debt.
- ☐ Everything in the **“Petition for Dissolution of Marriage,” “Legal Separation,” or for “Annulment,”** concerning who gets the property and who pays the bills/debts is fair and reasonable.

☐ I have requested reasonable attorney fees and support for this request is **attached** to this Motion and Affidavit.

☐ Same as Petition: The requests in this form and relief to be awarded in the **“Decree”** are the same as the relief I requested in the underlying **“Petition,” OR** if the relief to be awarded is different, it has been approved by both parties, as reflected in a notarized statement from the other party, or a **“Decree”** containing the notarized signatures of both parties. This must be true to proceed.

SECTION C.

I am requesting a Judgment of MATERNITY or PATERNITY and/or an Order for LEGAL DECISION-MAKING / PARENTING TIME / CHILD SUPPORT.

☐ **YES - If YES, answer each question below.**

☐ **NO - If NO, skip to Section D.**

☐ The name and date of birth of each child is:

Name: _____

Date of Birth: _____

Name: _____

Date of Birth: _____

Name: _____

Date of Birth: _____

Name: _____

Date of Birth: _____

Name: _____

Date of Birth: _____

☐ The factual basis for the finding of maternity / paternity is: _____

☐ The child(ren) live with: _____

☐ Length of Residence: The child has lived in Arizona for at least six (6) months before the filing of the Petition or is less than six (6) months old and has lived in Arizona since birth.

☐ There are no proceedings involving the child that are pending in **another jurisdiction**. **OR**

☐ There are other proceedings involving the child that are pending in **another jurisdiction** and I have listed the court name(s) and case number(s) below:

Court Name(s) _____

Case Number(s) _____

☐ There are no proceedings involving the child that are pending in **another court**. **OR**

☐ There are other proceedings involving the child that are pending in **other courts** and I have listed the court name(s) and case number(s) below:

Court Name(s) _____

Case Number(s) _____

State of Arizona Request:

☐ Does not apply. OR

☐ The State of Arizona has requested the default judgment of paternity. The factual basis for the finding of paternity is described above.

Child Support:

☐ I have attached the required Child Support Worksheet. Child Support is based on the following:

☐ The Arizona Child Support Guidelines OR

☐ A deviation from the Arizona Child Support Guidelines because: _____

☐ Other: _____

☐ The basis for determining the gross income of the defaulting party is: _____

SECTION D:

☐ Attorney Fees: I have attached an itemized bill for a reasonable amount of attorney fees to support this request.

☐ Money Judgment(s): I have attached the calculations to establish the sum of requested money to support this request.

☐ Other requested relief. I have attached the following document, to establish the facts supporting the request: _____

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 of Court or Notary Public

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**

CHILD SUPPORT WORKSHEET

Petitioner/Party A: _____ Case No. _____

Respondent/Party B: _____ ATLAS: _____

Total Number of Children: _____

Parenting Plan: Party A ☐ Party B ☐ equal ☐

Child Support Income figures for the OTHER PARENT are:

- ☐ **ACTUAL**, with proof, such as a recent W2 or pay stub attached, or other party's signed statement.
- ☐ **ESTIMATED**, based on facts or knowledge of pay before promotion or of others in similar job.
- ☐ **ATTRIBUTED**, based on what other party could and should be earning (see Guidelines, Section II(A)(4)(b)).

Child Support Income

(Pre-Tax Income. Before deductions.)

PARTY A

PARTY B

\$ _____ \$ _____

Adjustments to Child Support Income: [Mandatory]

Court-Ordered Spousal Maintenance
(Paid)/Received

\$ _____ \$ _____

Court-Ordered Child Support of Other
Relationships (Actually Paid)

\$ _____ \$ _____

Support of Child[ren] from Other Relationship
A: _____ B: _____

\$ _____ \$ _____

Adjusted Child Support Income

\$ _____ \$ _____

Combined Adjusted Child Support Income

\$ _____

Case No. _____

Basic Combined Child Support Obligation for _____ Children \$ _____

Adjustments to Basic Combined Child Support Obligation:

Adjustment for _____ Children over Age 12 at 10% \$ _____
[Mandatory]

Medical, Dental, and Vision Insurance Paid by \$ _____ \$ _____
[Mandatory]

Monthly Child Care Costs for _____ Children
Paid by [Discretionary] \$ _____ \$ _____

Extra Education Expenses Paid by
[Discretionary] \$ _____ \$ _____

Extraordinary (Gifted or Special Needs) Child
Expenses Paid by [Discretionary] \$ _____ \$ _____

Total Child Support Obligation \$ _____

Each Parent's Proportionate Percentage of Combined
Adjusted Child Support Income _____ % _____ %

Each Parent's Proportionate Share of Total
Support Obligation \$ _____ \$ _____

Parenting Time Adjustment

Using Parenting Time Table for _____ Days
at _____ % [Mandatory] \$ _____ \$ _____

Total Adjustments to Child Support Obligation from
Above \$ _____ \$ _____

Presumptive Child Support Obligation \$ _____ \$ _____

Self-Support Reserve Test for Parent Who Will Pay
Adjusted Child Support Income: \$ _____
[Discretionary]

Less Reserve Amount (\$ _____) \$ _____ \$ _____

Monthly Child Support to be Paid by _____ **to** _____
\$ _____ \$ _____

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

Executed on: _____

Date

Signature of Parent

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

Clerk's use only

IN THE SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY

Petitioner Case No. _____

Respondent **JOINT LEGAL DECISION-MAKING
EDUCATION ORDER**

Instructions:

This Legal Decision-Making Order is required. You must complete this Order to match your **Parenting Time Plan** and, **after it's signed by the Judge**, provide a copy to the minor child(ren)'s school(s).

If **both parents agree**, both parents must sign this Order on page 8, before submitting it to the Judge.

If **the Order is being submitted by one parent**, that parent must sign this Order on page 8, before submitting it to the Judge.

If **either parent is represented**, that Parent's Counsel or Paraprofessional must also sign this Order on page 8, before it's submitted to the Judge.

THIS SECTION LEFT INTENTIONALLY BLANK

THE COURT FINDS AS FOLLOWS:

1. The parties have the following minor child(ren) (hereinafter the “minor child(ren)”):

Name: _____	Born: _____
Name: _____	Born: _____
Name: _____	Born: _____
Name: _____	Born: _____
Name: _____	Born: _____
Name: _____	Born: _____
Name: _____	Born: _____

2. An order regarding legal decision-making and/or parenting time in the best interests of the minor child(ren) (also referred to as a “Parenting Plan”) was entered by this Court on (insert date)

3. A.R.S. §25-401 defines two different types of legal decision-making. “Joint legal decision-making” means both parents share decision-making and neither parent's rights or responsibilities are superior except with respect to specified decisions as set forth by the court or the parents in the final judgment or order. “Sole legal decision-making” means one parent has the legal right and responsibility to make major decisions for a child. In this case, the Court has awarded **joint legal decision-making** to the parents.

4. It furthers the best interests of the minor child(ren) for this Court to enter the following school-specific order that reflects relevant provisions under the Parenting Plan. This order serves to supplement, but not modify or replace, the provisions set forth in the Parenting Plan. If there is a conflict between this order and the current Parenting Plan, the Parenting Plan controls. For purposes of this order, the terms apply equally to schools, pre-schools, and institutional childcare providers.

5. This order is binding upon the parents, who are responsible for complying with its terms and the terms in the parenting plan. It is not binding on a school but is provided as guidance for the child(ren)’s schools.

Based thereon,

IT IS HEREBY ORDERED AS FOLLOWS:

1. Delivery to School.

The parents are required to provide a copy of this order to the minor child(ren)’s school(s).

2. Joint Legal Decision-Making.

The parents have been awarded joint legal decision-making. As it relates to this Education Order, legal decisions include school selection, enrollment/withdrawal, and special services (IEP/504 Plans). In the event the parents cannot agree (select appropriate box):

- ☐ **Joint Decision-Making:** Neither parent is entitled to any greater decision-making authority. No change can be made, nor any action taken, unless the parties agree or a court order resolves the issue.

☐ **Joint Decision-Making with a party having “Final” Authority:** Subject to the terms set forth in the Parenting Plan, decisions will be made by (indicate which parent has “presumptive” or “final” authority):

☐ Petitioner

☐ Respondent

3. **School Selection.**

Enrollment of the minor child(ren) in a particular school is subject to the school’s policies or rules, space availability, enrollment restrictions set by the school or school district or its authorizer (if a charter school), and state law. A parent may submit enrollment documentation to the school of choice solely for the purpose of reserving the minor child(ren)’s place at the school. Neither parent is restricted from selecting their preference of school for open enrollment purposes.

4. **Special Services.**

If the minor child(ren) is/are eligible for or being considered for a 504 Plan, an Individualized Education Program (IEP), an Individualized Service Plan (ISP), or other special services:

- An evaluation as to the minor child(ren)’s eligibility for special services shall proceed so long as at least one parent consents.
- Both parents are entitled to attend all meetings with school officials that parents are permitted to attend.
- Both parents are authorized to have access to all special services records and testing results.
- Upon completion of any evaluation or assessments, if there is no agreement between the parties regarding the provision of special education and related special services, the decision of how to proceed must be decided in accordance with the legal decision-making orders of the court.

5. **Parenting Time and Child Pick-Up.**

The school should not use the parenting schedule as a basis to deny either parent access to their minor child(ren), nor may either parent instruct the school to limit contact, unless otherwise ordered. Each parent may pick up the minor child(ren) from school and each may authorize other individuals to pick up the minor child(ren), unless there are limitations under the terms of the current Parenting Plan or another court order.

6. **Contact Information.**

Each parent’s home address, e-mail, cell phone and any other contact information must be provided to the school and listed by the school as the contact information for the minor child(ren). Additional emergency contacts may be listed, but in the event of a dispute between the parties, the school must list any person requested by either parent until the parents reach an agreement or secure a court order to the contrary. In the event of an emergency, either parent may make decisions for the minor child(ren)’s immediate care.

7. **Access to School Grounds.**

Subject to the policies of the school, or any provisions set forth in the Parenting Plan or other order of the court, there are no restrictions on either parent’s right to participate in school activities or events, or engage in any parent volunteer activities, that parents are generally permitted to participate in.

8. Access to School Records and Parent Portal.

Both parents are entitled to equal access to the minor child(ren)'s school records. Neither parent may restrict the other parent's access to information. Further, each parent is individually responsible for contacting the school and requesting to be included on any mailing or distribution list.

Both parents are entitled to access the school's student information system or online parent portal(s) (e.g. ParentVUE, Google Classroom, Infinite Campus, etc.). Unless the school allows each parent to have an individual login account, the parents must create a joint login ID and password, which will not be changed or modified without the consent of the other parent.

9. Parent-Teacher Conferences.

Each of the parents has equal right to confer with teachers and counselors concerning the minor child(ren)'s education and other activities. The parents may request joint or separate parent-teacher conferences, and the school may or may not accommodate the request.

10. Curriculum and Instruction Disputes.

In the event there is a disagreement between the parties as to the child(ren)'s involvement in any specific curricular activities, the subject matter being taught by the school (including books associated with the school curriculum), or the method of instruction, the issue shall be decided consistent with the legal decision-making authority assigned by court order. If neither parent has superior decision-making authority, the school shall implement its standard curriculum and method of instruction until such time that the parties reach an agreement or secure a court order.

11. Extra-Curricular Activities.

Each parent is authorized to sign consent forms for the child(ren) to participate in extra-curricular activities. In the event the parents disagree about the child(ren)'s involvement in such activities, the issue shall be addressed in accordance with the legal decision-making authority determined by the court. If neither parent has superior decision-making authority, the burden shall be on the parents, and not the schools, to resolve the issue through agreement or order of the court consistent with the legal decision-making orders entered by the court.

12. Future Litigation.

The parties must make best efforts to agree upon the admission of school records or communications without the need for foundational testimony or agree upon the submission of an affidavit from the custodian of records to authenticate the records in lieu of testimony, whenever possible. If a teacher or school official is required for substantive testimony, the scheduling of such testimony will, when possible, be set at a time that is least disruptive to the school, its other students, and its operations. Presumptively, accommodations will be made to allow virtual appearances by the teacher or school official.

13. Additional Education-Related Orders

Signed this date: _____

By: _____
Judicial Officer
Superior Court of Yuma County

If both parties agree to this Order, signatures of BOTH parties:

Petitioner: _____

Respondent: _____

Date: _____

Date: _____

If either party is represented by an attorney, their attorney must also sign.

Date

Approved by Petitioner's Attorney

Date

Approved by Respondent's Attorney

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

Clerk's use only

IN THE SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY

Petitioner

Case No. _____

Respondent

**SOLE LEGAL DECISION-MAKING
EDUCATION ORDER**

Instructions:

This Legal Decision-Making Order is required. You must complete this Order to match your **Parenting Time Plan** and, **after it's signed by the Judge**, provide a copy to the minor child(ren)'s school(s).

If **both parents agree**, both parents must sign this Order on page 6, before submitting it to the Judge.

If the Order is being submitted by one parent, that parent must sign this Order on page 6, before submitting it to the Judge.

If either parent is represented, that Parent's Counsel or Paraprofessional must also sign this Order on page 7, before it's submitted to the Judge.

THIS SECTION LEFT INTENTIONALLY BLANK

THE COURT FINDS AS FOLLOWS:

1. The parties have the following minor child(ren) (hereinafter the “minor child(ren)”):

Name: _____	Born: _____
Name: _____	Born: _____
Name: _____	Born: _____
Name: _____	Born: _____
Name: _____	Born: _____
Name: _____	Born: _____
Name: _____	Born: _____

2. An order regarding legal decision-making and/or parenting time in the best interests of the minor child(ren) (also referred to as a “Parenting Plan”) was entered by this Court on (insert date)

3. A.R.S. §25-401 defines two different types of legal decision-making. “Joint legal decision-making” means both parents share decision-making and neither parent's rights or responsibilities are superior except with respect to specified decisions as set forth by the court or the parents in the final judgment or order. “Sole legal decision-making” means one parent has the legal right and responsibility to make major decisions for a child. In this case, the Court has awarded **sole legal decision-making** to one parent.

4. It furthers the best interests of the minor child(ren) for this Court to enter the following school-specific order that reflects relevant provisions under the Parenting Plan. This order serves to supplement, but not modify or replace, the provisions set forth in the Parenting Plan. If there is a conflict between this order and the current Parenting Plan, the Parenting Plan controls. For purposes of this order, the terms apply equally to schools, pre-schools, and institutional childcare providers.

5. This order is binding upon the parents, who are responsible for complying with its terms and the terms in the parenting plan. It is not binding on a school but is provided as guidance for the child(ren)’s schools.

Based thereon,

IT IS HEREBY ORDERED AS FOLLOWS:

1. Delivery to School.

The parents are required to provide a copy of this order to the minor child(ren)’s school(s).

2. Sole Legal Decision-Making.

Sole legal decision-making authority has been awarded to (indicate which parent has sole legal decision-making): ☐ Petitioner ☐ Respondent

As it relates to this Education Order, legal decisions include school selection, enrollment/ withdrawal, and special services (IEP/504 Plans).

3. School Selection.

Only the parent with sole legal decision-making authority has the authority to select the minor child(ren)'s school. However, enrollment of the minor child(ren) in a particular school is subject to the school's policies or rules, space availability, enrollment restrictions set by the school or school district or its authorizer (if a charter school), and state law.

4. Special Services.

If the minor child(ren) is/are eligible for or being considered for a 504 Plan, an Individualized Education Program (IEP), an Individualized Service Plan (ISP), or other special services, only the parent with sole legal decision-making has the authority to consent to evaluation and/or the child(ren)'s participation in special education and related special services.

Both parents are entitled to attend all meetings with school officials that parents are permitted to attend. Both parents are authorized to have access to all special services records and testing results.

5. Parenting Time and Child Pick-Up.

The school should not use the parenting schedule as a basis to deny either parent access to their minor child(ren), nor may either parent instruct the school to limit contact, unless otherwise ordered. Each parent may pick up the minor child(ren) from school and each may authorize other individuals to pick up the minor child(ren), unless there are limitations under the terms of the current Parenting Plan or other court order.

6. Contact Information.

Each parent's home address, e-mail, cell phone and any other contact information must be provided to the school and listed by the school as the contact information for the minor child(ren). Additional emergency contacts may be listed, but in the event of a dispute between the parties, the school must list any person requested by either parent until the parents reach an agreement or secure a court order to the contrary. In the event of an emergency, either parent may make decisions for the minor child(ren)'s immediate care.

7. Access to School Grounds.

Subject to the policies of the school, or any provisions set forth in the Parenting Plan or other order of the court, there are no restrictions on either parent's right to participate in school activities or events, or engage in any parent volunteer activities, that parents are generally permitted to participate in.

8. Access to School Records and Parent Portal.

Both parents are entitled to equal access to the minor child(ren)'s school records. Neither parent may restrict the other parent's access to information. Further, each parent is individually responsible for contacting the school and requesting to be included on any mailing or distribution list.

Both parents are entitled to access the school's student information system or online parent portal(s) (e.g. ParentVUE, Google Classroom, Infinite Campus, etc.). Unless the school allows each parent to have an individual login account, the parents must create a joint login ID and password, which will not be changed or modified without the consent of the other parent.

9. Parent-Teacher Conferences.

Each of the parents has the equal right to confer with teachers and counselors concerning the minor child(ren)'s education and other activities. The parents may request joint or separate parent-teacher conferences, and the school may or may not accommodate the request.

10. Curriculum and Instruction Disputes.

In the event there is a disagreement between the parties as to the child(ren)'s involvement in any specific curricular activities, the subject matter being taught by the school (including books associated with the school curriculum), or the method of instruction, the issue shall be decided by the parent with sole legal decision-making authority.

11. Extra-Curricular Activities.

It is anticipated that the child(ren) will participate in extra-curricular activities. If there is a disagreement between the parties, only the parent with sole legal decision-making authority has the authority to sign any permission slip or authorization.

12. Future Litigation.

The parties must make best efforts to agree upon the admission of school records or communications without the need for foundational testimony or agree upon the submission of an affidavit from the custodian of records to authenticate the records in lieu of testimony, whenever possible. If a teacher or school official is required for substantive testimony, the scheduling of such testimony will, when possible, be set at a time that is least disruptive to the school, its other students, and its operations. Presumptively, accommodations will be made to allow virtual appearances by the teacher or school official.

13. Additional Education-Related Orders

Signed this date: _____

By: _____
Judicial Officer
Superior Court of Yuma County

If both parties agree to this Order, signatures of BOTH parties:

Petitioner: _____

Respondent: _____

Date: _____

Date: _____

If either party is represented by an attorney, their attorney must also sign.

Date

Approved by Petitioner's Attorney

Date

Approved by Respondent's Attorney