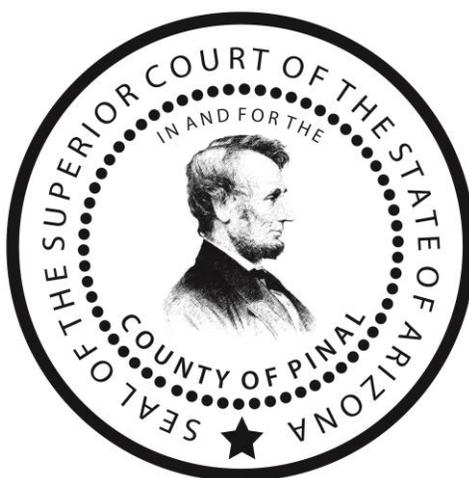


PETITION TO MODIFY CHILD LEGAL DECISION-MAKING, PARENTING TIME & CHILD SUPPORT



PINAL COUNTY

**Make Changes to an Existing Order Regarding
Legal Decision-Making, Parenting Time and Child Support**

INSTRUCTIONS and FORMS

**Provided as a Public Service by
AMANDA STANFORD
Clerk of the Superior Court**

REPRESENTING YOURSELF IN FAMILY COURT

It is not easy to represent yourself in Family Court, but many people do it for financial and other reasons. This brief guide provides some very basic information to help you understand the proceedings. It does not tell you everything about family law or family court, and it is no substitute for understanding Title 25 of the Arizona Revised Statutes, the Arizona Rules of Family Law Procedure, and the Arizona Rules of Evidence. For more information, you should go to the Pinal County Superior Court website (www.pinalcountyz.gov/Departments/JudicialBranch/) or consult a lawyer.

Proceedings In Family Court

Proceedings in Family Court follow the *Arizona Rules of Family Law Procedure*.

In a divorce or paternity case, you may be referred to an Early Resolution Conference, Mediation, a Parenting Conference, or a Settlement Conference (sometimes called an Alternative Dispute Resolution or “ADR”). These proceedings are designed to help the parties reach agreement on all or some of their disputes. They generally are not conducted by your assigned Judge.

You may also have to appear before the Judge for a pretrial hearing. The most common pretrial hearings are (1) a *Resolution Management Conference*, which helps the Judge manage the case by, among other things, setting deadlines and a trial date; and (2) a *Temporary Orders Hearing*, at which the Judge may issue temporary orders to govern the case until the trial.

If you do not reach a settlement of all issues, there will be a *trial*. This is the single hearing where the Judge will hear your evidence and make final decisions on disputed issues.

Disclosure And Discovery

To help parties prepare for the trial, the Arizona Rules of Family Law Procedure have *disclosure* and *discovery* requirements.

Disclosure requirements are in Rule 49. Each party must voluntarily provide certain information to the other party. You have an obligation to disclose such information to the other party, and you have a right to insist that the other party disclose such information to you. Failure to disclose as required may result in sanctions, including being barred from offering evidence that was not timely disclosed.

If you need information that is not voluntarily disclosed, you may engage in *discovery*, such as requesting documents from a party or subpoenaing documents from non-parties. Rules 51 through 65 of the Arizona Rules of Family Court discuss the requirements for discovery.

What Is A Trial?

A trial is the time for you and for the other party to present *evidence* on disputed issues.

General Issues If Children Are Involved In Your Case:

- Legal custody (decision-making authority over major matters concerning the children).
- Parenting time (what time each parent will spend with the children).
- Child support.

Additional Issues If Your Case Involves A Divorce:

- Spousal maintenance.
- Division of community property and allocation of debts.

The Judge will decide these issues based on the evidence presented during the trial. ***Only evidence you bring to the trial will be considered.***

After the trial, the Judge may issue a ruling in open court or may take the case “under advisement,” which means that the Judge will issue a written ruling at a later time.

The judge’s ruling may be a signed **decree** or **judgment**, which officially concludes the case. If the judge chooses, the judge may decide disputed issues and then require one or both of the parties to submit a decree for the judge’s signature.

Preparing For The Trial

When preparing for the trial, it is critical that you read the judge’s minute entries carefully. The minute entries typically contain the Judge’s requirements for the trial. These requirements may include: (1) Submitting a **pretrial statement** that describes the issues in the case and lists your witnesses and exhibits; and (2) Giving copies of your **exhibits** to the Clerk and to the other party before the trial.

Many Judges impose **time limits** at the trial. It is your responsibility to make sure you present all your evidence in the time allotted.

What Happens During The Trial?

The main thing that happens during the trial is the presentation of **evidence**. The Judge will make decision based on the evidence presented during the trial. Evidence is generally of two kinds: (1) Witness testimony and (2) Documents.

When you call a **witness** to testify, you must ask the witness questions. A witness may only answer questions that are asked. When the party who called a witness is done with questioning, the other party may “cross-examine” the witness by asking additional questions.

A party may testify as a witness on his or her own behalf. However, while a witness is on the stand, the parties may only ask questions. Arguing with a witness or commenting on the answers is not allowed.

Documents may be evidence at the trial, but you must follow the proper procedure. Before the trial (usually 5 days before), you must give documents that you want to use to the Clerk of the Court to be “marked” with an exhibit number. However, marking an exhibit does not mean it is evidence. Rather, during the trial, you must “offer” the exhibit by asking the judge to admit it into evidence. The judge then decides whether to admit the evidence. The judge will consider only evidence that is **admitted**.

Proper Court Behavior

Although family cases are often emotional, it is important that everyone act in an orderly and respectful way in court. Here are some “Do’s and Don’ts:”

- Do dress appropriately. Don’t wear hats, sunglasses, or ragged clothes.
- Do wait your turn to speak. Don’t interrupt or bicker while someone else is talking.
- Do treat others with respect. Don’t curse, make faces, or engage in confrontational behavior.
- Do be honest and candid with the judge. Don’t lie or try to hide things.
- Do make sure that friends and family who accompany you sit quietly. They are not allowed to speak unless called as a witness, and then only when they are testifying.

For Additional Information

This guide presents very basic information. For additional information, read the applicable statutes and rules, visit the Pinal County Superior Court website (www.pinalcountyaz.gov/Departments/Judicial Branch) and if necessary, consult a lawyer.

PETITION TO MODIFY LEGAL DECISION-MAKING, PARENTING TIME AND CHILD SUPPORT

This packet contains general information and instructions about filing a Petition to Modify Legal Decision-Making Parenting Time and Child Support. Be sure this packet contains the following documents:

Order	Title	# of Pages
1	Table of Contents (This Page)	1
2	Check List	1
3	Instructions and Procedures: How to fill out the required forms and file with the Court	4
4	"Petition to Modify Legal Decision-Making, Parenting Time and Child Support"	4
5	"Affidavit Regarding Minor Children"	3
6	"Parenting Plan" for Legal Decision-Making	7
7	"Notice of Filing Petition to Modify Child Legal Decision-Making"	1
8	"Child Support Calculator"	1
9	"Request for Order Granting or Denying a Legal Decision-Making Hearing"	1
10	"Order Granting / Denying Hearing"	1
11	"Order for Child Legal Decision-Making, Parenting Time and Child Support"	4

You have permission to use these documents 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.

“Petition to Modify Legal Decision-Making, Parenting Time and Child Support”

CHECKLIST

USE THE FORMS AND INSTRUCTIONS in this packet only if the following factors apply to your situation:

- You have a Legal Decision-Making, parenting time and child support order established in Pinal County and you want to file court papers to change the existing orders, **AND**
- The other party does not agree to the change, **AND**,

One or more of the Following has occurred:

- Domestic violence, spousal abuse, or child abuse has occurred since the Legal Decision-Making order was signed, **OR**
- The minor child(ren)'s present surroundings may endanger the minor child(ren)'s physical, mental or emotional health, **OR**
- The joint Legal Decision-Making order that you want change was dated at least six months ago and the other party has failed to comply with the provisions of the joint Legal Decision-Making order, **OR**
- The order that you want change was dated at least one year ago and it is in the minor child(ren)'s best interest to make a change to that order.

WARNING: If the order you want change is not from this county, ask a lawyer about requirements to file your Petition (Request) with this Court.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing.

INSTRUCTIONS

How to fill out the Petition to Modify Child Legal Decision-Making, Parenting Time and Child Support

Initial forms for Filing: Type or Print Neatly. Use black ink.

Complete all required paperwork:

Petition to Modify Child Legal Decision-Making, Parenting Time and Child Support:

1. Fill in the name, mailing address and telephone number of the person submitting the forms.
2. In the Case Caption, fill in the name of person who is shown as the petitioner on the court documents you want to change. Fill in the name of the person who is shown as the respondent on the court documents you want to change.
3. Fill in the case number of the court order.
4. Check the subject you wish to modify.
5. Complete all the questions of the Petition to Modify Child Legal Decision-Making, Parenting Time and Child support.
6. Sign your name on the signature line before a Notary Public or Clerk of Court to affirm that the information on the form is true and correct to the best of your knowledge and belief.

Affidavit Regarding Minor Children:

1. Fill in the name, mailing address and telephone number of the person submitting the forms.
2. In the Case Caption, fill in the name of person who is shown as the petitioner on the court documents you want to change. Fill in the name of the person who is shown as the respondent on the court documents you want to change.
3. Fill in the case number of the court order.
4. Complete all the questions of the Affidavit Regarding Minor Children.
5. Sign your name on the signature line before a Notary Public or Clerk of Court to affirm that the information on the form is true and correct to the best of your knowledge and belief.

Parenting Plan for Joint or Sole Legal Decision-Making and Parenting Time (Visitation):

1. Fill in the name, mailing address and telephone number of the person submitting the forms.
2. In the Case Caption, fill in the name of person who is shown as the petitioner on the court documents you want to change. Fill in the name of the person who is shown as the respondent on the court documents you want to change.
3. Fill in the case number of the court order.
4. Complete all the questions of Legal Decision-Making and parenting time (visitation) schedule you would like to have put in place and ordered by the Court.
5. Signature of parent submitting Parenting Plan or if applicable signature of both parents.

Notice of Filing Petition to Modify Child Legal Decision-Making:

1. Fill in the name, mailing address and telephone number of the person submitting the forms.
2. In the Case Caption, fill in the name of person who is shown as the petitioner on the court documents you want to change. Fill in the name of the person who is shown as the respondent on the court documents you want to change.
3. Fill in the case number of the court order.
4. Fill in the name of the other parent who needs to receive notice of the Petition to Modify Child Legal Decision-Making.
5. Fill in your name and address in the three lines provided to receive copies of opposing affidavits.
6. The Deputy Clerk of the Office of the Clerk of the Superior Court will date, sign and seal the document.

Parent's Worksheet for Child Support:

To modify the current monthly child support order, you must complete a Parent's Worksheet for Child Support. Visit <http://www.azcourts.gov/familylaw> for help in completing a Parent's worksheet and to obtain a copy of the Arizona Child Support Guidelines. Once you have completed the Parent's Worksheet for Child Support, submit the worksheet along with the forms listed above.

Documents filed at a later date to complete Petition to Modify Legal Decision-Making:

Initiating party is required to **keep** these forms until the appropriate time to submit to the Court.

- Request for Order Granting or Denying a Legal Decision-Making Hearing (A.R.F.L.P. 91 (D) (5))
- Order Granting / Denying Hearing
- Order for Child Legal Decision-Making, Parenting Time and Child Support

COPIES: Once you have completed all the initial forms, have your signature notarized on each document that required a notarized signature. Make **2 copies** of all the completed forms.

NOTE: The Clerk's office charges \$0.50 per page for copies.

Do Not Make Copies of the forms listed below: (These forms will be filed at a later time)

Request for Order Granting or Denying a Legal Decision-Making Hearing (A.R.F.L.P. 91 (D) (5))

Order Granting / Denying Hearing

Order for Child Legal Decision-Making, Parenting Time and Child Support

Assemble the copies so that you have **3 packets** -- the originals and 2 sets of copies.

PROCEDURES

How to File Petition to Modify Child Legal Decision-Making, Parenting Time and Child Support

TO FILE THE PAPERS AT THE COURT:

STEP 1: DETERMINE WHERE TO FILE THE COURT FORMS: There are 4 locations of the Clerk of the Superior Court in Pinal County: Please keep in mind that any court hearings will be conducted at the Florence location.

Pinal County Justice Complex
971 N. Jason Lopez Circle Bldg. A
Florence AZ 85132
(520) 866-5300
Fax (520) 866-5320

Apache Junction Office
575 N. Idaho Rd. Suite 109
Apache Junction, AZ 85119
(520) 866-5300
Fax (520) 866-6170

Casa Grande Office
820 E. Cottonwood Lane Bldg. B
Casa Grande, AZ 85122
(520) 866-5300
Fax (520) 866-7481

Mammoth Office
(Temporarily Closed)

STEP 2: TAKE THE ORIGINALS AND COPIES TO THE CLERK TO BE FILED:
Take the all **originals and 2 copies** of the following documents: **to the Clerk of the Superior Court**, for processing:

- Petition to Modify Child Legal Decision-Making, Parenting Time and Child Support
- Affidavit of Minor Children
- Parenting Plan for Joint / Sole Legal Decision-Making and Parenting Time (Visitation)
- Notice of Filing Petition to Modify Child Legal Decision-Making

Along with original forms, include forms listed below that will be needed for future use:

- Request for Order Granting or Denying a Legal Decision-Making Hearing (ARFLP 91(D)(5))
- Order Granting / Denying Hearing
- Order for Child Legal Decision-Making, Parenting Time and Child Support

STEP 3: PAY YOUR FILING FEE:
Please check with the Clerk's office for current filing fee. The fee is payable to the Clerk of the Superior Court by cash, money order, cashier's check, debit or credit visa or master card. If the filing fee is a hardship, and you think a fee deferral is appropriate, ask the staff at the front counter for an Application for Fee Waiver or Deferral before you file your Petition.

STEP 4: FILING ORIGINAL DOCUMENTS:
The Clerk will file the **originals**, and conform stamp the copies showing the date original documents were filed. The Clerk will return the two sets of conform copies. One set of copies are for your record, the other set of copies are for the other party.

STEP 5: SERVE THE PAPERWORK ON THE OTHER PARTY:
You must arrange for one set of copies to be *served* on the other party, in a manner required or acceptable to the Court.

To "serve" means to deliver the court papers by a method allowed by law. If the other party is being served in Arizona, you may **NOT hand-deliver or mail the papers unless** the other party will sign an "**Acceptance of Service**" form in front of a Notary and return that form to you. If not, then the papers must be delivered by the Sheriff's Department or a licensed process server. If the papers are being served outside Arizona (but in the U.S.), you may serve by mail or other delivery service with signature confirmation.

As of January 1, 2006, you may serve **family court** papers in-state or out of state (within the U. S.) by certain forms of U.S. Mail or by a nationwide delivery service such as DHL, FedEx, or UPS, that provides confirmation of delivery by either a signed paper receipt or by electronic means such as by a printout from the Internet, by fax, or by email, so long as it includes a copy of the signature of the other party (and no one else) signing for receipt of the package containing the papers.

These methods of service are described in the Self-Service Packet ***Information on Legal Notice for Family Court Paperwork***.

AFTER SERVICE HAS BEEN COMPLETED - Initiating party is required to submit additional forms to the Court to complete process:

- **Request for Order Granting or Denying a Legal Decision-Making Hearing (A.R.F.L.P. 91 (D) (5))**
- **Order Granting / Denying Hearing**
- **Order for Child Legal Decision-Making, Parenting Time and Child Support**

IF NO Response is Filed:

The other party has received proper **service** of the Petition to Modify Child Legal Decision-Making and all other paperwork and has not filed a Response within the time permitted. No sooner than five (5) days **AFTER** expiration of the service time, the initialing party shall file the above documents with the Court.

IF a Response is Filed:

The other party has received proper **service** of the Petition to Modify Child Legal Decision-Making and all other paperwork and a Response is filed within the time permitted. **Either** party shall file the above documents with the Court.

The court file will be forwarded to the assigned Judge for review. The Judge may approve or deny Request for Hearing. You will receive a notice in the mail of the Judge's decision.

OTHER HELP:

If you still have questions about this procedure, you can ask an attorney for legal advice. You can look up an attorney in the telephone book under "Attorneys."

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner (in original case) CASE NUMBER: DO2

**PETITION TO MODIFY LEGAL DECISION-
MAKING, PARENTING TIME AND CHILD
SUPPORT**

Name of Respondent (in original case) HONORABLE: _____

I _____ am the Petitioner or Respondent or Other
(print your name) and make the following statements to the court, under oath:

GENERAL INFORMATION:

1. Information about Me

Name: _____

Address: _____

How I am related to child(ren) for whom the LEGAL DECISION-MAKING/PARENTING TIME order should be changed:

Mother or Father or Other: (explain) _____

2. Information about the Other Party

Name: _____

Address: _____

How the other party is related to child(ren) for whom the LEGAL DECISION-MAKING/PARENTING TIME order should be changed:

Mother or Father or Other: (explain) _____

3. Information about the child(ren) for whom I want the Legal Decision-Making/parenting time order changed:

Child's Name: _____ Birth Date: _____ Age: _____
Child's Name: _____ Birth Date: _____ Age: _____

4. Affidavit regarding Minor Children. The children have resided in Arizona since the entry of the last Arizona Legal Decision-Making Order or I have attached an Affidavit regarding Minor Children.

5. Information about the Order I want to change: (Check A or B, then complete the information)

A. **The Order is from the Superior Court in Pinal County.**

1. Order/decree is dated: _____ (month, day, year).
2. The name of the judge who signed the order is: _____

OR

B. **The Order is from the Superior Court in Arizona but from another county or the Order is not from Arizona.** The child(ren) have lived in Arizona for at least six (6) months before the date I am filing this Petition. I have filed a certified copy of this Order with the Clerk of the Court, and a copy of the order/decree is attached to this Petition.

Order/decree is dated: _____ (month, day, year).
Name of state: _____
Name of county in state: _____

6. DOMESTIC VIOLENCE. No significant domestic violence has occurred or domestic violence has occurred. Explain:

7. WHAT YOUR ORDER NOW SAYS: Put in **WORD FOR WORD** the part of the decree/order you want to change. (Use extra paper if necessary) **OR** incorporate the Order which is already a part of the court's file, and attach a copy of the Order to the judge's copy of this Petition and all other parties' copies of this Petition. (I have **not** attached a copy of the Order to the original Petition.)

8. WHY THE DECREE/ORDER SHOULD BE CHANGED: These are my reasons why I believe that a change of Legal Decision-Making and/or parenting time is in the best interest of the child(ren) (Use extra pages if necessary):

REQUESTS I MAKE TO THE COURT:

A. LEGAL DECISION-MAKING AND PARENTING TIME.

(Website to access Model Parenting Time for Parent/Child www.co.pinal.az.us/FSCC/)

- Joint Legal Decision-Making.** I want the parties to be awarded Joint Legal Decision-Making of the child(ren):

and subject to a Parenting Plan, see attached schedule.

AND / OR

- Parenting Time.** I want the Parenting Time changed to the new Parenting Plan, see attached schedule.

OR

- Sole Legal Decision-Making.** Sole Legal Decision-Making of:

(name(s) of child(ren)) should be awarded to **Mother** **Father** and subject to parenting time to **Mother** **Father** as follows:

1. **Reasonable parenting time** to the parent/party who does not have Legal Decision-Making according to the Parent/Child Parenting time/Access Guidelines; **OR**
2. **Reasonable parenting time** to the parent/party who does not have Legal Decision-Making according to the attached Parenting Plan; **OR**
3. **Supervised parenting time** but only in the presence of another person; **OR**
4. **No parenting time** rights to **Mother** or **Father**
Supervised parenting time or no parenting time is requested for the following reasons:

- B. CHILD SUPPORT.** **Mother** or **Father** should pay child support to the other party in the amount of \$ _____ per month on the first day of every month, beginning the first day of month following the filing of this Petition based upon the attached "**Parent Worksheet.**" All child support payments should be made through the Clerk of the Superior Court/Clearinghouse, and will be subject to an applicable statutory fee through an automatic Order of Assignment.

C. MEDICAL, DENTAL and VISION INSURANCE, PAYMENTS AND EXPENSES.

- Mother** should provide medical dental vision insurance for the minor child(ren)
 Father should provide medical dental vision insurance for the minor child(ren)

The party ordered to provide insurance 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.

Non-Covered Expense. Mother is ordered to pay _____ % AND father is ordered to pay _____% all reasonable uncovered and/or uninsured medical, dental, vision care, prescription and other health care charges for the minor child(ren), including co-payments.

D. INCOME TAX DEDUCTION.

Mother should claim the tax deduction for _____ name(s) of child(ren) every year **or** every other year, starting Tax Year of _____
Father should claim the tax deduction for _____(name(s) of child(ren) every year **or** every other year, starting Tax Year of _____

E. OTHER ORDERS. I request further Orders relating to this matter as follows:

OATH OR AFFIRMATION AND VERIFICATION

I swear or affirm that the information on this Petition to Modify Legal Decision-Making, Parenting Time and Support is true and correct under penalty of perjury.

Date

Signature

State of Arizona)
)
County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____
by _____
Name of Signer

Commission Expires

Notary Public

Name of Person Filing: _____
 Street Address: _____
 City, State, Zip Code: _____
 Telephone Number: _____
 Email Address: _____
 ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or Represented by Attorney
 If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
 PINAL COUNTY**

_____ CASE NUMBER: DO2
 Name of Petitioner

**AFFIDAVIT REGARDING
 MINOR CHILDREN**

_____ HONORABLE: _____
 Name of Respondent

NOTICE: This "Affidavit Regarding Minor Children" is required for all legal decision-making cases. You must fill out this Affidavit completely, and provide accurate information. Use additional paper if necessary. You must give copies of this Affidavit and all other required documents to the other party, and to the judge.

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

Name: _____	Name: _____
Birth Date: _____ Age: _____	Birth Date: _____ Age: _____
Name: _____	Name: _____
Birth Date: _____ Age: _____	Birth Date: _____ Age: _____

2. INFORMATION REGARDING WHERE THE CHILDREN UNDER 18 YEARS OLD HAVE LIVED FOR THE LAST 5 YEARS: (Attach additional pages if necessary)

Child's Name: _____	Dates: From _____ To _____
Address: _____	Lived with _____
City, State: _____	Relationship to Child: _____
Child's Name: _____	Dates: From _____ To _____
Address: _____	Lived with _____
City, State: _____	Relationship to Child: _____
Child's Name: _____	Dates: From _____ To _____
Address: _____	Lived with _____
City, State: _____	Relationship to Child: _____

Child's Name: _____
Address: _____
City, State: _____

Dates: From _____ To _____
Lived with _____
Relationship to Child: _____

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

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

Name of each child: _____
Name of Court: _____ Court Location: _____
Court Case Number: _____ Current Status: _____
How the child is involved: _____
Summary of any Court Order: _____

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

I do have or I do not have information about a legal decision-making and parenting time court case relating to any of the children named above that is pending in this state or in any other state. (If so, explain. If not, go on.)

Name of each child: _____
Name of Court: _____ Court Location: _____
Court Case Number: _____ Current Status: _____
How the child is involved: _____
Summary of any Court Order: _____

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

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

Name of each child: _____
Name of person with the claim: _____
Address of person with the claim: _____
Nature of the claim: _____

OATH OR AFFIRMATION AND VERIFICATION:

I swear or affirm that the information on this document is true and correct under penalty of perjury.

_____ **Date**

_____ **Signature**

State of Arizona)

County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____
Name of Signer

_____ **Commission Expires**

_____ **Notary Public**

Name of Person Filing: _____
 Street Address: _____
 City, State, Zip Code: _____
 Telephone Number: _____
 Email Address: _____
 ATLAS Number (if applicable): _____
 Representing Self (No Attorney) or Represented by Attorney
 If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
 PINAL COUNTY**

_____ Name of Petitioner	CASE NUMBER: DO _____ PARENTING PLAN FOR: <input type="checkbox"/> JOINT LEGAL DECISION-MAKING OR <input type="checkbox"/> SOLE LEGAL DECISION-MAKING <input type="checkbox"/> TO PETITIONER <input type="checkbox"/> TO RESPONDENT
_____ Name of Respondent	HONORABLE: _____

GENERAL INFORMATION

A. MINOR CHILDREN This Plan concerns the following children common to the parents:

Name	Birth Date
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

B. LEGAL DECISION-MAKING: Select One. If you select sole legal decision-making, you have the option of also selecting restrictions on the parenting time of the other parent.

SOLE LEGAL DECISION-MAKING
 Sole legal decision-making should be granted to
 Petitioner or

Respondent

JOINT LEGAL DECISION-MAKING

Both parents will make major **educational** decisions together.

Optional: If the parents do not agree, **select one**

the final decision will be with Petitioner

the final decision will be with Respondent

the decision will be addressed as follows:

Both parents will make major **religious** decisions together.

Optional: If the parents do not agree, **select one**

the final decision will be with Petitioner

the final decision will be with Respondent

the decision will be addressed as follows:

Both parents will make major **medical** decisions together.

Optional: If the parents do not agree, **select one**

the final decision will be with Petitioner

the final decision will be with Respondent

the decision will be addressed as follows:

Both parents will make major **personal care** decisions together.

Optional: If the parents do not agree, **select one**

the final decision will be with Petitioner

the final decision will be with Respondent

the decision will be addressed as follows:

C. PARENTING TIME Write your detailed parenting plan below. Include specific times, locations, and details regarding transportation. You will have the opportunity to request supervised parenting time or no parenting time, later in this document.

1. Regular Parenting Time:

2. Summer Months:

3. School Breaks Longer Than 4 Days:

4. Three Day Weekends:(for example, Labor Day, Columbus Day, Martin Luther King, Jr. Day, Presidents' Day and Memorial Day)

The parents agree that whichever of them has the child(ren) for the weekend occurring nearer in time to the holiday will spend time with the child(ren) for the holiday, OR

Explain your request:

5. Transportation: Write your procedure for exchanges of the child(ren) including location and responsibility for transportation.

6. Holiday, Birthday and Special Occasion Schedule Use the table below or the blank space to write your schedule.

Event	Even Years		Odd Years	
New Year's Eve	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
New Year's Day	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Easter	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
4 th of July	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Halloween	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Veteran's Day	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Thanksgiving	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Christmas Eve	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Christmas Day	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent

Child(ren)'s Birthday	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Mother's Day	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Father's Day	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Petitioner's Birthday	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Respondent's Birthday	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent

7. Telephone Contact with Children

Each parent may have telephone contact with the child(ren) during the child(ren)'s normal waking hours, OR

Explain your request:

8. Travel with Child(ren) (all of the following are optional)

Each parent is entitled to _____ consecutive days of vacation time per year with the child(ren). Each parent will give the other parent _____ days notice prior to the vacation.

Should either parent travel out of the area with the minor child(ren), each parent will keep the other parent informed of travel plans, address(es), and telephone numbers at which that parent and the minor child(ren) can be reached.

Neither parent shall travel with the minor child(ren) outside of Arizona for longer than _____ days without the prior written consent of the other parent or order of the court.

SUPERVISED PARENTING TIME

Supervised parenting time is in the best interest of the minor child(ren) because:

Name of the agency or person who will supervise:

NO PARENTING TIME BETWEEN CHILD(REN) AND

PETITIONER

OR

RESPONDENT

No parenting time is in the best interest of the minor child(ren) because:

D. 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 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.

E. Other Arrangements

Each parent will inform the other parent of any change of address and/or phone number in advance OR within _____ days of the change.

Both parents will promptly inform the other parent of any emergency or other important event that involves the minor children.

Both parents will consult and agree with the other parent regarding any extra activity that affects the minor children's access to the other parent.

Each parent will consider the other parent as care-provider for the minor children before making other arrangements.

Each parent will keep all communication regarding the minor child(ren) between the parents and will not use the minor child(ren) to convey information or to set up parenting time changes.

Each parent will encourage love and respect between the minor child(ren) and the other parent and neither parent shall do anything that may hurt the other parent's relationship with the minor children.

Both parents will 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.

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.

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.

If the parents are unable to reach a mutual agreement regarding a legal change to their parenting orders, they will request mediation through the court or a private mediator of their choice.

Obtain Written Consent or Court Order Before Moving: Notice required by ARS 25-408 shall be made by certified mail, return receipt requested, or pursuant to the Arizona rules of family law procedure. The court shall sanction a parent who, without good cause, does not comply with the notification requirements

of this law. The court may impose a sanction that will affect the legal decision-making or parenting time only in accordance with the child's best interests.

Parental Access to Records and Information Pursuant to Arizona law, 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 child(ren)'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 prior court order is subject to legal sanctions.

Notice: Do not deviate from Parenting 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 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.

SIGNATURE OF ONE OR BOTH PARENTS

Signature of Petitioner: _____ Date: _____

Signature of Respondent: _____ Date: _____

IF YOU ARE REQUESTING SOLE LEGAL DECISION MAKING, THE FORM IS COMPLETE. DO NOT SIGN SECTION F OR G.

F. 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.

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 exhibit on 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 13-3212.
- (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 causes 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.

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.

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

Signature of Petitioner: _____

Date: _____

Signature of Respondent: _____

Date: _____

G. JOINT LEGAL DECISION-MAKING: If requested or agreed to by the parties, the following will apply, subject to approval by the Judge:

1. DOMESTIC VIOLENCE: Arizona Law (A.R.S. §25-403.03) states that joint Legal Decision-Making 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.* **Complete Section 3 below.**

2. DUI or DRUG CONVICTIONS:

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 is in the best interest of the children. * **Complete Section 3 below.**

3. * IF THERE HAS BEEN DOMESTIC VIOLENCE OR A DUI OR DRUG CONVICTION:

Explain why Joint Legal Decision-Making is still in the best interests of the children:

4. REVIEW: The parents agree to review the terms of the / this agreement and make any necessary or desired changes every _____ months from the date of this document.

5. CRITERIA. Our joint Legal Decision-Making agreement meets the criteria required by Arizona law A.R.S. §25-403.02, as listed below:

- a. The best interest 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 schedule of the physical residence of the minor children,, including holidays and school vacations is included in the Plan;
- d. The Plan includes a procedure for periodic review;
- e. The Plan includes a procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved;
- f. A procedure for communicating with each other about the child, including methods and frequency.

SIGNATURE OF PARENT(S) REQUESTING JOINT LEGAL DECISION-MAKING

Signature of Petitioner: _____

Date: _____

Signature of Respondent: _____

Date: _____

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or **Represented by Attorney**
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: _____

**NOTICE OF FILING PETITION
TO MODIFY CHILD LEGAL DECISION-MAKING**

Name of Respondent

HONORABLE: _____

TO: _____

Notice is hereby given that a Petition to Modify Child Legal Decision-Making has been filed, a copy of which is attached.

You have that right to file a response or opposing affidavits regard to this Petition. Opposing affidavits must be filed at the Office of the Clerk of Superior Court, Pinal County Justice Complex, 971 Jason Lopez Circle Building A, Florence AZ 85232, within twenty (20) days of service of this Notice. Copies of your opposing affidavits and affidavits required by A.R.S. Sec 8-409 must be sent to:

No sooner than five (5) days after expiration of the time permitted for the filing of the response or opposing affidavits either party or attorney shall file a **"Request for Order Granting or Denying Legal Decision-Making Hearing"**. The court, in accordance with A.R.S.§25-411 and without argument or hearing unless set by the court on its own motion shall determine whether a Legal Decision-Making hearing shall be granted. A copy of the court's determination shall be mailed by the court to all persons entitled to receive notice.

GIVEN UNDER MY HAND AND SEAL of this Court on

AMANDA STANFORD
Clerk of the Superior Court

By _____
(Deputy Clerk)

***CHILD SUPPORT CALCULATOR for
Parent's Worksheet to determine Child Support Amount***



The Court Self Help website offers a Free Child Support Calculator and Fillable Forms.

◆ Simple ◆ Quick ◆ Accurate

**If you have a personal computer with Internet access,
you can access the Child Support Calculator at:**

<http://www.azcourts.gov/familylaw>

**You may also visit the Law Library at the
Pinal County Superior Court House for access and further assistance.**

Calculate Support for Parent's Worksheet

Your computer must be connected to a printer. Begin by selecting which Child Support Calculator applies to you, 2005 or 2011, then press the Tab button on your keyboard to move through the form, or click on each field with your mouse.

Enter the appropriate information in each blank field. Not every blank field needs to be completed in every case. If you are not sure whether you should complete a blank field, click on the question mark (?) next to the blank field. You will receive additional information in accordance with the [Arizona Child Support Guidelines](#).

When you have completed the Entry Form, click the "Print Worksheet" button to receive an estimate of the amount of child support the non-custodial parent may have to pay to the custodial parent for the support of their child(ren).

After clicking on "Print Worksheet" the form will automatically be filled in with the information from the Entry Form. Print the form and bring it with you at the time of filing your initial paperwork.

The Court Self Help website also offers the following fillable forms required to set up Child Support, select the "Forms" tab to make your selection:

- Child Support Order
- Post Paternity Establishment of Child Support Order
- Paternity Judgment Child Support Order

To have the Child Support amount automatically deducted from payroll, either of the below forms must be submitted:

- Income Withholding Order – May be completed by either party
- Current Employer Information – To be completed by the non-custodial parent/obligor/payer only

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: _____

**REQUEST FOR ORDER GRANTING OR
DENYING A LEGAL DECISION-MAKING
HEARING
A.R.F.L.P. 91(D)(5)**

Name of Respondent

HONORABLE: _____

A petition to modify Legal Decision-Making was filed on this date: _____

and the ***"Petition"*** and ***"Notice of Filing Petition to Modify Child Legal Decision-Making"*** were served on the date below:

_____ Twenty-five (25) days (or more) have passed since service.
(Month / Day / Year)

I hereby request the Court issue an order granting or denying a Legal Decision-Making hearing on this matter.

A copy of this request has already been sent or delivered to the other party and to the assigned Judge or will be sent or delivered today.

I state to the Court under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.

Date

Signature

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: _____

ORDER

_____ Granting Hearing

_____ Denying Hearing

Name of Respondent

HONORABLE: _____

_____ The Court has reviewed the Petition for Modification of Child Legal Decision-Making and considered the affidavits filed and finds that adequate cause to set the matter for hearing has been shown.

THEREFORE, IT IS ORDERED:

This matter is set for hearing at:

**Pinal County Superior Court
971 Jason Lopez Circle, Bldg A / Hwy 79
Florence AZ 85132**

on _____ at _____ a.m. / p.m. at which time:

1. If no opposing affidavits were filed and no one appears in the opposition, the Court may take sufficient evidence in support of the Petition to Modify Legal Decision-Making and may enter an Order modifying Legal Decision-Making, and /or
2. The Court will determine if mediation is required and make the appropriate orders, and/or
3. The Court may order that a trial date be set,

OR

_____ The Court has reviewed the Petition for Modification of Child Legal Decision-Making and considered the affidavits filed and finds that adequate cause to set the matter for hearing has NOT been shown,

THEREFORE, IT IS ORDERED:

The Petition for Modification of Child Legal Decision-Making is **DISMISSED**.

Dated: _____ Judge: _____

Copy mailed to Respondent _____ Petitioner by _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: _____

**ORDER MODIFYING LEGAL DECISION-
MAKING, PARENTING TIME AND CHILD
SUPPORT**

Name of Respondent

HONORABLE: _____

THE COURT FINDS:

1. This case has come before this court to Change Legal Decision-Making, Parenting Time and Child Support. The court has taken all necessary testimony needed to enter a final Order.
2. This court has jurisdiction to modify Legal Decision-Making, parenting time and support and has jurisdiction over the parties under the law. 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 Orders relating to Legal Decision-Making, parenting time and support.
3. This Order applies to these minor child(ren):

CHILD(REN)'S NAME(S)

DATE OF BIRTH

4. **GROUND(S) FOR CHANGING LEGAL DECISION-MAKING.** (Check one box and describe why changes are in the best interest of the minor child(ren)).

The Order being changed was for joint or sole Legal Decision-Making. At least one year has passed since the earlier joint or sole Legal Decision-Making order was entered. There have been substantial, significant and continuing changes in circumstances that make a change in Legal Decision-Making, parenting time and child support in the best interest of the minor child(ren) for the reasons described below:

OR

The Order being changed was for joint Legal Decision-Making. At least months have passed since the Order was entered. One parent has not followed the Order and a change in Legal Decision-Making, parenting time and child support is in the best interest of the minor child(ren) for the reason described below:

OR

There has been domestic violence, spousal abuse or child abuse as described below since the date of the earlier Order and it is in the best interest of the minor child(ren) that the change is made for the reason described: (include a description of the domestic violence.)

OR

Less than one year has passed since the Order was entered. The minor child(ren)'s current environment may seriously endanger the child(ren)'s physical, mental, moral or emotional health, the minor child(ren) is/are at risk under the current Order and it is in the best interest of the minor child(ren) that Legal Decision-Making is changed for the reasons described below: (Include a description of the danger and risk here.)

OR

It is in the best interest of the minor child(ren) that no change to Legal Decision-Making is made at this time for the reasons described below

REASONS: (Describe why the Legal Decision-Making change is in the best interest of the child(ren)).

5. SUPERVISED OR NO PARENTING TIME.

Supervised parenting time between the child(ren) and Mother **OR** Father

OR

No parenting time between child(ren) and Mother **OR** Father is in the best interests of the child(ren) for the following reasons:

THE COURT ORDERS:

The Order regarding Legal Decision-Making, parenting time and support dated _____ is changed as follows:

A. LEGAL DECISION-MAKING AND PARENTING TIME:

JOINT LEGAL DECISION-MAKING. There has been no significant act of domestic violence. Mother and Father are hereby awarded Joint Legal Decision-Making of the minor child(ren) subject to the attached Parenting Plan.

SOLE LEGAL DECISION-MAKING. Mother Father is awarded the sole Legal Decision-Making of minor child(ren):

CHILD(REN)'S NAME(S)

DATE OF BIRTH

Mother or Father is subject to parenting time as follows:

1. **Reasonable parenting time** to the parent who does not have Legal Decision-Making according the Arizona Parenting Time Guidelines. **OR**
2. **Reasonable parenting time** to the parent who does not have Legal Decision-Making according the Parenting Plan attached. **OR**
3. **Supervised Parenting Time** but only in the presence of another person who is named below or otherwise approved by the Court.

Name of supervisor: _____

Restriction on parenting time:

The cost of supervised parenting time shall be paid by:

Mother or Father or shared equally by the parties. **OR**

4. No Parenting Time rights are granted to Mother or Father

B. CHILD SUPPORT. Mother or Father shall pay child support to the other party in the amount of \$_____ per month on the first day of each month, beginning the first day of the month following the signing of this Order. Child Support is based on the information in the "CHILD SUPPORT WORKSHEET" filed into this court file. All child support payments shall be made through the Support Payment Clearinghouse, plus an applicable statutory fee by the attached Order of Assignment.

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

C. MEDICAL, DENTAL, VISION CARE

Mother should provide medical dental vision insurance for the minor child(ren)
 Father should provide medical dental vision insurance for the minor child(ren)

The party ordered to provide insurance 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.

Non-Covered Expense. Mother is ordered to pay _____% AND father is ordered to pay _____% all reasonable uncovered and/or uninsured medical, dental, vision care, prescription and other health care charges for the minor child(ren), including co-payments.

D. INCOME TAX EXEMPTION. A parent required to pay child support is only entitled to claim minor child(ren) as dependent for Federal Income Tax purposes if that parent has paid all the child support due and owing for the year that party is entitled to the exemption.

Beginning Tax Year _____ the right to claim the minor child(ren) as a deduction for Federal Income purposes is divided as indicated below.

"M" is for Mother, "F" for Father Parent entitled to Claim	Name of Child	Schedule
<input type="checkbox"/> M <input type="checkbox"/> F	_____	<input type="checkbox"/> Even <input type="checkbox"/> Odd Years
<input type="checkbox"/> M <input type="checkbox"/> F	_____	<input type="checkbox"/> Even <input type="checkbox"/> Odd Years
<input type="checkbox"/> M <input type="checkbox"/> F	_____	<input type="checkbox"/> Even <input type="checkbox"/> Odd Years
<input type="checkbox"/> M <input type="checkbox"/> F	_____	<input type="checkbox"/> Even <input type="checkbox"/> Odd Years

E. OTHER ORDERS. I request further Orders relating to this matter as follows:

DONE IN OPEN COURT: _____

JUDGE OF SUPERIOR COURT