B2

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

For Respondent Only

RESPONSE

To Respond/Disagree with a Petition

(Forms Packet)

<u>NOTICE:</u> This process requires calculation of child support. To calculate child support, you may use the online calculator through ezcourtforms, the packet titled "C17", or you may make an appointment with the Clerk of Court to calculate support for you for a fee.

SELF-SERVICE CENTER

RESPONSE TO PETITION TO ESTABLISH CHILD CUSTODY,* PARENTING TIME, AND SUPPORT

(*Including Request for Order Declaring Primary Residence and Authority for Legal Decision Making concerning the Minor Children (Legal Custody)

(when paternity has already been established)

CHECKLIST

You may use this packet if . . .

- ✓ **Someone filed a petition to establish a court order concerning your minor children declaring:**
  - their primary residence,
  - who has authority to make legal decisions concerning the children,
  - time each parent is to have with the children, and (optionally)
  - child support (or you have a support order already, in which case the court will review the order if it orders custody and authority for legal decision making), **AND**

- ✓ You want to file a ***"Response"*** to tell the Court that you disagree with something stated or requested in the ***"Petition".***

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

SELF-SERVICE CENTER

INFORMATION ABOUT RESPONDING TO PAPERS FOR CUSTODY and/or PARENTING TIME

(with or without child support)

If the other party wants a court order for child custody and parenting time, the court will also review the current child support order. If there is no order, the court will establish child support in this case or, if the child support order needs to be changed, the court will do so in this case.

IMPORTANT INFORMATION ABOUT WHEN YOU MUST FILE YOUR RESPONSE

- **LOOK AT THE TIMETABLE BELOW**. If the last day to respond falls on a Saturday, Sunday, or legal holiday, you **DO NOT** count that day.
- **INCLUDE WEEKENDS AND HOLIDAYS IN YOUR COUNT** -- until you reach the number of days in the Timetable below. If a written response is filed with the court on time, the Petitioner **CANNOT PROCEED BY DEFAULT.**

DEFAULT TIMETABLE

SERVICE BY	COUNT	EVENT
Acceptance	**20** Days	after respondent signed the Acceptance
Acceptance out-of-state	**30** Days	after respondent signed the Acceptance
Signature with Confirmation	**20** Days	after respondent signed the Confirmation
Signature with Confirmation out of state	**30** Days	after respondent signed the Confirmation
Process Server	**20** Days	after respondent received papers from Server
Sheriff in Arizona	**20** Days	after respondent received papers from Sheriff
Sheriff out-of-state	**30** Days	after respondent received papers from Sheriff
Publication	**60** Days	after the 1st date of publication

IMPORTANT NOTICE ABOUT WHEN A PARTY CAN BRING A CHILD CUSTODY CASE IN THE SUPERIOR COURT IN ARIZONA: Generally a party must have resided in Arizona with the minor children for at least 6 months, or Arizona must be the minor children's primary place of residence before filing a child custody petition. If you have questions regarding this requirement, see a lawyer before filing.

IMPORTANT NOTICE ABOUT WHEN YOU CAN BE SUED AS A RESPONDENT IN ARIZONA FOR PATERNITY OR CHILD SUPPORT:

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

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

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

INFORMATION ABOUT PAPERS YOU SHOULD HAVE RECEIVED FROM THE OTHER PARTY WITH THE PETITION ABOUT CHILD CUSTODY AND PARENTING TIME:

1. **SUMMONS:** You have been summoned to appear in court. The summons tells you how many calendar days you have to file a response, depending on how you were served with the court papers. Be sure to file a WRITTEN RESPONSE on time. If the time for you to file a **WRITTEN RESPONSE** has passed, the other party must complete an **Application and Affidavit for Entry of Default** and send you a copy. Then you have 10 more days in which to file your WRITTEN RESPONSE. If you do not file a **WRITTEN RESPONSE ON TIME** a default judgment can be entered.

2. **PETITION FOR CHILD CUSTODY, CHILD PARENTING TIME, AND CHILD SUPPORT:** This is the form the other party completed to tell the court his/her side of the story about the minor children, pregnancy, child support, child parenting time, and child custody. **Read each and every word very carefully**, and decide what you want to do. Here are your choices:

   A. **Do nothing.** This means the other party can get a court order and tell the judge his/her side of the story, without you telling your side at all. **This is called a default.** Even in these cases, the judge will try to decide what is best, but it is never a good idea to ignore the court proceeding and have a court order that you had no input on. See a lawyer for help before you choose this option.

   B. **Decide with the other party** how you want to handle everything about the minor children, pregnancy, child support, child parenting time, and child custody. Then you and the other party file papers in the court stating your agreement on everything. This is called a **Consent or Stipulation.** Mediators can help you with this, and the Self-Service Center has a list of mediators, and how much they charge to help you.

   C. **Disagree and to file a response stating your side of the story, and how you want to handle everything**. This is called a "contested" matter. But, even if you originally file a response, you and the other party can decide to agree on something, or everything, and file court papers for a **Consent or Stipulation.** Mediators can help you with this, and the Self-Service Center has a list of mediators, and how much they charge to help you. If you file a response and do not settle everything with the other party, you must be sure to file the court papers you will need to set the case for trial.

SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO FILL OUT FORMS TO RESPOND TO A PETITION ABOUT CUSTODY, PARENTING TIME, and CHILD SUPPORT

IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE: Unfortunately, domestic violence can be part of any relationship. Domestic violence can include physical violence directed against you or your children such as hitting, slapping, pushing, or kicking. Domestic violence can also include threats of physical violence made against you and your children, or regular verbal abuse used to control you. The person who hurts you does **NOT** need to have been convicted of domestic violence or assault for you to be a domestic violence victim, and you do not need to have sought medical care or been admitted to a hospital to be a victim.

All court documents will request your address and phone number. If you are a victim of domestic violence, are in a domestic violence shelter, or if you do not want your address known to protect yourself or your children from further violence, you must file for an order of protection first and ask that your address not be disclosed on court papers. With that order, you do not need to put your address and phone number on your court papers. Update the clerk of the court with an address and phone number as soon as possible so that the Court can get in touch with you.

INSTRUCTIONS: Follow these instructions to complete your Response.

- Make sure your form states **RESPONSE TO PETITION FOR CHILD CUSTODY, PARENTING TIME AND CHILD SUPPORT, OR CUSTODY AND PARENTING TIME** in the upper right hand part of the page.
- In the top left corner of the first page, fill out the following: YOUR name; address (if not protected); city, state and zip code; telephone number; and your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security.
- Fill in the name of "Petitioner" and "Respondent" exactly the same way as it looks on the Petition. Do that for every document you ever file with the court from now on in this case.
- Use the DR or FC case number that is stamped in the upper right-hand corner of the Petition. Do that for every document you ever file with the court from now on in this case.

GENERAL INFORMATION:

1. Fill in the name, address and date of birth for the petitioner. This is basic information about the relationship to the minor children for whom the person wants the custody and/or parenting time order.
2. Fill in the information about you.
3. Fill in information about all the minor children for whom you want custody/parenting time. The same persons should be the mother and the father for all the minor children for whom you want this order. If you think the minor children have different fathers or mothers, say so and the Petitioner will have to file a separate lawsuit.

STATEMENTS ABOUT PATERNITY AND CHILD SUPPORT

4. **How was paternity established in your case?** Check the box that describes how paternity was established. If none of these apply, or if only the last box applies (indicating the parties were married when the minor child(ren) was/were born, conceived or adopted, **STOP!** Do not proceed with these forms unless advised to do so by an attorney. **Paternity must already be established to use these forms; if the parties were married, custody and parenting time can only be decided as part of an action for divorce or separation.**

5. **What is your current situation as to child support?** Check the box that describes your case.

   ORDER DOES NOT NEED TO BE CHANGED: Check here if you think that the child support order you have does not need to be changed because of the custody order you want**. WARNING: The judge can decide whether to change the child support order even if you do not want this.**

   ORDER NEEDS TO BE CHANGED: Check here if the child support order you have needs to be changed.

   NO CHILD SUPPORT ORDER: If you have a paternity order only, without a child support order, the judge will make an order on the issues of custody, parenting time, and child support.

6. **STATE HERE WHAT YOU SAY ABOUT PATERNITY OR SUPPORT THAT IS DIFFERENT FROM WHAT THE PETITIONER SAID IN THE PETITION.**

OTHER INFORMATION ABOUT THE MINOR CHILDREN: If you are aware of court cases about the minor children, you need to tell the court. Attach a copy of the orders about custody, parenting time, or child support to the response, unless the orders are from the Superior Court in Maricopa County.

7. Fill out where the minor children from this action have been living **for the past 5 years;** if any of the children are under age 5, simply put information since their birth. Write each minor child's name; the address where the minor child lived; what dates the minor child lived at each address; who the minor child lived with; and the relationship of that person to the minor child. While you may not remember exact dates when you moved from one location to another, fill this information out as completely as possible.

8. You must tell the Court if you participated as a party or witness in any court case involving custody or parenting time of the minor child(ren). If not, mark the first box and **GO ON**. If there is another case, mark the second box and give as much information as possible. This information could affect you or your minor children's rights in this case.

9. The Court **MUST** know if there have been other cases involving custody, parenting time or child support of the minor children, even if you were not a party. If there are no other custody or parenting time cases, or you don't know of any, mark the first box and GO ON. If you have been involved in any way with this type of Court case, mark the second box and give the information where requested. Tell the Court what happened and what is going on now in the other case(s).

10. If you do not know of another person **OTHER THAN THE OPPOSING PARTY** who has physical custody of the minor child(ren) or is claiming custody or parenting time rights to any of the minor children, mark the first box and **GO ON**. If you do know of such a person, put the information here, including the minor child's name and the person who believes they have a custody or parenting time claim. If there is such a person, you must include the person as a respondent in this court case.

11. Since you are responding to what the other party asked for in the petition, you should now summarize for the judge how what you say ABOUT THE MINOR CHILDREN is different than what the other party said.

OTHER STATEMENTS TO THE COURT:

12. **OTHER EXPENSES:** This asks for a fair division of all expenses about the minor children.

13. **DOMESTIC VIOLENCE:** This tells the Court if there was domestic violence in the relationship, and relates to a request for joint custody, if you intend to ask for joint custody. Mark the box corresponding to your situation. If you are not sure what this means, see the **IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE**.

14. **GENERAL DENIAL:** This tells the Court that, even if you did not answer each and everything said in the petition, you deny what you did not address. This is extra protection for you.

REQUESTS MADE TO THE COURT FOR CUSTODY, PARENTING TIME and CHILD SUPPORT.

This section of the Petition formally requests that the Court make Orders relating to issues such as custody, parenting time and/or support.

1. CUSTODY OF MINOR CHILDREN AND PARENTING TIME

A. JOINT CUSTODY: If you are asking for joint custody, you must file a Joint Custody Agreement that is signed by both parents and approved by the court later in the process. The Joint Custody Agreement is part of the Parenting Plan contained in packet 4, "The Court Order."

B. SOLE CUSTODY: If you want sole custody, check the boxes that apply, including the parenting time you are asking for. Tell the court whether you want custody of the minor children to go to you or the other party.

PARENTING TIME: Mark one box only. You can ask that the non-custodial parent (the parent having physical custody of the minor child less than 50% of the time) have one of the following types of parenting time:

1. **Reasonable Parenting time.** This suggests an amount of parenting time appropriate to the age of the minor child. The Court offers suggested amounts of parenting time, but the amount can vary by agreement of both parents. Complete the Parenting Plan before you go to the judge for your final order.

2. **Supervised or No Parenting time to the Non-Custodial Parent.** You may request supervised or no parenting time if the non-custodial parent cannot adequately care for the minor children or cannot do so without another person present. You may request this if the person not having custody abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for a minor child without another adult present. Remember, supervised or no parenting time is not intended to punish the parent, but to protect the minor child(ren). You must write in specifically why parenting time should be supervised or no parenting time allowed.

3. **Supervised Parenting time:** Describe how you think this should work and who should pay for it.

4. **No Parenting time to the Non-Custodial Parent.** You should mark this option only if the non-custodial parent has seriously harmed, abused, or otherwise is a serious danger to the minor child's physical and emotional health, or if there is a criminal Court Order stating there is to be no contact between the minor child and the non-custodial parent. This is a last resort to protect the minor child.

2. CHILD SUPPORT: Mark which party should pay child support. (Note: the box you mark should match what you asked for in the Petition).

3. MEDICAL, DENTAL, VISION CARE INSURANCE AND HEALTH CARE EXPENSES: Mark which party should be responsible for medical, dental, and vision care insurance and expenses.

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

OATH OR AFFIRMATION

Sign and date the form. By doing so, you are telling the Court that everything contained in your Response is true.

SELF-SERVICE CENTER

PROCEDURES: HOW TO FILE A RESPONSE TO A PETITION ABOUT CUSTODY, PARENTING TIME, and CHILD SUPPORT

1. COMPLETE THE FOLLOWING DOCUMENTS:

- ***Sensitive Data Sheet*** **(Do NOT copy. Do NOT send to other party.)**
- ***Response*** **(Make 2 copies)**

2. TAKE THE PAPERS TO THE CLERK OF THE SUPERIOR COURT FILING COUNTER:
The court is open from 8 a.m.-5 p.m., Monday-Friday. You should go to the court at least two hours before it closes. You may file your papers at any of the following Superior Court locations:

GRAHAM COUNTY CLERK OF THE COURT
800 W MAIN STREET
SAFFORD, AZ 85546

FEES: A list of current fees is available from the Self Service Center and from the Clerk of Court's website.

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

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

3. <u>FILE RESPONSE AND PAY THE FILING FEE</u>: (also known as "response" or "answer" fee)

- File the "***Sensitive Data Sheet",*** the original and both copies of your ***"Response"*** with the Clerk of Court, and pay your filing fee.
- The Clerk will keep the originals, stamp and return the copies to you.
- Make sure you receive both (2) copies back from the Clerk and they have been stamped.

4. <u>MAIL A COPY TO THE OTHER PARTY:</u> Mail or hand-deliver one copy to the other party.

- If an attorney represents the other party, mail or hand-deliver the copy to the attorney.
- **If DES is already involved** in child support matters regarding any of the children in this case, **send a copy to DES as well** at: **Attorney General, Child Support Enforcement, P. O. Box 6123, Site Code 775 C, Phoenix, AZ 85005.**

5. <u>KEEP THE LAST COPY FOR YOUR RECORDS</u>.

6. <u>WHAT TO DO WITH THE OTHER DOCUMENTS:</u>

- ***Parents Worksheet for Child Support***
- ***Alternative Dispute Resolution (ADR) Statement to the Court***

You may either complete the Parents Worksheet now, file the original and two copies along with your other court papers and provide Clerk-stamped copies to the other party, ***OR*** complete it before the final court hearing date and bring it to the hearing.

- Refer to the separate instructions and the **Arizona Child Support Guidelines** to complete the ***Parents Worksheet***, ***or*** you may substitute a printout of the worksheet produced by the Superior Court's ***online*** Child Support Calculator.
- Read and follow the instructions on the document titled "When and How to Use the ***Alternative Dispute Resolution (ADR) Statement to the Court***"

7. WHAT WILL HAPPEN NEXT?

You will receive an Order from the court telling you and the other party to come to an ERC (Early Resolution Conference). You **must** come to that conference *or you will be charged a "no show" fee for failure to appear.*

SELF-SERVICE 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 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.

> **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?

Self-Service Center (SSC)

HOW TO COMPLETE A
PARENTS WORKSHEET FOR CHILD SUPPORT

Use the ***FREE*** online child support calculator at the Superior Court's Web page to produce the *Parents Worksheet for Child Support* that **MUST** be turned in along with your other court papers.

Using the online calculator is FREE (access to the Internet and a printer required).

If you do not have access to the Internet and/or a printer, you may use the computers at all Superior Court Self-Service Center locations for free and print out the Parents Worksheet produced by the online calculator as well. There is a small, per-page charge for printing.

- Go to the Superior Court's ezcourtform Web page
- Click "**Child Support Calculator**" on right side of the web page.
- Fill in the information requested and print out the Worksheet.

Advantages of Using the Online Child Support Calculator

- The online calculator is free.
- The online calculator does the math for you
- The online calculator produces a neater, more readable worksheet.
- The online calculator produces a more accurate child support calculation, **AND**
- **You don't have to go through 37 pages of Guidelines and Instructions**

If you want to perform the calculations yourself, you will need an additional 39 pages of guidelines, instructions, and the Parents Worksheet itself. These are available for separate purchase from the SSC as part of the **"How to Calculate Child Support**" packet, or may be downloaded for free from the Superior Court's Web page.

You may also attend the free "*How to Complete Papers to Modify Child Support*" workshop described in the flyer that appears at the beginning of this packet.

WHEN YOU HAVE COMPLETED ALL NEEDED FORMS, GO TO THE "PROCEDURES" PAGE AND FOLLOW THE STEPS LISTED THERE.

PARENT'S WORKSHEET INSTRUCTIONS

This worksheet provides the information the court needs to determine child support amounts in accordance with Arizona's Child Support Guidelines. You may get a copy of the Child Support Guidelines for a fee from any of the four Self-Service Center or you can download it free from the Internet.

COMPLETE THIS WORKSHEET IF:

- You are a party to a court action to establish child support **or** to modify an existing order for child support.

Need help with calculations? Use the free Online Child Support Calculator at the Superior Court's website to perform the calculations for you. Click "Child Support Calculator and Worksheet" (on the right side of the page). You may print and use the worksheet produced by the calculator <u>in place of</u> the form included in this packet.

TO COMPLETE THIS WORKSHEET YOU WILL NEED TO KNOW:

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

FOLLOW THESE INSTRUCTIONS WHICH ARE NUMBERED TO MATCH THE IDENTIFYING NUMBERS IN PARENTHESES ON THE FORM. TYPE OR PRINT NEATLY USING BLACK INK. The number *in brackets* <u>after</u> the instructions tells you where to look in the **Guidelines** for this item, for example, [Guidelines 5].

<u>BASIC INFORMATION</u>

(1) Type or print the information requested at top left for the person who is filing this form. Check the appropriate box to indicate whether you are the Petitioner or Respondent in this case, and also whether you are represented by an attorney. (The spaces marked "for "Attorney Name", "Bar No.", etc, are used **only** if an attorney is preparing this form.)

(2) Type or print the name of the county in which this worksheet is being filed. (This may already be printed on the form.)

(3) Type or print the name of the persons shown as the Petitioner and the Respondent on the original petition to establish support or on the Order that established support.

(4) Type or print your case number and the ATLAS number. If you do not have a case number, leave this item blank. If you do not have an ATLAS number, leave this item blank.

(5) Enter the number of minor children from this relationship for whom support is being sought in this court action.

(6) Check the box to indicate which parent is the "primary residential parent". If not stated directly in a Court Order, who does (do) the minor children) live with most of the time?

(7) Check the box to indicate which parent is completing this form.

(8) Where did you get the figures you are supplying for the other party? Check the box to indicate whether those numbers are Actual, Estimated or Attributed. [See Guidelines 5.E.] Examples of ESTIMATED income: He was promoted to supervisor and I know that position pays more; she has the same job as my sister, who works at the same place and makes this amount. Example of ATTRIBUTED income: My ex-wife was a secretary earning $1500/month. Now she has remarried and is staying home as a homemaker.

MONTHLY GROSS INCOME

- Terms such as "gross income" and "adjusted gross income" as used here do not have the same meaning as when they are used for tax purposes.
- "Gross Income" is not your "take home pay", it is the higher amount shown before any deductions are taken out of your check.
- If you are converting a weekly "gross income" figure to a "monthly gross income" figure, multiply the weekly amount by 4.33 (52 weeks divided by 12 months = 4.33 average weeks in a month).

(9) Type or print the total amount of your Gross Income each month. Gross income means the amount before taxes and other deductions are taken out. For income from self-employment, rent, royalties, proprietorship of a business, joint ownership of a partnership or closely held corporation, gross income means gross receipts minus ordinary and necessary expenses required to produce income. What you include as "ordinary and necessary expenses" may be adjusted by the court, if deemed inappropriate for determining gross income for child support. Ordinary and necessary expenses include one-half of the self-employment tax actually paid.

Gross Income includes monies from:

- Salaries
- Bonuses
- Worker's Compensation Benefits
- Wages
- Dividends
- Disability Insurance (including Social Security disability)
- Annuities
- Royalties
- Commissions
- Capital Gains
- Interest
- Self-employment
- Severance Pay
- Unemployment Insurance Benefits
- Income from a Business
- Pensions
- Rental Income
- Prizes
- Social Security Benefits
- Trust Income
- Recurring Gifts
- Spousal Maintenance (alimony) (Item 11)

Gross Income **does not include** benefits from public assistance programs such as Temporary Assistance for Needy Families (TANF), Supplemental Social Security Income (SSI), Food Stamps, and General Assistance (GA); and, it **does not include** child support payments received.

Also type or print the total monthly gross income for the other parent, to the best of your knowledge. If a parent is unemployed or underemployed, you may ask the court to attribute income to that parent by entering the amount of what you think that parent would be earning if he or she worked at full earning capacity. The court shall presume, in the absence of contrary testimony, that a non-primary residential parent (custodial parent) is capable of full-time employment at least at the federal adult minimum wage. [Guidelines 5.E.] This

presumption **does not** apply to non-primary residential parents under the age of eighteen who are attending high school. If gross income is attributed to the parent receiving support, appropriate childcare expenses may also be attributed at Item 18.

If you are completing this Parent's Worksheet as part of a modification proceeding and your income is different from the court's most recent findings, you must attach documentation to verify your current income. The documentation should include: your most recent tax return, W-2, or 1099 forms and your most recent paycheck stub showing year-to-date information. If these are not available, provide other documentation such as a statement of earnings from your employer showing year-to-date income.

If you are completing this Parent's Worksheet as part of a modification proceeding and the income you show for the other party is different from that listed on the court's most recent findings regarding income of that parent, you must attach documentation of the amount **or** mark the box in Item 8 to show that the income amount is estimated or attributed and explain the basis for the amount shown.

ADJUSTMENTS TO MONTHLY GROSS INCOME

(10-11) Type or print the total monthly amount of court-ordered spousal maintenance/alimony you and/or the other parent actually **pay to** a former spouse **or receive from** a former spouse. Also, the amount that is paid or received or *will be* paid or received in this court case each month. Spousal maintenance/alimony paid is a deduction from gross income. Spousal maintenance/alimony received is an addition to gross income. [Guidelines 2.C. and 6.A.]

(12) Type or print the total amount of court-ordered child support you and/or the other parent actually pay [Guidelines 6.B.] each month for children of other relationships, And/Or, if you and/or the other parent are the primary residential parent of minor child(ren) of other relationships, based on a "simplified application of the Guidelines", determine an adjustment to enter based on the amount of court-ordered child support you "contribute". [Guidelines 6.C.] Court-ordered *arrearage* payments are not included in either case.

EXAMPLE (copied directly from the Guidelines):
A parent having gross monthly income of $2,000 supports a natural or adopted minor child who is not the subject of the child support case before the court and for whom no child support order exists. To use the Simplified Application of the Guidelines, locate $2,000 in the Combined Adjusted Gross Income column of the Schedule. Select the amount in the column for one child, $418. The parent's income may be reduced up to $418, resulting in an Adjusted Gross Income of $1,582.

(13) You may ask the court to consider the financial obligation you have to support other natural or adopted minor children for whom there is no court order requiring you to pay support. If you choose to do this, the adjustment amount you may request is determined by a "simplified application of the guidelines". On the Schedule of Basic Child Support Obligations, find the amount that is closest to the adjusted gross income amount of the parent requesting an adjustment. Go to the column for the number of children in question. Enter the amount shown there in Item 13. [Guidelines 6.D.]

(14) **Adjusted Gross Income**. For each parent, add or subtract the numbers in Items 10 through 13 from the number in Item 9. Write the results for each parent on the line in Item 14. This is the Adjusted Monthly Gross Income for each parent. [Guidelines 7]

COMBINED ADJUSTED MONTHLY GROSS INCOME

(15) Add the two numbers in Item 14 together (the one for the father and the one for the mother). This total is the Combined Adjusted Monthly Gross Income.

BASIC CHILD SUPPORT OBLIGATION You MUST view the *"Schedule of Basic Child Support Obligations"* in order to answer (16). You can download the entire document free from our website.

OR you can use the online child support calculator to calculate the amount for you automatically.

The online calculator can be found at the Superior Court's ezcourtforms Web page OR you can call 602-506-3762 for an appointment to have someone help you calculate child support. There is a fee for this service.

(16) On the "***Schedule of Basic Child Support Obligations*** locate the amount that is closest to the Combined Adjusted Monthly Gross Income listed in Item 15. Go to the column for the number of minor children listed in Item 5. This amount is your Basic Child Support Obligation; enter this amount for Item 16. [Guidelines 8]

PLUS COSTS FOR NECESSARY EXPENSES

Place in the column for the parent paying the expenses.

(17) Type or print the monthly dollar amount of that portion of the insurance premium that is or will be paid for court-ordered medical, dental and/or vision care insurance for the minor child(ren) who is/are the subject(s) of this order. [Guidelines 9.A.]

(18) If the parent with primary residential parent status is working or if you have attributed income to that parent in Item 9, type or print the monthly cost of work-related child care that parent pays. If these costs vary throughout the year, add the amounts for each month together and divide by 12 to annualize the cost. [Guidelines 9.B.1.] (See Guidelines for rules and chart concerning income).

If the non-primary residential parent pays for work-related childcare, during periods of physical custody, the amount paid by that parent may also be included here (each month's amount added together and divided by 12 to annualize the cost)..

(19) Type or print the monthly costs of reasonable and necessary expenses for special or private schools and special educational activities. These expenses must be agreed upon by both parents or ordered by the court. [Guidelines 9.B.2.]

(20) If any of the children for whom support is being ordered are gifted or handicapped and have special needs that are not recognized elsewhere, the additional monthly cost of meeting those needs should be entered here. [Guidelines 9.B.3.]

(21) **MINOR CHILDREN 12 AND OVER.** If there are no minor children 12 or over, enter "0" or "N/A" and SKIP to Item 22. Average expenditures for minor children age 12 or older are approximately 10% higher than those for younger children, therefore the Guidelines call for an adjustment of up to a maximum of 10% to account for these higher costs. If support is being determined for minor children 12 or older, in the first blank, enter the number of minor children 12 or older. In the next blank enter how many percent (one, to a maximum of ten percent) you think the amount of child support should be adjusted (increased) due to the child or children being 12 or older.

If *all* minor children are 12 or over:

- Multiply the dollar amount from (16), the Basic Child Support Obligation, by the (up to 10) percent increase, which results in the monthly dollar amount of increase.
- Enter this amount for Item 21. The highest possible increase would be 10% of the basic child support obligation. [Guidelines 9.B.4.]

If at least one, *but not all* minor children are 12 or older:

- Divide the basic support obligation (Item 16) by the total number of children.
- Multiply that figure by the number of minor children 12 or over.
- Then multiply the result by the adjustment percentage (up to 10%), and enter this amount for Item 21. [Guidelines 9.B.4.]

EXAMPLE A: All minor children 12 or older, Basic Child Support Obligation $300, and 10% Adjustment:
Multiply Basic Child Support Obligation by % Adjustment: $300 x .10 = $30.00

EXAMPLE B: Three children, Two 12 or older, Basic Child Support Obligation $300, 10% Adjustment:
Divide Basic Child Support Obligation by total number of children: $300 / 3 = $100
Multiply answer by the number of children 12 and older: $100 x 2 = $200
Multiply result by the Adjustment Percentage: $200 x .10 = $20.00

(22) Add the amounts from Items 17, 18, 19, 20 and 21, including both the amounts for you and the amounts for the other parent. Enter the total amount on the line in Item 22.

TOTAL CHILD SUPPORT OBLIGATION

(23) Add the amounts from Items 16 and 22. Enter the total amount on the line in Item 23. This is the Total Child Support Obligation amount.

EACH PARENT'S PERCENTAGE (%) OF COMBINED INCOME [Guidelines 10]

(24) For each parent, ***divide*** the amount written in Item 14 (Adjusted Gross Income) by the amount written in Item 15 (Combined Adjusted Gross Income). This will probably give you a decimal point answer less than 100%. However, if one parent earns all of the income for the family, this number will be 100%.

EXAMPLE: Item 14 = $600
Item 15 = $1000 $600 divided by $1,000 = .60 or 60%

EACH PARENT'S SHARE OF THE TOTAL CHILD SUPPORT OBLIGATION

(25) For each parent, multiply the number in Item 23 by the number for that parent in Item 24. This equals the dollar amount of each parent's share of the total child support obligation.

EXAMPLE: Item 23 = $189
Item 24 = 60% $189 x .60 = $113.40

ADJUSTMENT FOR COSTS ASSOCIATED WITH PARENTING TIME (VISITATION) (for NON-Primary Residential Parent)

(26) If time with each parent is essentially equal, *neither* party receives a parenting time adjustment and you may SKIP to Item 27. [Guidelines 11, 12]

Based on the information below, check the box to indicate whether "Parenting Time Table A" or 'Parenting Time Table B" applies to the situation regarding the parent who does not have PRIMARY RESIDENTAIL PARENT, that is, the parent that the children do **NOT** live with – or live with the LEAST amount of time.

To adjust for costs associated with parenting time, first determine the total number of parenting time days indicated in a court order or parenting plan or by the expectation or past practice of the parents. Using the definitions below, add together each block of parenting time to arrive at the total number of parenting time days *per year*. Only the time spent by a child with the non-primary residential parent is considered. Time that the child is in school or in childcare is not considered.

For purposes of calculating parenting time/visitation days: [Guidelines 11.C]

A. A period of 12 hours or more counts as one day.
B. A period of 6 to 11 hours counts as a half-day.
C. A period of 3 to 5 hours counts as a quarter day.
D. Periods of less than 3 hours may count as a quarter day if, during those hours, the non-primary residential parent pays for routine expenses of the child, such as meals.

"Parenting Time Table A" assumes that as the number of visitation days approaches equal time sharing (143 days and above), certain costs usually incurred only in the custodial household are assumed to be substantially or equally shared by both parents. These costs are for items such as the child's clothing and personal care items, entertainment, and reading materials.

PARENTING TIME TABLE A			
Number of Visitation Days	**Adjustment Percentage**	**Number of Visitation Days**	**Adjustment Percentage**
0 – 3	0	116 - 129	.195
4 – 20	.012	130 - 142	.253
21- 38	.031	143 – 152	.307
39 - 57	.050	153 – 162	.362
58 - 72	.085	163 - 172	.422
73 - 87	.105	173 – 182	.486
88 - 115	.161		

Parenting Time Table B: If, however, the assumption that such costs are duplicated and shared nearly equally by both parents, is proved *incorrect*, use "**Parenting Time Table B**" to calculate the visitation adjustment for this range of days (and check the box for "Table B" for item (26).

PARENTING TIME TABLE B	
Number of Visitation Days	**Adjustment Percentage**
143 - 152	.275
153 – 162	.293
163 – 172	.312
173 - 182	.331

(27)

- For *your* entry for Item (27), add up the total parenting time days for the non-primary residential parent.
- Determine whether Table A or Table B applies.
- Look at the appropriate table ("A" or "B") and find the "Percentage Adjustment" that applies to the number of parenting time days.
- Multiply that percentage by the amount listed for Item (16)

EXAMPLE:
If the total amount of parenting time for the NON-PRIMARY RESIDENTIAL PARENT amounts to 75 days and Table A applies, and the amount listed for Item (16), the Basic Child Support Obligation, is $1000: Look at Table A to see in where "75" 75 fits in. "75" falls between 73 and 87 days, and the Adjustment Percentage listed for that range of numbers is .105. You would then take the dollar amount listed for Item (16), and multiply it by that percentage.

In this example that would be:	Amount from Item (16)	$1000	
	x Adjustment Percent from Table	x .105	
	Answer for Item (27)	105.00	or $105.00

This is the amount you would enter as your answer for Item (27) for either the Father *or* the Mother (ONLY), whichever parent the children ***don't*** live with the majority of the time.

MEDICAL INSURANCE PREMIUM ADJUSTMENT

(28) If the parent who will be ordered to make the child support payment is the same parent who will pay the minor children's health, dental and/or vision care insurance premiums, enter the amount from Item 17 here.

NON-CUSTODIAL CHILD CARE ADJUSTMENT

(29) If the parent who will be ordered to make the child support payments pays for work-related child-care during periods of visitation, enter the amount from Item 18.

EXTRA EDUCATION ADJUSTMENT

(30) If the parent who will be ordered to make the child support payment is the same parent who will pay the children's reasonable and necessary expenses for attending private or special schools, enter the amount from Item 19 here.

EXTRAORDINARY/SPECIAL NEEDS CHILD

(31) If the parent who will be ordered to make the child support payment is the same parent who will pay the special needs of gifted or handicapped child(ren), enter the amount from Item 20 here.

ADJUSTMENTS SUBTOTAL

(32) For the non-primary residential parent, add the amounts entered in Items 27, 28, 29, 30 and 31. Enter the total in Item 32.

PRELIMINARY CHILD SUPPORT AMOUNT

(33) For non-primary residential parent: Subtract the amount in Item 32 from Item 25.
For primary residential parent: Write in the amount from Item 25 for that parent.

SELF SUPPORT RESERVE TEST for Parent Who Will Pay Support

(34) To calculate the amount to enter in the column for this item:

- Enter *the paying parent's* adjusted gross income from Item 14.
- Subtract **$903** (the self-support reserve amount).
- Enter the remainder in the appropriate column for either the Father or the Mother, for Item 34. [Guidelines 15]

If the resulting amount is less than the preliminary child support amount, the court may reduce the current child support order to the resulting amount after first considering the financial impact the reduction would have on the primary residential parent household. The test applies only to the current support obligation, but does not prohibit an additional amount to be ordered to reduce an obligor's (the person obligated to pay) arrears. Absent a deviation, the preliminary child support amount or the result of the self-support reserve test is the amount of the child support to be ordered in Item 35
[Guidelines 15]

Payor's Adjusted Gross Income from Item 14: _____

SUBTRACT the Self Support Reserve Test Amount of $903: **- $ 903.00**

Enter the number remaining as your answer for Item 34: _____

(35) Who pays and how much? Check the appropriate box to indicate which parent should be ordered to pay child support. If the amount shown in Item 33 is *less than* the amount shown in Item 34, write in the amount shown for Item 33. ***OR,*** If the amount shown in 33 is *greater than* the amount from 34, you may write in the amount from 34 *if you believe child support should be ordered for the smaller amount*.

RESPONSIBILITY FOR VISITATION-RELATED TRAVEL EXPENSES

(36) For this Item, list the percentage you think each parent should pay toward the travel/transportation costs for expenses involving travel of more than 100 miles, one-way. The court will decide how to allocate the expense, but you may use the percentages listed in Item 24 for each parent's share of combined income as a guide. The allocation of expense does not change the amount of the support ordered in Item 35. [Guidelines 18]

RESPONSIBILITY FOR MEDICAL EXPENSES NOT PAID BY INSURANCE

(37) For this Item, list the percentage you think each parent should pay toward uninsured medical, dental and/or vision care expenses for the minor children. The court will decide how to allocate the expense, but you may use the percentages listed in Item 24 for each parent's share of combined income as a guide. [Guidelines 9.A.]

WHEN YOU HAVE COMPLETED THIS WORKSHEET:

If you have completed this worksheet to **establish** a child support obligation:

- Make a copy of the worksheet for your records;
- Make a copy to send or deliver to the other party and/or the state prior to the hearing;
- Take the original to court at the time of your hearing; and
- Take financial documentation to provide proof of the numbers you have given.

If you have completed this worksheet to **modify** a child support obligation:

- Attach any documentation required;
- Make a copy of the worksheet for your records;
- Make a copy of the worksheet to serve on the other party and/or the state; and
- Attach the original worksheet to the Request for Modification of Child Support and file it with the Clerk of Superior Court.

NOTE: DEVIATION FROM THE GUIDELINES AMOUNT

If you believe the amount of child support shown by this worksheet is too low or too high, the Court has the power to deviate from the guidelines (order support in a different amount), if an order would be unjust or inappropriate. A deviation can only be ordered if the court makes appropriate findings based upon evidence presented by either party *or* agreement of the parties. [Guidelines 20]

SIGN THE DOCUMENT BEFORE FILING IT

ALTERNATIVE DISPUTE RESOLUTION (ADR)
STATEMENT TO THE COURT-- FAM CT

Procedures: When and How to Use the ADR Statement to the Court

On December 1, 2001, a change in the Arizona Rules of Civil Procedure (A.R.C.P. 16(g) imposed a duty on parties in any dispute before the courts to talk to each other (by telephone or in person) about the possibility of settlement and about whether some type of ***ADR*** (**Alternative Dispute Resolution**) process might help them to reach settlement. The Rule requires the parties to report to the court that they have discussed settlement or ADR, to inform the court about which ADR process (if any) they prefer, and when they expect to complete the process. Some of the various forms of ADR are explained on the following pages.

After a response is filed . . .

(1) The Respondent must then immediately mail or deliver a blank copy of the ADR statement (and these instructions) to the Petitioner along with a copy of the response that was filed. (If either party is represented by an attorney, all communications should be sent directly to the attorney.)

(2) The parties must meet (in person or by telephone), within 90 days of the filing of the response with the court (**not** the date the response is delivered to the petitioner). **If you have not discussed these matters with the other party as required, be prepared to explain to the court the reasons.** ("Inconvenience" is not an acceptable reason.)

(3) Within 30 days AFTER you meet, and **NOT LATER THAN 120 DAYS AFTER THE DATE THE RESPONSE WAS ORIGINALLY FILED WITH THE CLERK OF COURT** you must file the **"Alternative Dispute Resolution Statement to the Court."**

You may file earlier, but not later than 30 days after discussing your ADR options with the other party. If you cannot agree to file together on one form (jointly), then you must both file your own forms separately. If you have not discussed these matters as required, you must *file your separate forms* within 120 days after the date the Response was filed. There is no charge for this filing. Keep a copy of the completed form for your records.

GO TO THE COURT TO FILE YOUR PAPERS: The Court is open from 8am-5pm, Monday-Friday. You should go to the court at least **two hours** before it closes. You may file your court papers at the following Superior Court locations:

GRAHAM COUNTY CLERK OF THE COURT
800 W MAIN STREET
SAFFORD, AZ 85546

INFORMATION ABOUT ADR (ALTERNATIVE DISPUTE RESOLUTION) PROCESSES

ADR is any peaceful alternative to the courtroom process that helps parties in court disputes reach settlement without having the judge decide all issues. Court sponsored ADR programs are currently available at no extra cost, or you may choose to hire a private ADR provider at your own expense. There are different types of ADR processes, several of which, including mediation, arbitration, and settlement conferences, are explained below.

The purpose of ADR is to encourage settlement of family court cases.

Benefits of ADR include, but are not limited to:

- ADR provides parties opportunity to resolve disputes more quickly and less expensively than a full trial.
- ADR provides parties more control over the outcome in a negotiated settlement.
- ADR provides parties greater satisfaction with results than litigation.
- ADR provides parties a greater chance of establishing or maintaining a working relationship.

COURT SPONSORED ADR OPTIONS

MEDIATION OR OPEN NEGOTIATION through CONCILIATION SERVICES of child custody or parenting time (formerly "visitation"), are court-sponsored ADR alternatives where parties work with a neutral third party (the "mediator" or "negotiator") to reach mutual agreement on future parenting responsibilities. Parents choosing to mediate or negotiate through Conciliation Services are **required** to attend a minimum number of mediation sessions.

Mediation offers parents an opportunity to make their own decisions about their child(ren)'s future care. The mediator, a neutral counselor, works with parties to reach agreement regarding custody and/or parenting time. Mediation conferences are private and confidential. Nothing said or written during mediation may be disclosed unless all parties to the mediation give their consent. The mediator helps parents identify their child(ren)'s needs and each parent's ability to meet those needs, by restructuring family relationships. Together, they generate options and consider choices to develop a workable parenting plan that meet the child(ren)'s best interests. Parties who reach agreement in mediation have a 14 day "objection period" to raise any concerns or points of confusion contained in the agreement. If no objections are raised, the Parenting Plan is adopted as an order of the court, which makes it binding on the parties.

Open negotiation is a process similar to mediation, in that the negotiator helps parties identify their child(ren)'s needs, and how they will meet those needs in the future. However, open negotiation is NOT confidential. Parties meet with the negotiator to try to resolve their differences. If they are unable to agree, the negotiator may give feedback to the court on areas of agreement and disagreement. In addition, attorneys are entitled to be present in open negotiation sessions, if they so choose.

There is currently no extra charge for these services *pre-decree*. If however you return to court to mediate custody or parenting time (visitation) issues *post-decree,* after a court order has been signed, "post-decree mediation fees" will apply.

SETTLEMENT CONFERENCES are pre-trial meetings between the parties, their attorneys (if represented) and the conference officer, where they attempt to settle all issues in dispute before going to trial. The judicial officer helps parties evaluate the strengths and weaknesses of their case and may also suggest ways to resolve disputed matters, but they will not decide the case or make recommendations to the Court. There is currently no extra charge for this service.

PRIVATE PROVIDER OPTIONS (You are responsible for all costs.)

In Private Mediation, parties work with a neutral third party (the mediator), who helps them identify their needs and explore viable options to settle all issues surrounding their Family Court case, including custody, parenting time, child support, property division, etc. With the aid of the mediator, the parties can determine the outcome of their case. A roster of private mediators is available through the Court's Self-Service Center. You can access the Family Court Mediator Rosters at:

GRAHAM COUNTY CLERK OF THE COURT
800 W MAIN STREET
SAFFORD, AZ 85546

M – F, 8:00 am – 5:00 pm

OR via the Superior Court Web page via the Internet.

In Private Settlement Conference, the ADR neutral helps parties reach settlement by taking a more directive approach than in mediation. The neutral will focus on the conflict's legal issues, realistically evaluating case strengths and weaknesses, and actively suggesting and weighing options for the parties to consider, as they attempt to resolve their case.

In Private Arbitration your case is submitted to one or more neutral individuals, who after receiving evidence and hearing arguments have the power to make a decision resolving the dispute (unlike mediation, where the mediator does not make a decision for the parties). In arbitration, parties may limit the range of issues to be decided or the scope of relief to be awarded and arbitration may be binding or non-binding. When parties agree to binding-arbitration, the arbitrator's decision is final; it can be enforced by the court and may not be appealable. When arbitration is non-binding, the arbitrator's decision is advisory and will be final only if parties agree to adopt it. Some arbitration providers are listed in the Yellow Pages under "Arbitration Services".

Private Judging involves hiring an individual, usually an experienced attorney or former judge, to act as a judge in your case. The person acting as judge listens to each party present their case and makes a decision. The decision is usually legally binding (has the force of law) but may be advisory (a suggested solution), depending on what the parties agree to in advance. Attorneys may be consulted at any time. The proceedings are private and confidential. The decision may be made part of a court judgment or ruling as well.

OTHER PRIVATE OPTIONS: Private ADR providers may offer additional options or variations on those already described. Some may also offer evening or weekend hours or other conveniences. Some churches or other religious or social service organizations may also offer family counseling, arbitration or mediation services. You may also find additional providers listed in the Maricopa County Directory of Human Services and Self-Help Support Groups, available at public libraries or by phone at 602-263-8856.

You may also find private providers in the Yellow Pages under "Arbitration" and "Mediation." Be aware that there are differences among private providers. While some are trained specialists, counselors, and attorneys, others are not. There are no licensing or minimal educational requirements to advertise as a mediator, arbitrator, or alternative dispute resolution provider.

As with hiring any private business for service, we recommend asking friends and relatives for referrals for any of the services mentioned above. You are responsible for all costs involved in using private providers.

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 GRAHAM COUNTY

_____
Petitioner

_____
Respondent

Case No. _____

ATLAS No. _____

FAMILY COURT / SENSITIVE DATA COVERSHEET WITH CHILDREN
(CONFIDENTIAL RECORD)

Fill out. File with Clerk of Court. Social Security Numbers should appear on this form only and should be omitted from other court forms. Access Confidential pursuant to ARFLP 43(G)(1).

A. Personal Information:

	Petitioner	Respondent
Name		
Gender	☐ Male or ☐ Female	☐ Male or ☐ Female
Date of Birth (Month/Day/Year)		
Social Security Number		

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

Mailing Address		
City, State, Zip Code		
Contact Phone		
Email Address		
Current Employer Name		
Employer Address		
Employer City, State, Zip Code		
Employer Telephone Number		
Employer Fax Number		

B. Child(ren) Information:

Child Name	Gender	Child Social Security Number	Child Date of Birth

C. Type of Case being filed - Check only one category.

**Check only if no other category applies*

Interpreter Needed: ☐ Yes ☐ No

If yes, what language? _____

☐	Dissolution (Divorce)	☐	Paternity
☐	Legal Separation	☐	*Legal Decision Maker (Custody)/Visitation
☐	Annulment	☐	*Child Support
☐	Order of Protection	☐	Other

DO NOT COPY OR FILE THIS DOCUMENT. DO NOT SERVE THIS DOCUMENT TO THE OTHER PARTY.

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

For Clerk's Use Only

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

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

_____
Name of Petitioner

Case Number: _____

_____
Name of Respondent

RESPONSE TO PETITION TO ESTABLISH

(Check one box, depending on whether you need child support order)

☐ **LEGAL DECISION MAKING (CUSTODY), PARENTING TIME, *and* CHILD SUPPORT, or**

☐ **LEGAL DECISION MAKING (CUSTODY) AND PARENTING TIME (ONLY)**

UNDER OATH OR BY AFFIRMATION

1. INFORMATION ABOUT THE PETITIONER (THE OTHER PARTY)

Name: _____
Address: _____
Date of Birth: _____
Occupation: _____
Relationship to children for whom Petitioner wants the Court Order:

☐ **Mother**
☐ **Father**
☐ **Other. My relation to the children is:** _____

2. INFORMATION ABOUT THE RESPONDENT (ME)

Name: _____
Address: _____
Date of Birth: _____
Occupation: _____
MY Relationship to children for whom the Petitioner wants the Court Order:

☐ **Mother**
☐ **Father**
☐ **Other. My relation to the children is:** _____

3. VENUE:

☐ **This is the proper court to bring this lawsuit under Arizona law because it is the county of residence of the petitioner, or the respondent, or the minor child(ren),**

OR

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

4. INFORMATION ABOUT MINOR CHILDREN, including past 5 years residence:

A. Child's Name: _____ **Gender:** ☐ **Female** ☐ **Male**

Place of Birth: _____ **Date of Birth:** _____

Current Address: _____

How long at this address: _____ **County:** _____

Lived with ☐ **Mother** ☐ **Father** ☐ **Other** (Name & Relation to Child):

(If less than 5 years, provide 5 years previous address information *for each child*.)

Previous Address:

How long at this address: **Lived with** ☐ **Mother** ☐ **Father** ☐ **Other:**

Previous Address:

How long at this address: **Lived with** ☐ **Mother** ☐ **Father** ☐ **Other:**

B. Child's Name: _____ **Gender:** ☐ **Female** ☐ **Male**

Place of Birth: _____ **Date of Birth:** _____

Current Address: _____

How long at this address: _____ **County:** _____

Lived with ☐ **Mother** ☐ **Father** ☐ **Other** (Name & Relation to Child):

Previous Address: _____

How long at this address: **Lived with** ☐ **Mother** ☐ **Father** ☐ **Other:**

Previous Address:

How long at this address: **Lived with** ☐ **Mother** ☐ **Father** ☐ **Other:**

C. Child's Name: _____ **Gender:** ☐ **Female** ☐ **Male**

Place of Birth: _____ **Date of Birth:** _____

Current Address: _____

How long at this address: _____ **County:** _____

Lived with ☐ **Mother** ☐ **Father** ☐ **Other** (Name & Relation to Child):

Previous Address: _____

How long at this address: **Lived with** ☐ **Mother** ☐ **Father** ☐ **Other:**

Previous Address:

How long at this address: **Lived with** ☐ **Mother** ☐ **Father** ☐ **Other:**

D. Child's Name: _____ **Gender:** ☐ **Female** ☐ **Male**

Place of Birth: _____ **Date of Birth:** _____

Current Address: _____

How long at this address: _____ **County:** _____

Lived with ☐ **Mother** ☐ **Father** ☐ **Other** (Name & Relation to Child):

Previous Address: _____

How long at this address: **Lived with** ☐ **Mother** ☐ **Father** ☐ **Other:**

Previous Address:

How long at this address: **Lived with** ☐ **Mother** ☐ **Father** ☐ **Other:**

☐ Continues on attached page(s) made part of this document by reference.

5. STATEMENTS ABOUT PATERNITY AND CHILD SUPPORT

A. PATERNITY WAS ESTABLISHED BY: (check one box).

(A copy of any Order or document referenced here should already be in the Court file or attached.)

☐ **A Court Order for Paternity from *this* county or previously transferred to this county** stating that

_____

is the natural father of the minor child(ren) included in this Petition. (A.R.S. § 25-502(c))

☐ **Both parents signing an Acknowledgment of Paternity through the Hospital Paternity Program** or other means provided by law after July 18, 1996, and a birth certificate listing the name of the father was issued as a result.

☐ **We do not have an order of paternity, but we do have a child support order.** (See instructions)

☐ **Parties were legally married when minor child(ren) was (were) born, conceived or adopted.***

***NOTE: If married when minor child(ren) born, conceived or adopted, and no decree of Divorce or Separation has been issued, STOP! Do not use these forms unless advised to do so by an attorney. Requests for legal decision-making authority (custody) and parenting time for married persons must generally be filed as part of a case for Separation or Divorce.**

B. INFORMATION ABOUT CHILD SUPPORT FOR MINOR CHILDREN: (check one box)

☐ An Order for Child Support is dated _____ from (name of court) which states that child support is established and **does not need to be changed.** (Note: if order is from court other than Superior court in Maricopa County, see instructions)

☐ An Order for Child Support is dated _____from (name of court)_____ which states that child support is established and **does need to be changed.** (Note: if order is from court other than Superior Court in Maricopa County, see instructions)

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

6. WHAT I SAY ABOUT PATERNITY AND CHILD SUPPORT THAT IS DIFFERENT FROM WHAT PETITIONER SAID:

(Summarize what is different between what you say and what the other party said in the petition)

_____

_____

_____

_____

7. COURT CASES NOT INVOLVING LEGAL DECISION MAKING (CUSTODY) OR PARENTING TIME RELATED TO THE CHILDREN UNDER 18 YEARS OLD:

(Check one box.)

☐ **I HAVE** ☐ **I HAVE NOT** been a party or a witness in court in this state or in any other state regarding the legal decision making (custody) or parenting time of any of the minor children named above (If so, explain below, using extra pages if necessary. **IF NOT, GO ON**.)

Name of each child: _____

_____

Court state: _____ Court location: _____

Court case number: _____ Current status: _____

How the child is involved: _____

Summary of any Court Order _____

_____

_____

_____

8. LEGAL DECISION MAKING (CUSTODY) OR PARENTING TIME CASES RELATED TO CHILDREN UNDER 18 YEARS OLD:

(check one box) ☐ **I DO NOT HAVE** ☐ **I DO HAVE** information about a legal decision making (custody) or parenting time court case relating to any of the minor children named above that is pending in this state or in any other state (If so, explain below, using extra pages if necessary. **IF NOT, GO ON).**

Name of each minor child: _____

_____

Court state: _____ Court location: _____

Court case number: _____ Current status: _____

Nature of the court proceeding: _____

Summary of any Court Order _____

_____

_____

_____

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

(Check one box)

☐ **I DO NOT KNOW** ☐ **I DO KNOW** a person other than the Petitioner or the Respondent who has physical custody or who claims legal decision making (custody) or parenting time rights to any of the minor children named above.

(If so, explain below, using extra pages if necessary. IF NOT, GO TO #11).

Name of each child minor claimed: _____

_____

Name of person with the claim: _____

Address of person with the claim: _____

Nature of the claim: _____

☐ Additional claims of legal decision making (custody) or parenting time stated on attached page.

10. SUMMARY OF WHAT I SAY ABOUT THE CHILDREN THAT IS DIFFERENT FROM WHAT THE PETITIONER ASKED FOR: (Summarize what is different between what you say about the children, and what the other party said.)

_____

_____

_____

_____

OTHER STATEMENTS TO THE COURT:

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

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

☐ **There has been domestic violence in this relationship and neither joint nor sole legal decision making (custody) should be awarded to the ☐ petitioner ☐ respondent who committed the violence.**

☐ **Domestic violence has <u>not</u> occurred in this relationship; or**

☐ **There <u>has</u> been domestic violence between the parties but the court should find it is still in the best interests of the minor child(ren) to award joint legal decision making (joint custody) *because:*** (Explain)

_____

_____

_____

13. GENERAL DENIAL: I deny anything stated in the complaint that I have not specifically admitted, qualified, or denied.

REQUESTS TO THE COURT:

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

A. Declare which parent's home shall be "Primary Residence" for each minor child as follows:

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

_____

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

_____

subject to parenting time, as follows:

B. PARENTING TIME: Award parenting time as follows:

☐ **Reasonable parenting time** rights to the non-primary residential parent, **OR**

☐ **Supervised parenting time** between the children and ☐ Mother OR ☐ Father, **OR**

☐ **No parenting time** rights to the ☐ Mother OR ☐ Father.

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

_____

_____

_____

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

a. Name this person to supervise: _____

b. Restrict parenting time as follows: _____

_____

_____

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

☐ Mother

☐ Father, **OR**

☐ Shared equally by the parties.

C. AUTHORITY FOR LEGAL DECISION MAKING (LEGAL CUSTODY)**:**
Award legal authority to make decisions concerning the child(ren) as follows:

☐ **AWARD SOLE AUTHORITY FOR LEGAL DECISION-MAKING to**: ☐ **Mother** ☐ **Father**

OR

☐ **AWARD JOINT LEGAL DECISION MAKING AUTHORITY to BOTH PARENTS.**
Mother and Father will agree to act as joint legal decision makers concerning the minor child(ren) and will submit a Parenting Plan and Joint Legal Decision Making Agreement signed by the both parties. (For the court to order joint legal decision making, there must have been no "significant" domestic violence or find it in the best interests of the child(ren) despite any such violence according to Arizona law, A.R.S. § 25-403.03)

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

2. ☐ **CHILD SUPPORT: Order that child support shall be paid by** (check one box)

☐ **Mother** ☐ **Father in a reasonable amount as determined by the Court under the Arizona Child Support Guidelines and the attached Child Support Worksheet.** Support payments shall begin on the first day of the first month following the entry of the Legal Decision Making (Custody)/Parenting Time/Support Order. These payments, plus a fee for handling, shall be paid through the Support Clearinghouse and collected by automatic Income Withholding Order.

3. MEDICAL, DENTAL, VISION CARE FOR MINOR CHILDREN: Order that
☐ **Mother** is responsible for providing: ☐ medical ☐ dental ☐ vision care insurance.
☐ **Father** is responsible for providing: ☐ medical ☐ dental ☐ vision care insurance.

Mother and Father will pay for all reasonable unreimbursed medical, dental, and health-related expenses incurred for the minor child(ren) in proportion to their respective incomes.

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

_____

_____

_____

OATH OR AFFIRMATION

I swear or affirm the contents of this document are true and correct under penalty of perjury.

_____ _____
Date Respondent's Signature

_____
Respondent's Printed Name

Copy of this document mailed to the other party on: _____
Month / Date / Year

To the following address: _____

_____

Person Filing: (1) _____
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 GRAHAM COUNTY(2)

PARENT'S WORKSHEET FOR CHILD SUPPORT

(3) Petitioner: _____ **(4)** Case No. _____

(3) Respondent: _____ **(4)** ATLAS: _____

(5) Total Number of Children: _____

(6) Parent with Primary Physical Custody:
Father ☐ Mother ☐

(7) Parent who is filing this form: Father ☐ Mother ☐

(8) Gross 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 5e).

	FATHER		MOTHER
Gross Income (Pre-Tax Income. Before deductions.)	$ _____	(9)	$ _____
Spousal Maintenance Paid	$ - _____	(10)	$ - _____
Spousal Maintenance Received	$ + _____	(11)	$ + _____
Child Support Paid/Contributed	$ - _____	(12)	$ - _____
Other Support of Children Paid	$ - _____	(13)	$ - _____
Adjusted Gross Income	$ _____	(14)	$ _____

Combined Adjusted Gross Income (15) $ _____

Basic Child Support Obligation (16) $ _____

Plus Costs for:

Medical/Dental/Vision Insurance	$ _____	(17)	$ _____
Childcare	$ _____	(18)	$ _____
Education Expenses	$ _____	(19)	$ _____
Extraordinary/Special Needs Child Expenses	$ _____	(20)	$ _____

No. of Children Age 12 or Over _____ Adjustment _____% (21) $ _____

Total Adjustments for Costs (22) $ _____

Total Child Support Obligation $ _____ (23) $ _____

Case No._____

	FATHER		MOTHER
Each Parent's % of Combined Income	_____ **%**	(24)	_____ **%**
Each Parent's Share of Tot. Support Obligation	**$** _____	(25)	**$** _____
Adjustment for Non Custodial Parent's Costs Associated with Parenting Time			
Using Table A ☐ **Table B** ☐	**$** _____	(26)	**$** _____
No. of Days _____ **=** _____**% Adjustment** (from table) **x** Line **(16) $**_____ (Basic Child Support Obligation)	**$** _____	(27)	**$** _____
Less Noncustodial Parent's Costs for:			
Medical/Dental/Vision Insurance*	**$** _____	(28)	**$** _____
Childcare*	**$** _____	(29)	**$** _____
Education Expenses*	**$** _____	(30)	**$** _____
Extraordinary/Special Needs Child Expenses*	**$** _____	(31)	**$** _____
***Subtract here ONLY if ADDED-IN items 17-20 above			
Adjustments Subtotal	**$** _____	(32)	**$** _____
Preliminary Child Support Amount	**$** _____	(33)	**$** _____
Self Support Reserve Test for Parent Who Will Pay			
Amount from Line (14) _____ (Adj. Gross Inc.)			
Minus Reserve Amount **- $903.00**			
Total **=**	**$** _____	(34)	**$** _____
Child Support to be Paid by: Father ☐ **Mother** ☐	**$**	(35)	**$**
Share of Travel Expenses Related to Parenting Time*	_____ **%**	(36)	_____ **%**
***Only** for expenses related to travel over 100 miles, one way.			
Share of Medical/Dental/Vision Costs Not Paid by Insurance	_____ **%**	(37)	_____ **%**

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

Executed on:_____ _____

Date **Signature of Parent**

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 GRAHAM COUNTY

_____
Petitioner

Case No. _____

ATLAS No. _____

_____
Respondent

ALTERNATIVE DISPUTE RESOLUTION STATEMENT TO THE COURT
A.R.F.L.P. 66(E)

Check appropriate box below:
☐ **Petitioner's Statement**

☐ **Respondent's Statement**

☐ **Joint Statement (signed by both parties)**

Pursuant to the Arizona Rules of Family Law Procedure, we hereby state the following, under penalty of perjury:

1. ☐ The parties agree to participate in the following Alternative Dispute Resolution (ADR) process and:
   a. have selected the following ADR process:
      ☐ Arbitration
      ☐ Mediation
      ☐ Settlement Conference
      ☐ Other: _____
   b. ☐ The parties will use a private provider OR
      ☐ The parties request a program provided through the court.
   c. The person or company providing the ADR service is: _____
      _____
   d. The parties expect to complete the ADR process by _____, _____.

2. ☐ The parties have been unable to agree on an ADR process.
   ☐ The ☐ Petitioner ☐ Respondent believe(s) that the following ADR process would be appropriate: _____
   ☐ The ☐ Petitioner ☐ Respondent request(s) a conference to discuss ADR.
   ☐ The ☐ Petitioner ☐ Respondent believe(s) that an ADR process would not be appropriate for the following reason: _____
   _____

_____
Date

_____
Petitioner

_____
Date

_____
Respondent