

G5

MEDIATION

**For LEGAL DECISION MAKING (“Custody”) and
PARENTING TIME (“Visitation”) CASES
PRE-DECREE VERSION**

**TO REQUEST MEDIATION
WHEN NO ORDER HAS EVER BEEN
ENTERED IN YOUR CASE**

(Forms and Instructions)

SELF-SERVICE CENTER

**COURT FORMS AND INSTRUCTIONS TO REQUEST
PRE-DECREE MEDIATION**

CHECKLIST

Use the forms and instructions in this packet **ONLY** if the following factors apply to your situation:

- ✓ You and the other party do **not** agree about the legal decision making (“custody”) and parenting time (“visitation”) issues in your case, **AND**
- ✓ You want to try mediation to resolve legal decision making (“custody”) and/or parenting time issues, **AND**
- ✓ You have an existing case and case number in this Court and no final Judgment, Decree, or Order has ever been signed by a Judicial Officer under this case number. **AND**
- ✓ The existing case is for one of the following actions, involving the same child(ren) as in this case:
 - ***“Petition to Establish Paternity,” OR***
 - ***“Petition to Establish Paternity, Legal Decision Making (Custody), Parenting Time and Support,” OR***
 - ***“Petition for Legal Separation With Children,” OR***
 - ***“Petition for Dissolution of Marriage With Children (Divorce),” OR***
 - ***“Petition for Grandparent Visitation,”***

***NOTE:** If this is a POST-Decree matter, meaning an Order, Judgment or Decree has been previously signed by a Judicial Officer in this case, **STOP**, you must use the POST-DECREE MEDIATION packet instead.

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

**INSTRUCTIONS and PROCEDURES TO FILE A REQUEST
FOR PRE-DECREE MEDIATION**

STEP 1 Select the correct request.

Use the “**Request for Pre-Decree Mediation**” and “**Order**” if you are requesting Mediation by yourself, **not jointly** with the other party.

OR Use the “**Joint Request for Mediation,**” if both parties want to go to mediation **and both parties will sign** the joint petition.

INSTRUCTIONS For Completing the “Request”, and “Order”

STEP 1 Using black ink only, type or neatly print the information requested in the top, left-hand corner of the document, ***unless:***

- The other party does not know your current address; AND
- You do not want the other party to know your current address; **AND**
- There is a **current** Order of Protection in force; AND
- You requested that your address be protected on that Order.

If all of the above are true, write “**protected**” in the space where the Court asks for your contact information and tell the Clerk of the Court your address and phone number at the time of filing so the Court can get in touch with you.

NOTE: If you are a victim of domestic violence, **and** you do not want your address to be known to protect yourself or your children, **you must file a “Petition for an Order of Protection”** and ask that your address **not** be disclosed to avoid having to put your address and phone number on these or other court papers that will be given to the other party.

If your case has an ATLAS number, write it on the line provided. Check the box to indicate whether you are represented by an attorney. If so, complete the attorney information section.

Then, write in the case number in the space provided at the top right portion of the form. Your case number begins with “**D**”, “**DR**”, or “**FC**”, **and** is the file number of your divorce, paternity, or family court case.

Write in the name of the Judge currently assigned to your case.

STEP 2 Complete the caption of the case as it appears on the court papers previously filed in this case (If you are the Petitioner in your pre-existing case in this Court, you stay Petitioner. If you were the Respondent, you are the Respondent here also).

STEP 3 Fill in the “Request for Pre-Decree Mediation” or the “Joint Request”.

1. **Check the box** that tells the court whether you are getting divorced or seeking Paternity or “Other” such as Grandparent Visitation.

2. **Check the box** that tells the court whether you and the other party have been through mediation before in this case.
3. **Describe** the disagreement between you and the other party. Be brief. Be specific.
4. **Complete** the information about the other parent. You **must** be able to provide this information to request Mediation services through the Court.
5. **Sign and date** the “Request for Mediation”.

STEP 4 Complete the “Order for Referral to Mediation.”

1. You must complete this Order along with your “Request for Pre-Decree Mediation”.

STEP 5 Making copies/filing papers.

If you are unable to get the notarized signature of the other party, use the “Request for Pre-Decree Mediation” instead of the “Joint Request for Pre-Decree Mediation”:

- Fill out the “Request for Pre-Decree Mediation”.
- Make **three** copies of the “Request for Pre-Decree Mediation”.
- Make **four** copies of the “Order for Referral to Mediation”.
- File the original “Request for Pre-Decree Mediation” with the Clerk of the Court.

NOTE: There is currently NO FEE for filing this request, however if this is your first “appearance” in the case, that is, you are the respondent and you did not file a response and this is the first time you or your attorney have filed papers in the case, you will have to pay an Appearance Fee. You may request a deferral of the fee at the time you file your papers. The Self-Service Center and the Filing Counter have the deferral or waiver forms.

1. **Serve** a copy of the “Request for Pre-Decree Mediation” to the other party.
2. **Deliver to the Judge’s mailbox at Family Court Administration:**
 - **one copy** of the “Request for Pre-Decree Mediation”, AND
 - the **original and four copies** of the “Order for Referral to Mediation”, AND
 - **Either:**

a completed “Certificate of Service”, stating when and how you delivered a copy of your “Request for Mediation” to the other party and to their attorney (if they have one), OR

an “Acceptance of Service,” with the notarized signature of the other party stating they received their copy, both available from the Self Service Center or from the web at the Maricopa County Superior Court’s webpage.
3. **Give the Judge** a Self-Addressed Stamped Envelope for each party who will receive a signed copy of the order to attend the mediation session.
 - i. Conciliation Services will then send an Order to Appear to both parties after receiving the signed Order from the judge.

ii. **CONCILIATION SERVICES ADDRESSES**

Graham County Clerk of the Court
800 W. Main Street
Safford, AZ 85546

If mediation is scheduled, you and the other party will receive an “**Order to Appear and Attend the Mediation**” from the Conciliation Services Office.

Note: You must have a case in this Court involving the children who are the subject of this dispute to use the mediation services provided by the Court. If you do not, you may still benefit from the services of a private mediator. See below for additional information on private mediation / dispute resolution.

PRIVATE Mediation/ADR (Alternative Dispute Resolution) providers are an additional option. Some offer evening or weekend hours or other conveniences. Some churches, or other religious or social service organizations may 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

The Court maintains a list of mediators that have met certain minimum requirements. You may view the lists at the Self-Service Centers or from our web site by clicking on the button to the right of “Lawyers and Mediators” through the Maricopa County Superior Court webpage.

As with hiring any private business for service, we recommend asking friends and relatives for referrals.
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

Name of Petitioner

Case Number: _____

Name of Respondent

Current Judge: _____

REQUEST FOR PRE-DECREE MEDIATION

We **do not** agree about the custody and/or parenting-time issues involving our child(ren) and I ask that Conciliation Services set a mediation of the issues, based on the following:

1. Check one box only.

Divorce Pending: My spouse or I have filed papers with the Court for divorce or legal separation. No final orders about legal decision making (custody) or parenting time have been entered by the Judge.

OR
 Paternity Pending: The Father or Mother has filed papers with this Court to establish paternity of the child(ren). No final orders about legal decision making (custody) or parenting time have been entered by the Judge.

OR
 Other (describe): _____

2. Check one box only. We have not participated in mediation **OR**
 We have participated in mediation before.

3. Describe the disagreement. Be brief and specific. (The disagreement must involve the custody and/or parenting time of your minor children):

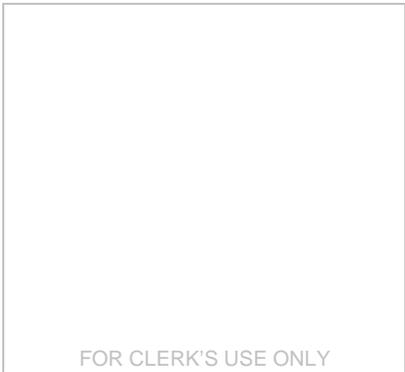
4. Information About Other Party: Name: _____
Address: _____
City, State, Zip code: _____
Telephone Number(s): _____ / _____
Attorney (if known): _____

Date: _____

Signature of Person Submitting Request for Mediation

NOTICE TO BOTH PARTIES: If your order is signed by the Judicial Officer, Conciliation Services will mail an "Order to Attend Mediation" to both parties. WARNING: FAILURE TO ATTEND MAY CARRY A \$200 FEE.

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,

and

Name of Respondent

Case Number: _____

ATLAS Number: _____
(if applicable)

ORDER FOR REFERRAL TO MEDIATION

Based on the ***“Request for Pre-Decree Mediation”*** and pursuant to Arizona Law,

IT IS ORDERED referring this matter to Conciliation Services. It is further ordered that the parties participate in Mediation.

The parties will be notified of the Mediation date and time through a separate minute entry.

IT IS FURTHER ORDERED that a copy of this ***“Order for Referral to Mediation”*** and a copy of the ***“Request for Pre-Decree Mediation”*** shall be mailed immediately to parties who have appeared in this action.

DONE IN OPEN COURT: _____
Judge/Commissioner of the Superior Court

READ ME: If your order for referral to Mediation is signed by a Judicial Officer, Conciliation Services will mail an “Order to Attend Mediation” to both parties.

WARNING!
**THERE MAY BE A \$200 FEE FOR
FAILURE TO ATTEND THE MEDIATION!**

Additionally, the Court may make such orders as it feels are just,
including granting the relief requested by the party who does appear.