

PARENTING TIME

(VISITATION)

Do not copy
or file this page

Part 3: Responding to the Petition

SELF-SERVICE CENTER

RESPONSE TO PETITION TO ESTABLISH PARENTING TIME

CHECKLIST

You may use this packet if . . .

- ✓ Someone filed a petition to establish a court order for “parenting time” for your minor children, 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.

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. _____

 Respondent 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 | <input type="checkbox"/> Male or <input type="checkbox"/> Female | <input type="checkbox"/> Male or <input type="checkbox"/> 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*

| | | |
|--|---|--|
| <input type="checkbox"/> Dissolution (Divorce) | <input type="checkbox"/> Paternity | Interpreter Needed: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, what language? _____ _____ _____ |
| <input type="checkbox"/> Legal Separation | <input type="checkbox"/> *Legal Decision Maker (Custody)/Visitation | |
| <input type="checkbox"/> Annulment | <input type="checkbox"/> *Child Support | |
| <input type="checkbox"/> Order of Protection | <input type="checkbox"/> Other | |
| | | |

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

SELF-SERVICE CENTER

INSTRUCTIONS FOR HOW TO RESPOND TO PARENTING TIME (Visitation) PAPERS

WHEN TO USE THIS FORM:

Use this form if you want to respond to a petition to get a first court order of parenting time (visitation).

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 TIME TABLE

| <u>SERVICE BY</u> | <u>COUNT</u> | <u>EVENT</u> |
|-------------------------------------|--------------|---|
| Acceptance | 20 Days | after respondent signed the Acceptance |
| Acceptance out-of-state | 30 Days | after respondent signed the Acceptance |
| Signature Confirmation in-state | 20 Days | after respondent signed the confirmation |
| Signature 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 |
| Registered Mail | 30 Days | after respondent signed the green receipt |
| Publication | 60 Days | after the 1st date of publication |

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

A defendant/respondent can be sued in Arizona in a case establishing, enforcing, or changing a support order, or establishing paternity, if ONE of the following is true about the defendant/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(ren) in this state at some time;
- The person lived in this state and provided pre-birth expenses or support for the minor child(ren);
- The minor child(ren) 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(ren) 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 defendant/respondent is very serious. If you have any doubts about whether it was proper for the plaintiff or petitioner to sue you in Arizona, you should see a lawyer IMMEDIATELY, **BEFORE** you file any written response or answer or other court paper.

IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE:

Domestic violence can be part of any relationship. Domestic violence includes **physical violence** such as hitting, slapping, pushing or kicking, directed against you and/or your children. Domestic violence can also include **threats** of physical violence made against you and/or your children, and/or **regular verbal abuse** used to control you. The other party 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 in order 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 divorce papers.** If possible, get a P.O. box or use another valid address on these papers. If you have no P.O. Box or other address or phone where you can be reached when you file, write "**protected**" where asked for this information and **as soon as possible**, update the clerk of the court with an address and phone number.

INFORMATION ABOUT PAPERS YOU SHOULD HAVE RECEIVED FROM THE OTHER PARTY WITH THE PETITION ABOUT PARENTING TIME (VISITATION)

"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 of that. 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, which means that you might not get to tell the judge your side of the story.

PETITION FOR PARENTING TIME (VISITATION): This is the form the other party completed to tell the court his/her side of the story about the parenting time. **Read each and every word very carefully**, and decide what you want to do. Here are your choices:

1. **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.
2. **DECIDE WITH THE OTHER PARTY HOW YOU WANT TO HANDLE EVERYTHING CONCERNING PARENTING TIME.** Then you and the other party file papers in the court stating your agreement on everything. This is called a **"Consent" or "Stipulation."** This is often the best way to proceed, if you and the other party can talk about the critical issues to decide how you both want to handle everything. Mediators can help you with this. The Self-Service Center has a list of mediators, and how much they charge to help you.
3. **PROTEST WHAT THE OTHER PARTY STATED IN THE PETITION** and 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 you other party can still decide to agree on something, or everything, and file court papers for a **Consent or Stipulation.** Mediators can help you with this. 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.

HELP COMPLETING YOUR WRITTEN RESPONSE TO THE PETITION TO ESTABLISH PARENTING TIME (VISITATION):

Use this form if you want to RESPOND OR ANSWER a *“Petition to Establish Parenting Time.”*

- A. Complete the ***Sensitive Data Sheet***. Do not copy. Do not serve on the other party.
- B. Make sure your form states **RESPONSE TO PETITION FOR PARENTING TIME** in the upper right hand part of the page.
- C. 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.
- D. 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.
- E. Use the 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.

A. General information:

1. Fill in the name, address and date of birth for the petitioner. This is basic information about the relationship to the children for whom the person wants the parenting time order.
2. Fill in the information about you.
3. Fill in information about all the minor children for whom the other party wants parenting time. The same persons should be the mother and the father for all the minor children for whom you want this order.

B. Statements about paternity AND child custody AND child support.

In this section you will tell the court what the current situation is.

4. **What is the current status of paternity in this case?** Mark whichever box describes your case.
 - **ORDER:** Mark whichever box describes your case. On the first line, print the date the Order was signed. On the second line, print the County where the Order was made. On the next line, print the name of the father.
 - **OTHER:** Mark this box if you do not have a formal court order for paternity but you do have a court order for child support.
5. **What is the current status of child custody?** Mark the box that describes who has custody now. If neither the father nor mother have physical custody, be sure to complete all the information about who has the minor child(ren) and why.
6. **What is the current situation as to child support?** Give the date of the child support order on the case.
7. **State here what you say about paternity, custody, or support that is different from what the other party asked for.** This is because the form of petition the other party used might not be from the Self-Service Center, and so it might be arranged a little differently than this form of response.

C. Other information about the children: If you are aware of court cases about the minor children, you need to tell the court that. Attach a copy of the orders about custody, parenting time, or child support to the petition, unless the orders are from the Superior Court in Maricopa County.

8. Fill out where the minor child(ren) involved in this action have been living **for the past 5 years**; if the child(ren) are under age 5, simply put information since their birth. Write each child's name; the address where each child lived; what dates each child lived at each address; who each child lived with; and the relationship of that person to the child(ren). While you may not remember exact dates and addresses when you moved from one location to another, fill this information out **as completely as possible**.
9. You must tell the court if you participated as a party or witness in any court case involving custody or parenting time of the 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 children's rights in this case.
10. The court **MUST** know if there have been other cases involving custody, parenting time or child support of the children of this paternity action, 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).
11. 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 the child(ren), mark the first box and GO ON. If you do know of such a person, put the information here, including the minor child(ren)'s name(s) 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.

D. Other statements to the court:

12. **VENUE**: This tells the court that one parent or the child(ren) live(s) here, so the court can make a decision about your case. Generally, if either one of the parents or the minor child(ren) are residents of Maricopa County, the case can be taken care of here, even if everyone is not a resident of this state and does not live in Maricopa County. AND, you also need to be sure that the respondent can legally be brought into the lawsuit. See comments on the first page for help on deciding this.
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. If you are not sure what this means, see the **IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE** on the first page of these instructions. Mark the box corresponding to your situation. If domestic violence has not occurred, GO ON.
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 specifically address. This is extra protection for you.

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

This section of the Complaint/Petition formally requests that the court make Orders relating to parenting time.

1. **PARENTING TIME (VISITATION)**: Describe who should get parenting time, and how the parenting time should be handled. Be very specific. Use detail.
2. **SUPERVISED PARENTING TIME TO THE NON-CUSTODIAL PARENT**: You may request supervised

parenting time if the non-custodial parent cannot adequately care for the minor child(ren) 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 the minor child(ren) without another adult present. Remember, supervised parenting time is not intended to punish the parent, but to protect the minor child(ren). You must explain in writing specifically **why** you believe the only parenting time allowed should be supervised parenting time.

3. **SUPERVISED PARENTING TIME:** Describe how you think this should be handled.
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 OF PARTY FILING THIS RESPONSE:

Sign this form in front of a notary public. By doing so you are telling the court that everything contained in the Parenting Time (Visitation) Response is **true**.

WHAT TO DO NEXT:

1. **COPIES OF RESPONSE:** After completing your **“Response,”** make **two (2)** copies before you file.
2. **FILING THE RESPONSE AND PAYMENT OF COURT FEE:** File all copies and the original of your **“Response”** with the Clerk of the Court. **Be sure you file within the time limit set, or you might lose significant rights.** There are fees for filing petitions, responses, requests, motions, objections, and various forms with the Court. 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. You do **not** need to send a copy of the fee deferral request to the Petitioner or his/her attorney. Make sure you receive all copies back from the Clerk and they have been stamped.
4. **MAIL A COPY TO THE OTHER PARTY:** You need to mail or hand-deliver one copy to the other party. If the person is represented by an attorney, mail or hand-deliver the copy to the attorney whose name and address appears on the Petition in the upper right hand corner.
5. **KEEP THE LAST COPY FOR YOUR RECORDS:** You should always keep a copy of any document that you file with this Court.
6. **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.*

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

Regarding the Matter of:

Case No. _____

(Name of Petitioner)

RESPONSE TO PETITION TO ESTABLISH FIRST COURT ORDER FOR PARENTING TIME

AND

(Name of Respondent)

STATEMENTS TO THE COURT, UNDER OATH OR AFFIRMATION

1. INFORMATION ABOUT ME, THE PETITIONER:

Name: _____
Address: _____
Date of Birth: _____
Occupation: _____
Relationship to children for whom I want the Parenting Time (or Parenting Time and Child Support) Order:
 Mother
 Father
 Other. My relation to the children is: _____

2. INFORMATION ABOUT OTHER PARTY, THE RESPONDENT:

Name: _____
Address: _____
Date of Birth: _____
Occupation: _____
Relationship to children for whom I want the Parenting Time (or Parenting Time and Child Support) Order:
 Mother
 Father
 Other. My relation to the children is: _____

3. INFORMATION ABOUT MINOR CHILDREN FOR WHOM PARENTING TIME ORDER IS REQUESTED

Name: _____

Birthdate: _____

Current Address: _____

County of residence: _____

Father: _____

Mother: _____

Name: _____

Birthdate: _____

Current Address: _____

County of residence: _____

Father: _____

Mother: _____

Name: _____

Birthdate: _____

Current Address: _____

County of residence: _____

Father: _____

Mother: _____

Name: _____

Birthdate: _____

Current Address: _____

County of residence: _____

Father: _____

Mother: _____

STATEMENTS ABOUT PATERNITY, CUSTODY, AND CHILD SUPPORT:

4. INFORMATION ABOUT PATERNITY OF MINOR CHILD(REN): (check one box)

An Order for Paternity is dated _____ from (name of court) _____ which states that (father's name) _____ is the natural father of the minor child(ren). A copy of the order is in this court file. (See instructions)

We do not have an order of paternity, but we do have a child support order or paternity was legally established by other means such as both parents signing an affidavit acknowledging paternity at the hospital at the time of birth or afterwards. (See instructions)

5. INFORMATION ABOUT CUSTODY OF THE MINOR CHILD(REN): (check one box)

Mother has had physical custody of the minor child(ren) for the last 6 months, and I do not contest physical custody.

Father has had physical custody of the minor child(ren) for the last 6 months, and I do not contest physical custody.

A person other than mother or father has had physical custody of the minor child(ren) for the last 6 months, because of a court case, and I do not contest physical custody. (Describe case below)

Names of Parties: _____

Date of order or judgment (if one already entered): _____

Court Case Number: _____

Location of court (city and state): _____

Explain Type of Case: (Criminal, Order of Protection, Injunction Against Harassment, Divorce, Paternity, etc.): _____

What order or judgment said: _____

Status of Case Now:

- Final Order Entered; Case is Over
- Hearing Date Set: On (date) _____ at (time) _____
Location/address: _____
- Other (explain in detail): _____

- A person other than mother or father has had physical custody of the minor child(ren) for the last 6 months, because of a government agency, and I do not contest physical custody.** (List the agency, for example, "Child Protective Services", date, type of case, and case status.

6. INFORMATION ABOUT CHILD SUPPORT FOR CHILDREN: An Order for Child Support is dated _____ from (name of court) _____ which states that child support is established. Note: if order is from court other than Superior court in Maricopa County, see instructions).

Other information about the minor children:

7. WHERE THE CHILDREN WHO ARE UNDER 18 YEARS OF AGE, HAVE LIVED FOR THE LAST 5 YEARS. (Attach extra pages if necessary.)

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

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

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

8. COURT CASES NOT INVOLVING PHYSICAL CUSTODY, LEGAL DECISION MAKING (LEGAL 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 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 (county/city): _____
Court case number: _____ Current case status: _____

How the minor children are involved: _____

Summary of any Court Order: _____

9. PHYSICAL CUSTODY, LEGAL DECISION MAKING (LEGAL 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 child: _____
Court State: _____ Court location (county/city): _____
Court case number: _____ Current case status: _____
Nature (type) of court proceeding: _____

Summary of any Court Order: _____

10. PHYSICAL CUSTODY, LEGAL DECISION MAKING (LEGAL CUSTODY) OR PARENTING TIME CLAIMS OF ANY PERSON:

(check one box)

I DO NOT KNOW I DO KNOW a person other than the Petitioner or the Respondent who has physical custody or who claims legal decision making authority (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 ON**).

Name of each child: _____
Name of Person with the claim: _____
Address of Person with the claim: _____
Nature of the Claim: _____

11. SUMMARY OF WHAT I SAY ABOUT THE MINOR CHILDREN THAT IS DIFFERENT FROM WHAT THE OTHER PERSON SAYS: (here summarize what is different between what you say about the child(ren), and what the other party said) _____

Other Statements to the Court:

- 12. **DOMESTIC VIOLENCE:** Domestic violence has **not** occurred between the parties.
- 13. **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 child(ren).
- 14. **GENERAL DENIAL:** I deny anything stated in the Petition that I have **not** specifically admitted, qualified, or denied.

REQUESTS TO THE COURT:

1. AWARD PARENTING TIME AS FOLLOWS: (Check only one.)

- Reasonable parenting time** rights to the (other parent) the Mother **OR** Father
- Supervised parenting time** between the children and Mother **OR** Father,
- 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.

2. OTHER ORDERS:

TRANSPORTATION will be provided by (name): _____ as follows:

During WEEKENDS (explain specifically) _____

During the SUMMER MONTHS OR SCHOOL BREAKS: (explain specifically) _____

FOR HOLIDAYS AND BIRTHDAYS: (explain specifically) _____

FOR TELEPHONE CALLS: (explain specifically) _____

OTHER: (Explain specifically) _____

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

To the following address: _____

UNDER OATH OR BY AFFIRMATION

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

Date

Signature

STATE OF _____

COUNTY OF _____

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

_____.

(notary seal)

Deputy Clerk or Notary Public

**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:

The Graham Clerk of the Superior 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:

The Graham Clerk of the Superior 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

Case No. _____

Respondent

ATLAS No. _____

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