

LEGAL SEPARATION WITH MINOR CHILDREN

4

The Court Order

Part 4: To get the Legal Separation Order

(Forms Packet)

NOTICE: This process requires calculation of child support. To calculate child support, you may use the online calculator through ezcourtforms, Court, 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

INSTRUCTIONS: HOW TO FILL OUT YOUR LEGAL SEPARATION -- WITH MINOR CHILDREN-- DECREE

Use these instructions only with the “Decree of Legal Separation - With Minor Children.” If there are no minor children, by birth or adoption, common to you and your spouse, use the forms for a decree without children.

What the Decree Means to You. The Decree is the Court Order that legally separates you and your spouse. You are not divorced and cannot marry someone else (until you are divorced). The Decree, once the judge or commissioner has signed it, is important because it determines the rights and responsibilities of both you and your spouse. If either party does not do what the Decree tells him or her to do, then the other party may ask the court for help. Once it has been signed by the judge, your rights and responsibilities are affected forever.

Failure to do what the Decree tells you to do could get you into trouble with the Court. This does not mean that the court will police whether you are following the Decree. It does mean you or your spouse can request a Contempt Order or an Order to Enforce parts of the Decree if you or your ex-spouse fail to do what the Decree tells you to do.

Getting a Legal Separation Decree. Before you and your spouse become legally separated, a judge or Commissioner must sign a Decree of Legal Separation. The Decree tells you who gets the property, who pays the debts, who gets custody of the minor child(ren), who pays child support, spousal maintenance, if any, and so forth.

Legal Separation by Default. If you have a Default Hearing, you must repeat as closely as possible what you requested in your Petition for Legal Separation. You cannot mark something different in the Decree than what you asked for in the Petition. If you try to do this, the judge or commissioner will not sign the Decree. If you want to change your requests to the court, you must file an amended Petition. It is a good idea to have your Petition handy as you follow the instructions to fill out your Decree.

The Decree. Fill out the Decree before you go to your hearing or before you give it to the judge to sign. Do not fill in the judge's signature and date. If the judge disagrees with anything you have written, he or she will change it before signing the Decree.

INSTRUCTIONS FOR FILLING OUT THE DECREE. (The section number in front of each paragraph below corresponds with the section number on the Decree. For example: Read Section 1-3d below. Turn to Sections 1-3d on the Decree. Each section below will help you fill out each section of the Decree.)

TYPE OR PRINT CLEARLY IN BLACK INK ONLY.

(A) Write in the Petitioner's Name, current address, city, state, zip code, and the telephone number. If you have an ATLAS number, write in the number. (The person who filed the Petition for divorce is the Petitioner.) Then check the box to show whether you are representing yourself, or if you are an attorney representing Petitioner or Respondent.

(B) Write in the Name of the Petitioner, the Name of the Respondent, and your case number in the space provided.

(C) **COURT FINDINGS SECTION:**

1-4,a-d This section tells you that before the judicial officer (judge or commissioner) signs the Decree, he/she will have determined that the court has the legal power to make the orders in your case. It also says that either you or your spouse live in Arizona, and that the parties are unable to get back together and save their marriage. The judge or commissioner must also determine that both you and your spouse want a legal separation. If one of you does not want a legal separation,

the judicial officer can dismiss your case or turn it into a divorce case.

Also, if you served the other party *by publication*, the court cannot sign a Decree that divides community property and/or debt, or orders the other party to pay spousal maintenance (alimony) or child support until you find and serve notice on your spouse. You will, however, be able to get a court order for custody of your minor children and a decree of legal separation.

- 4(e) Community Property and Debt.** Mark the first box **only** if you and your spouse did not get any property together while you were married and do not owe money to anyone for property or services you got while you were married. Otherwise, mark the box that tells the court that the parties have not agreed to a division, but the community property is divided pursuant to the Decree.
- 4(f) Pregnancy.** Mark the first box if the wife is not pregnant. Mark the second box if the wife is pregnant and then mark whether the husband is the father. Mark the third box if the parties had any minor children together that were born before the marriage. Then list the name and date of birth for those children.
- 4(g) Spousal Maintenance/Support (Alimony).** Mark this box if you have requested spousal maintenance/support (alimony) in the Petition for Legal Separation or the parties have agreed or the judge has ordered that one party will pay the other party spousal maintenance/support.
- 4(h) Parent Information Program.** Tell the court whether you and your spouse have attended the Parent Information Program Class. (If you have attended the class, make sure your “**Certificate of Completion**” was filed with the court.).
- 4(i) Deviation from Child Support Guidelines.** Leave this section blank. The judicial officer will fill in this section if there is a deviation for child support.
- 4(j) Physical Custody Adjustment.** Mark this box only if custody was contested (you and the other party did not agree about custody), or if you and the other party have agreed to joint custody. You must write the reasons in the space provided. See the “**Joint Custody Information**” document in this packet and the “**Planning for Parenting Time: Arizona’s Guide for Parents Living Apart**” booklet for help. The **Guide** is available for purchase at all Superior Court Self-Service Center locations, **or** may be viewed online and downloaded for **free** from the state courts’ web page.
- 4(k) Ability to Pay Child Support.** Leave this section blank. The judicial officer will complete this.
- 4(l) Custody of the Minor Children.** Mark this box if custody was contested (you and the other party did not agree about custody), or if you and the other party have agreed to joint custody. You must write the reasons in the space provided. See the “**Joint Custody Information**” and the “**Guide for Parents Living Apart**” mentioned above for help.
- 4(m) Supervised or No Parenting Time.** Mark this box only if you asked for supervised or no parenting time by the non-custodial spouse in your Petition or the parties have agreed to this. You must have a very good reason for such a request and you must write the reasons in the space provided. See the “**Joint Custody Information**” and the “**Guide for Parents Living Apart**” mentioned above for help..
- 4(n) Domestic Violence.** If the parties are going to have joint custody of the minor child(ren), check the box to say whether there has been no domestic violence or if domestic violence has occurred it has not been significant. Then explain why joint custody is in the best interest of the minor child(ren) even though domestic violence has occurred.

(D) COURT ORDERS SECTION

- 1. LEGALLY SEPARATED.** This section legally separates you and your spouse.

2. ENFORCEMENT OF TEMPORARY ORDERS. If the Court ordered temporary payment of child support, spousal maintenance/support (alimony), debt division, or other temporary orders, fill in the dates of ALL of the temporary orders. This section allows you to enforce nonpayment of those debts.

3. CHILD CUSTODY, PARENTING TIME AND CHILD SUPPORT. This section deals with child custody, parenting time and child support, pregnancy and paternity.

3(a) PREGNANCY AND PATERNITY. If the wife is pregnant and the husband is the father, write in the expected date of birth for the unborn child.

1. Write in the names of all minor children, either natural or adopted, common to the marriage, and the child(ren)'s date(s) of birth in the space provided. AND
2. Below that, write in the name and date of birth of any minor child born to the Petitioner and Respondent **before** the marriage, as well as any court orders to be entered regarding legally establishing paternity for those minor children, having the father's name entered on the child(ren)'s birth certificate(s), and having the child(ren)'s last names legally changed (if not already done).

3(b) CHILD CUSTODY. The custody box you mark should be the same as what you asked for in your Petition for Legal Separation, unless you and the other party have signed a Joint Custody Agreement/Parenting Plan and you are attaching it to the Decree OR you and the other party have agreed to file a Consent Decree.

- 1) For **sole custody** of the minor child(ren), mark who is to have sole custody, Petitioner or Respondent. Then mark **only** one of the three types of parenting time: 1) parenting time to the parent not having custody; or 2) supervised; or 3) no parenting time. If both spouses agree to a Parenting Plan, both must complete the Plan and sign it. If only one spouse agrees to the Parenting Plan and you have a default divorce hearing, you still must complete the Parenting Plan and tell the Court what you think should be the parenting time arrangement. If parenting time is supervised and you have a default hearing or you agree, write in the name of the supervisor and any restrictions. Mark who will be paying for costs of supervision. If no parenting time is to be given to the Petitioner or the Respondent, check this box.
- 2) For **joint custody** you should not have marked box 1 above. Remember, you must attach a copy of the Joint Custody Agreement/Parenting Plan as Exhibit B signed by both parents, which the court at the hearing must approve if you want Joint Custody. The Agreement will be included as part of the Court Order ending your marriage.

3(c) CHILD SUPPORT: Mark who is to pay the child support to the other party based on the request in the Petition for Legal Separation or on the party's agreement. If the parties agree to how much child support will be paid, write in the amount. Otherwise, leave the space blank and the Judge will fill in the amount. Remember, if you are the person who filed for legal separation, you are the Petitioner, and your spouse is the Respondent. The Court may also sign a Child Support Order. Be sure you read and understand the Order.

3(d) MEDICAL, DENTAL, AND VISION CARE INSURANCE, PAYMENTS, AND EXPENSES: Mark who will be responsible for medical, dental, and vision care insurance, based on the request made in your Petition or agreed to by the parties. Mark what percent each party will pay for uninsured expenses.

4. SPOUSAL MAINTENANCE (ALIMONY).
a. Mark this box if neither party is requesting spousal maintenance.
b. Mark this box if you requested spousal maintenance (alimony) in the Petition and you have a Default Hearing. (You cannot get spousal maintenance if the other party was served by publication.) **OR**, mark this box if the court ordered that one party would pay the other party spousal maintenance .

Then mark who is to **pay** the spousal maintenance and who will **receive** the spousal maintenance/support. You should leave the amount and number of months of spousal maintenance blank until the judge approves the request. Be prepared to tell the judge the amount you are requesting, for what period of time, and why.

- 5(a) PROPERTY, DEBTS AND TAX RETURNS.** Mark the first two boxes, if each party will pay the debts that are unknown to the other party. By marking the *third* box under 5.a., you are telling the court you do not want to pay for debts made by your spouse after you separated. Write the approximate date you separated on the line provided.
- 5(b)** Mark this box if there is property and debts to be divided, even if you have already divided the property. You can give the Court this information on **EXHIBIT A: COMMUNITY PROPERTY AND DEBTS** that you must attach to the Decree if you mark this box. Instructions for Exhibit A are included at the end of this instruction.
- 5(c)** This states that you and your spouse get to keep property that you owned from the marriage or that was a gift to you during the marriage. You also can keep any personal items, clothing, and any other property you own that is not considered community property.
- 5(d)** This means either spouse can record the Decree if there is a transfer of title to certain property, like a house. This section also requires each spouse to sign documents to transfer other property, like titles to cars, and so forth. If you have a quit claim deed that transfers property from one spouse to the other spouse, attach a copy of the deed to the Decree, and check this box.
- 5(e)** Mark this box and tell the court whether the parties will file joint or separate tax returns for previous years if taxes have not been paid and how the parties will pay taxes for the present year and in future years. According to the IRS, State law governs whether you are married, divorced, or legally separated. See a lawyer or accountant for advice if you are not sure which box to check OR call the IRS at 1-800-829-4477 or visit their INTERNET site for help.
- 6. FINANCIAL INFORMATION EXCHANGES:** This shows that the parties must share/exchange financial information every 24 months. This information is important in determining amounts of child support or other related issues.
- 7. TAX EXEMPTIONS:** Decide which parent will claim the children on income tax forms, for which year. Federal and state laws apply here. If you are not sure what to do, ask a lawyer or an accountant for help.
- 8. MINOR CHILDREN TO WHOM THE DECREE DOES NOT APPLY:** Mark this box **only** if minor child(ren) was/were born during the marriage, but is not common to the marriage. Mark which party should have no legal rights to this minor child. If you mark this box, list the name of any such child(ren) with the date of his or her birth in the space provided. Also, mark if the wife is pregnant with a child not common to the marriage, and include the expected due date of the child.
- 9. OTHER ORDERS.** Do not write in this space. The Judicial Officer will complete if applicable.
- 10. FINAL APPEALABLE ORDER:** This decree/order/judgment is a final order and may be appealed.

(E) SIGNATURES SECTION

- Do not sign or date the Decree for the Judge or Commissioner, they will do that themselves.
- If there is a Default Hearing, you, the Petitioner, must also promise to mail a copy of the Decree to the Respondent, after the Judge has signed it.

(F) EXHIBIT A: PROPERTY AND DEBTS. If you have questions about whether your property is community property or separate property, or whether a debt is community or separate debt, you should see a lawyer for help.

- 1. Division of Community Property.** If you have community property, check this box.
- 2. List of Community Property.** Describe the property. Then mark the box showing which party the property is being given to. Mark the box stating "award each party the personal property in his or her possession."

If you had to use a separate sheet to list more property, mark the box that states "continued on reverse side or see attached list." Be as specific as possible in describing your property. You must describe the property that should go to you, and then check that box. You must describe the property that should go to the other party, and then check that box. Never list an item and then check both the Petitioner box and the Respondent box.

3. **Retirement Benefits.** Decide what you want to do about these assets. Generally, each spouse is entitled to a 1/2 interest in the pension or retirement or deferred compensation benefits of the other spouse for the time the parties were married. This is very complicated, and very important to both spouses. If you are entitled to any interest in your spouse's retirement assets, you may be required to file a Qualified Domestic Relations Order. This is a very important document. The Court and the Self- Service Center do not have this document. See a lawyer for help before you divide any retirement benefits. Check the box that describes what you asked for in the Petition or what the parties have agreed to.
4. **Real Property.** Mark this box if you own a home or real estate together. IT IS VERY IMPORTANT THAT YOU WRITE IN THE CORRECT ADDRESS AND THE LEGAL DESCRIPTION OF EACH PIECE OF PROPERTY. Mark the box showing which spouse gets the property, OR that the property is to be sold and the proceeds divided. If you used your own earnings to pay for property owned by your spouse, see a lawyer for help.
5. **Community Debt.** Mark this box if the parties have community debt. Then describe the debt, including the creditor, the account number, and the amount owed. Then mark the box showing which party is going to pay for the debt. If you had to use a separate sheet to list more debt or if you continued to list debt on the reverse side of the page, check the box. Mark the next box if you agree want that each spouse to pay his or her separate debt. This is money that the party owed before the time the parties got married.
6. Mark this box if you want to divide the debts incurred by a spouse that are not listed to be paid by the spouse who incurred the debt. Remember, although the Decree orders either spouse to pay community debts does not mean that the creditor cannot pursue collection from the other spouse, even after the legal separation and/or divorce is completed.
7. **Separate Property.** If you check boxed 5(e) on the Decree and you and/or your spouse have separate property, describe the separate property, its value, and who it belongs to.
8. **Separate Debt.** If you checked boxed 5(e) on the Decree and you and/or your spouse have separate debt, identify the creditor, the amount owed, and who is responsible for paying the separate debt.

PARENTING PLAN AND JOINT CUSTODY AGREEMENT

Now you must complete the **Parenting Plan** to decide how custody, parenting time, and all the details will work after the court order. The best thing to do is for both parents to complete this plan together.

Refer to "**Planning for Parenting Time: Arizona's Guide for Parents Living Apart**" to help make your new parenting plan. The **Guide** is available for purchase at all Superior Court Self-Service Center locations, **or** may be viewed online and downloaded for **free** from the state courts' web page.

If you want Joint Custody, **both** parents must complete and sign the Parenting Plan AND the Joint Custody Agreement. All the documents you need for child custody, child parenting time and child support are in the Self-Service Center Packets.

REMINDER:

1. **Be sure to attach "EXHIBIT A" about property and debts to your decree.**
2. **Be sure to attach the Child Support Worksheet, and the Parenting Plan, if you have marked joint custody or if the parties have signed a Parenting Plan.**
3. **Be sure to include a quit claim deed, if a quit claim deed has been signed.**

SELF-SERVICE CENTER

**INSTRUCTIONS: HOW TO COMPLETE THE
“CHILD SUPPORT ORDER”**

Type or print neatly using **BLACK INK ONLY.**

CASE CAPTION

- If you are providing this information to **establish** a child support order, fill in the names and the dates of birth (DOB) of the persons shown as Petitioner and Respondent on the petition to establish child support or to get other relief (divorce, paternity, etc.)
- If you are providing this information to **modify** your current support order, fill in the names and dates of birth (DOB) of the persons shown as Petitioner and Respondent on the order that established the child support.
- Fill in your case number. If you do not have a case number, leave this item blank.
- Fill in your ATLAS number. If you do not have an ATLAS number, leave this item blank.

NUMBERED INSTRUCTION

Match the number of the instruction below to the matching number on the first page of the “*Child Support Order.*”

- (1) Fill in the full name of the mother and the father of the minor children who are the subject of this “*Child Support Order.*”

Fill in the full name and birth date of all minor children who are the subject of this “*Child Support Order.*” (Use extra pages if necessary).

**LEAVE THE REST OF THE FORM BLANK. THE JUDGE OR COMMISSIONER WILL
COMPLETE THE REST OF THE INFORMATION AND SIGN THE ORDER.**

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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

LEGAL SEPARATION WITH MINOR CHILDREN

PART 4: THE DECREE/COURT ORDER

CHECKLIST

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

- ✓ You or your spouse filed a **“Petition for Legal Separation-With Minor Children”**, **AND**
- ✓ You and your spouse have minor children with each other OR the wife is pregnant by the husband, **AND**
- ✓ You have completed the court papers concerning where the children will live, parenting time for each parent, who will have legal authority to make decisions concerning the children, and child support as well, **AND**
- ✓ You are ready to complete the court papers about the Legal Separation Decree, **AND**
- ✓ You are going to a default hearing, or you are going to a Legal Separation trial.

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: (A) _____
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

(B) Petitioner

Case Number: _____

ATLAS Number: _____
(if applicable)

(B) Respondent

DECREE OF LEGAL SEPARATION FOR A NON-COVENANT MARRIAGE WITH MINOR CHILDREN

THE COURT FINDS: (C)

1. This case has come before this court for a final Decree of Legal Separation. The court has taken all testimony needed to enter a Decree, or the court has determined testimony is not needed to enter the Decree.
2. This court has jurisdiction over the parties under the law and the provisions of this Decree are fair and reasonable under the circumstances, and are in the best interests of the minor child(ren) as to legal decision making (custody), parenting time and support.
3. **SERVICE BY PUBLICATION:**
If Respondent was served by publication and was not personally served, this court cannot make a legal order, with respect to issues of child support, medical and dental insurance, payments, expenses for the minor child(ren), community property or debt, or spousal maintenance/support. The court reserves jurisdiction until personal service is made upon Respondent to consider the maintenance/support of either spouse, the disposition of community property or debts, child support, and any other relief requested in the Petition or orders deemed necessary by the court.
4. **THE COURT FURTHER FINDS:**
 - a. **Residency Requirement.** At the time this action was filed, one of the parties lived in Arizona, or had lived in Arizona while a member of the United States Armed Forces.
 - b. **Conciliation Court and Non-Covenant Marriage.** The provisions relating to the Conciliation Court either do not apply or have been met. This is not a covenant marriage.
 - c. **Irretrievably Broken or Separate and Apart.** The marriage is irretrievably broken or the parties desire to live separate and apart. The respondent has not objected to a decree of legal separation.

d. Legal Decision Making (Custody), Support, Spousal Maintenance, Division of Property and Debt. Where it has the legal power and where applicable to the facts of this case, this court has considered, approved, and made Orders relating to issues of legal authority to make decisions concerning the minor child(ren), the child(ren)'s primary residence, parenting time, child support, spousal maintenance (alimony), and the division of property and/or debt.

e. Community Property and Debt.

- The parties did **not** acquire any community property or debt during the marriage, **OR**
- There **IS** an agreement as to division of community property and debt; all community property and debt is divided pursuant to this Decree
- There is **NO** agreement as to division of community property and debt, but all community property and debt is divided pursuant to this Decree.

f. Pregnancy

- Wife is **not** pregnant, **OR**
- Wife **is** pregnant, and the husband **IS** OR **IS NOT** the father of the child.
- The husband is the father of these children born to the parties before the marriage:

Name(s)	Date(s) of Birth
_____	_____
_____	_____
_____	_____

g. Spousal Maintenance/Support.

The Petitioner, **OR** The Respondent, lacks enough property, including property given to him or her as part of this separation, to provide for his or her reasonable needs, and is unable to support himself or herself through an appropriate job, or he or she is providing the primary care to a child(ren) of young age or is of a condition that they should not be required to look for work outside the home, or lacks earning ability necessary to support himself or herself, or contributed significantly to the educational opportunities of the other spouse, or had a marriage that lasted a long time and is of an age that may severely limit the possibility of getting a job to support himself or herself.

h. Parent Information Program.

1. Petitioner has attended the Parent Information Program class as evidenced by the **“Certificate of Completion”** in the court file.

OR

Petitioner has not attended the Parent Information Program class and shall be denied any requested relief to enforce or modify this decree until Petitioner has completed the class.

2. Respondent has attended **OR** the Parent Information Program class as evidenced by the **“Certificate of Completion”** in the court file.

OR

Respondent has **not** attended the Parent Information Program class and shall be denied any requested relief to enforce or modify this decree until Respondent has completed the class.

i. Deviation from Child Support. The court, having considered the best interests of the minor child(ren), deviates from the guidelines for the following reasons:

- Application of the guidelines is inappropriate
- Application of the guidelines is unjust

The court makes the following finding regarding the deviation:

- The child support order would have been \$ _____
- The child support order after deviation is \$ _____

j. Physical Custody Adjustment, Court Approved Discretionary Parenting Time Adjustment And/or other Adjustments. (*The court must make written findings if any of these adjustments are made.*)

k. Ability to Pay Child Support. The court finds that the person responsible for paying child support has the ability to pay child support:

- In the amount entered on Line 34 of the Worksheet for \$ _____
- In an adjusted amount calculated using the self-support reserve on line 35 of the Worksheet for \$ _____

l. Legal Decision-Making Authority for Minor Child(ren). (Check/complete only if legal decision-making authority (custody) is contested or joint legal decision-making authority (custody) is ordered.)

- The legal decision-making (custody) order or agreement is in the best interests of the minor child(ren) for the following reasons: (List the reasons.)

m. Supervised or No Parenting Time. (Check and complete only if supervised parenting time or no parenting time is ordered.)

- Supervised Parenting Time** between the minor children and Mother **OR** Father,
- OR**

- No Parenting Time** by Mother **OR** Father, **is in the best interests of the minor child(ren), for the following reasons:** (Explain the reasons)

n. Domestic Violence. If the court enters an order for joint legal decision making (joint legal custody) for the minor child(ren), check box "1" or box "2" and explain.

1. Domestic violence has not occurred during this marriage, **OR**
2. Domestic violence has occurred, but the domestic violence **has not** been "significant". Joint legal decision making is in the best interest of the minor child(ren) even though domestic violence has occurred *because:*

THE COURT ORDERS: (D)

1. THE PARTIES ARE LEGALLY SEPARATED.

2. ENFORCEMENT OF TEMPORARY ORDERS: All obligations ordered to be paid by the parties in Temporary Orders dated (fill in dates of ALL temporary orders here)

are satisfied in full **OR** judgment is awarded against the party with the obligation up to the amount due and owing as of the date of this Decree, with the highest legal interest allowed by law, for the total amount of \$_____.

3. PREGNANCY AND PATERNITY

A child who is common to the parties is expected to be born this date: _____ All orders below as to legal decision making (legal custody), parenting time (visitation), support, and medical insurance/expenses include this child and all other children named below.

a. CHILDREN: This Decree includes all minor children common to the parties as follows:

NAME(S) OF MINOR CHILD(REN)	DATE(S) OF BIRTH
_____	_____
_____	_____
_____	_____
_____	_____

b. PATERNITY: The husband is declared to be the father of the minor children named below, born before the marriage:

Children Born BEFORE the Marriage	DATE(S) OF BIRTH
_____	_____
_____	_____
_____	_____

c. FOR ANY ABOVE-NAMED MINOR CHILD BORN IN THE STATE OF ARIZONA, THE CLERK OF COURT SHALL FORWARD A COPY OF THIS ORDER TO THE OFFICE OF VITAL RECORDS, WHICH IS ORDERED TO AMEND THE BIRTH CERTIFICATE(S) AS FOLLOWS: (List full name of husband/father as appears on his Social Security card or other government issued official document and as should appear on the children's birth certificate(s))

1. Add the name: _____
as the father on the above-named minor child(ren)'s birth certificate(s) if no name is already listed.

(Optional) Name Change – continued on next page

2. (Optional) **NAME CHANGE:** The names of one or more of the minor children for whom paternity has been established above shall be changed as follows:

Current Legal Name	New Name <i>(optional)</i>
_____	_____
_____	_____
_____	_____

4. **PRIMARY RESIDENTIAL PARENT, PARENTING TIME, and AUTHORITY FOR LEGAL DECISION MAKING (CUSTODY)**

a. **PRIMARY RESIDENTIAL PARENT:**

In accord with the Parenting Plan signed by both parties NEITHER parent is designated as the primary residential parent, OR

Mother is designated the primary residential parent of:

Father is designated the primary residential parent of:

SUBJECT TO PARENTING TIME AS FOLLOWS:

b. **PARENTING TIME:**

Reasonable parenting time rights to the non-residential parent as described in the Parenting Plan attached as Exhibit B and made a part of this Decree. OR

NO PARENTING TIME RIGHTS to Mother OR Father, OR

SUPERVISED PARENTING TIME to Mother OR Father according to the terms of the Parenting Plan attached as Exhibit B and made part of this Decree. Parenting time may only take place in the presence of another person, named below or otherwise approved by the court.

No Parenting Time or Supervised Parenting Time is in the best interests of the child(ren) *because:* (Explain) _____

(IF supervised) Name of supervisor: _____

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

the Mother, the Father, OR Shared equally by the parties

Restrictions on parenting time (if applicable):

c. AUTHORITY FOR LEGAL DECISION-MAKING (LEGAL CUSTODY):

1. **SOLE LEGAL DECISION-MAKING AUTHORITY** over the minor children is awarded to:

Mother, OR **Father,**

OR

2. **JOINT LEGAL DECISION-MAKING (JOINT CUSTODY):** Mother and Father agree to act as joint legal decision makers regarding the minor child(ren), as set forth in the Joint Legal Decision-Making (Custody) Agreement and Parenting Plan signed by both parties and attached to this Decree as **“Exhibit B.”** There having been no significant acts of Domestic Violence by either parent, or the court having found it in the best interests of the minor child(ren), the court adopts the terms of the Joint Legal Decision-Making (Custody) Agreement and Parenting Plan, which is attached to and made party of this Decree.

5. CHILD SUPPORT , including INSURANCE COVERAGE:

- a. **Mother, OR** **Father shall pay child support to the other party in the amount of** \$_____ per month, beginning **THE FIRST DAY OF THE MONTH** following the date this Decree is signed by the judge until further order of the court. Child Support is based on the information in the Child Support Worksheet attached hereto and incorporated by reference. All child support payments shall be made through the Support Payment Clearinghouse, and must include the statutory fee for the Income Withholding Order signed this date. Payments will be in equal installments made on the 1st and 15th of each month.

b. MEDICAL, DENTAL, VISION CARE FOR MINOR CHILDREN

Mother is responsible for providing: medical dental vision care insurance.

Father is responsible for providing: medical dental vision care insurance.

Medical, dental, and vision care insurance, payments and expenses are based on the information in the Parent's Worksheet for Child Support attached and incorporated by reference. The party ordered to pay must keep the other party informed of the insurance company name, address and telephone number, and must give the other party the documents necessary to submit insurance claims.

Non-Covered Expenses. Mother is ordered to pay _____ %, **AND Father is ordered to pay** _____ % of all reasonable uncovered and/or uninsured medical, dental, vision care, prescription and other health care charges for the minor children, including co-payments.

6. SPOUSAL MAINTENANCE/SUPPORT:

- a. **Neither party shall pay spousal maintenance/support (alimony) to the other party,**

OR

- b. **Petitioner, OR** **Respondent** is ordered to pay the other party the sum of \$_____ per month spousal maintenance/support **BEGINNING THE FIRST DAY OF THE MONTH** after this Decree is signed. Each payment shall be made by the first day of each month after that and shall continue until the receiving party is remarried or deceased **or** until (date) _____. All payments shall be made through the Support Payment Clearinghouse by automatic income withholding order, until all required payments have been made under this Decree. Payments made shall be included in receiving spouse's taxable income and is tax deductible from the paying spouse's income as required by law. Spousal maintenance / support payments end if the receiving party is remarried or deceased.

7. PROPERTY, DEBTS AND TAX RETURNS:

- a. Petitioner is ordered to pay all debts unknown to Respondent, **AND**
 Respondent is ordered to pay all debts unknown to Petitioner, **AND**
 Each party is ordered to pay his or her debts from the following date,

- b. Other orders and relief relating to property or debt are contained in Exhibit A, which is attached and incorporated into this Decree.
- c. Each party is assigned his or her separate property and Petitioner must pay his/her separate debt, and Respondent must pay his/her separate debt.
- d. This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfer of title ordered in this Decree, such as motor vehicles, houses, and bank accounts. The parties shall transfer all real and personal property as described in Exhibit A to the other party on or before _____ by 5:00 p.m.

If the party required to transfer the property has not transferred the property to the party entitled to receive the property on or before the date and time listed above, the party entitled to receive the property is entitled upon application to a Writ of Assistance or Writ of Execution to be issued by the Clerk of the Court commanding the sheriff to put him or her in possession of the property.

- e. **For previous calendar years**, pursuant to IRS rules and regulations, the parties will file:
 - joint** federal and state income tax returns and hold the other harmless from half of any additional income taxes and other costs, and each will share equally in any refunds, **OR**
 - separate** federal and state income tax returns.
- f. **For this calendar year and continuing thereafter**, each party will file separate federal and state income tax returns.

8. FINANCIAL INFORMATION EXCHANGES: The parties shall exchange financial information (tax returns, spousal affidavits, earning statements and/or other related financial statements) every twenty-four months. Each party shall give the other party all necessary documentation to file all tax returns.

9. TAX EXEMPTION: The parties shall claim as income tax dependency exemptions on federal and state tax returns as follows.

Parent entitled to claim	Name of minor child	in Tax Year	
<input type="checkbox"/> Mother <input type="checkbox"/> Father	_____	_____	_____
<input type="checkbox"/> Mother <input type="checkbox"/> Father	_____	_____	_____
<input type="checkbox"/> Mother <input type="checkbox"/> Father	_____	_____	_____
<input type="checkbox"/> Mother <input type="checkbox"/> Father	_____	_____	_____
<input type="checkbox"/> Mother <input type="checkbox"/> Father	_____	_____	_____

Pattern shall repeat for subsequent years.

A party required to pay child support is only entitled to claim minor child(ren) as an income tax dependency exemption **if** that parent has paid all of the child support due and owing *for the year that party is entitled to the exemption.*

10. MINOR CHILDREN TO WHOM THIS DECREE DOES NOT APPLY: It is ordered that Mother, OR Father has no legal obligation or right to the minor child(ren) listed below born during the marriage but **not** common to the marriage. These minor children include: (Use additional paper if necessary)

Name	Birth Date
_____	_____
_____	_____
_____	_____
_____	_____

Child expected to be born this date: _____

11. OTHER ORDERS. (Leave blank for Judicial Officer.) _____

12. FINAL APPEALABLE ORDER. Pursuant to Arizona Rules of Family Law Procedure, Rule 81, this final judgment/decree is settled, approved and signed by the court and shall be entered by the clerk.

(E) DONE IN OPEN COURT: _____.

JUDGE OR COURT COMMISSIONER

If this Decree was issued as a "Default," and the Petitioner served the papers to begin this case by any means *other than* by publication, a copy of this Decree shall be mailed or delivered to the Respondent within 24 hours of the court hearing as follows:

Respondent's Name: _____
Mailing Address: _____
City, State Zip Code: _____
By Petitioner: _____
Date: _____

EXHIBIT A: PROPERTY AND DEBTS (Refer to section "F" in instructions)

1. DIVISION OF COMMUNITY PROPERTY (property acquired during the marriage)

- Award each party the personal property in his/her possession.
- Community property is awarded to each party as follows:

2. LIST OF COMMUNITY PROPERTY (Be very specific in your description of the property.)

		AWARD TO	
		Petitioner	Respondent
<input type="checkbox"/>	Household furniture / furnishings: (Be specific.) _____ _____ _____ _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/>	Appliances: (Be specific.) _____ _____ _____ _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/>	Video: TV /DVD /VCR: (Be specific) _____ _____ _____ _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/>	Audio: Stereo/ Radio: (Be specific) _____ _____	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/>	Computers and Related Equipment: (Be specific) _____ _____ _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/>	Other Electronics (Be specific) _____ _____	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/>	Motor Vehicles: Year, Make, Model: _____ Last 4 digits of VIN #: _____ Year, Make, Model: _____ Last 4 digits of VIN #: _____	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

COMMUNITY PROPERTY

AWARD TO:
Petitioner Respondent

Motor Vehicles - continued

<input type="checkbox"/>	Year, Make, Model: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Last 4 digits of VIN # _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Cash, bonds of \$ _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Continues on attached page.		

3. DIVISION OF RETIREMENT, PENSION, DEFERRED COMPENSATION

(WARNING. You should see a lawyer about your retirement, pension, deferred compensation, 401k plans and/or benefits. If you do not see a lawyer regarding these assets, you risk losing any interest you have in these plans and/or benefits. There are certain documents the plan administrator must have. Only a lawyer can help you prepare these documents.)

Neither party has a retirement, pension, deferred compensation, 401K Plan and/or benefits.

OR

Award each party his/her interest in any and all retirement benefits, pension plans, or other deferred compensation described as:

OR

Each party **WAIVES AND GIVES UP** his/her interest in any and all retirement benefits, pension plans, or other deferred compensation of the other party:

4. DIVISION OF REAL PROPERTY (Land and Buildings) Section A is for one piece of property. Section B is for another, separate property.

A. Real property located at (address) _____.

The **legal description** of this property, **as quoted from the DEED to the property* is:**

*** If you do not provide a correct legal description, you may have to come back to court to amend the Decree to include the correct legal description.**

The real property ("A") described above is awarded as the sole and separate property of:

Petitioner or **Respondent**

OR

Shall be sold and the proceeds divided as follows:

_____ % or \$ _____ to **Petitioner.**

_____ % or \$ _____ to **Respondent.**

B. Real property located at (address)_____
The legal description of this property, as quoted from the DEED to the property* is:

* If you do not provide a correct legal description, you may have to come back to court to amend the Decree to include the correct legal description.

The real property ("B") described above is awarded as the sole and separate property of:

Petitioner or Respondent

OR

Shall be sold and the proceeds divided as follows:

_____ % or \$ _____ to Petitioner.

_____ % or \$ _____ to Respondent.

Continues on attached page.

5. DIVISION OF COMMUNITY DEBT (Debts incurred during the marriage) (You should see a lawyer about how to divide secured and unsecured debts.)

Community debts shall be divided as follows:

Creditor Name	Amount Owed	Amount to be paid by Petitioner	Amount to be paid by Respondent
a.	\$	\$	\$
b.	\$	\$	\$
c.	\$	\$	\$
d.	\$	\$	\$
e.	\$	\$	\$
f.	\$	\$	\$
g.	\$	\$	\$
h.	\$	\$	\$
i.	\$	\$	\$
j.	\$	\$	\$

Continues on attached page.

6. Any debts or obligations incurred by either party before the date of separation, that are not identified in the list above or attached, shall be paid by the party who incurred the debt or obligation and that party shall indemnify and hold the other party harmless from such debts.

7. **SEPARATE PROPERTY.** (Property acquired before the marriage or by gift or bequest to one party.)

Property recognized as the separate property of the Petitioner or Respondent, is assigned below:

Description	Value	To Petitioner	To Respondent
	\$		
	\$		
	\$		
	\$		
	\$		
	\$		
	\$		

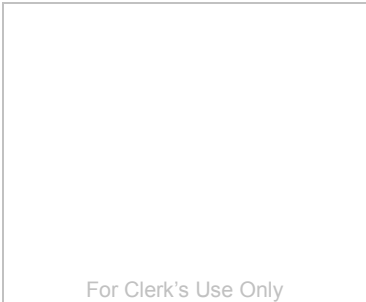
8. **SEPARATE DEBT:** (Debt acquired before the marriage.)

Debt recognized as the separate debt of the Petitioner or Respondent, is assigned below:

Creditor Name	Debt Amount	Petitioner Pays	Respondent Pays
	\$		
	\$		
	\$		
	\$		
	\$		
	\$		
	\$		

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

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).

	<u>FATHER</u>	<u>MOTHER</u>
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 **- \$1,115.00**

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: _____



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

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

Petitioner

Case No. _____

Date of Birth (Month, Date, Year)

ATLAS No. _____

Respondent

CHILD SUPPORT ORDER

A.R.S. § 25-503

Date of Birth (Month, Date, Year)

THE COURT FINDS THAT:

1. **Mother:** _____ and

Father: _____

have a duty to support the following children:

Child(ren)'s Name(s)	Date of Birth
_____	_____
_____	_____
_____	_____
_____	_____

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

3. **Mother** **Father** is obligated to pay support to: _____

In the amount of: \$ _____ per month

4. Deviation (only in applicable cases)

Application of the Arizona Child Support Guidelines in this case is inappropriate or unjust. The Court has considered the best interests of the child(ren) in determining that a deviation is appropriate.

The child support amount before deviation is: \$ _____

The child support amount after deviation is: \$ _____

The Court finds the guidelines amount is inappropriate or unjust because:

The attached written agreement is made part of this order by reference

Other Reasons for Deviation from Guideline Amount:

Arrears

Child support arrears exist in the amount of: \$ _____

For the period of: _____ to _____

Interest

Interest in the amount of: \$ _____

For the period of: _____ to _____

Past Care and Support

A judgment for past care and support should be entered in the amount of: \$ _____

For the period of: _____ to _____

IT IS ORDERED THAT:

1. Mother Father shall pay child support in the amount of: \$ _____
per month, to: _____
First payment is due on the 1st day of: _____

2. **Mother** **Father owes child support arrears in the amount of: \$** _____

For the period of: _____ to _____

Judgment is ordered in favor of: _____

and against: _____

In the principal amount of: \$ _____

Mother **Father** shall pay \$ _____ per month toward child support
arrears until paid in full, **OR**

Arrears not addressed.

3. **Mother** **Father owes past care and support in the amount of: \$** _____

For the period of: _____ to _____

Judgment is ordered in favor of: _____

and against: _____

In the principal amount of: \$ _____

Mother **Father** shall pay \$ _____ per month toward
the past care and support amount until paid in full, **OR**

Past care and support not addressed.

4. All payments shall be made through the Support Payment Clearinghouse pursuant to an "Income Withholding Order" signed this date. Any time the full amount of support ordered is not withheld, the person obligated to pay (the obligor) remains responsible for the full monthly amount ordered. Payments not made directly through the Support Payment Clearinghouse may be considered a *gift* unless you have a notarized affidavit signed by the other party agreeing that he or she received the payment and that it was for child support. All payments not made an "Income Withholding Order" shall be made payable to and mailed directly to:

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

Payments must include the payor's name, ATLAS number or Social Security Number.

5. Pursuant to A.R.S. § 25-322, the parties shall submit current address information in writing to the Clerk of the Superior Court and the Support Clearinghouse immediately. The payor shall within 10 days, submit the names and addresses of employers or other persons or organizations from which he or she is entitled to receive payment.

6. **The parties shall submit address changes within 10 days of the change.**

7. **MEDICAL, DENTAL, VISION CARE INSURANCE FOR MINOR CHILDREN**

Mother is responsible for providing medical dental vision care insurance.

Father is responsible for providing medical dental vision care insurance.

8. The costs of medical/dental/vision care expenses not paid by insurance shall be shared as follows:
Mother _____ % **Father** _____ %.
- Request for payment or reimbursement must be provided to the obligated parent(s) within 180 days after the services occurred. The obligated parent must pay or make payment arrangements within 45 days after receipt of the request.
9. The costs of travel related to parenting time over 100 miles one way shall be shared as follows:
Mother _____ % **Father** _____ %
10. The parties shall exchange financial information such as copies of tax returns, earnings statements, a Parent's Worksheet for Child Support Amount, residential addresses and the names and addresses of their employers every 24 months.
11. The court allocates the federal tax exemption(s) for the dependent child(ren) as follows:

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

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

Each year, the person obligated to make payments (the obligor) may claim these exemptions only if the obligor has paid all child support and arrears ordered for the year by December 31 of that year.

If this is a modification of child support, all other prior orders of this Court not modified remain in full force and effect.

FINAL APPEALABLE ORDER. Pursuant to Arizona Rules of Family Law Procedure, Rule 81, this final judgment/decre is settled, approved and signed by the court and shall be entered by the clerk.

Date

Judicial Officer

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: _____

AND

PARENTING PLAN FOR:

JOINT LEGAL DECISION MAKING
(CUSTODY) WITH JOINT LEGAL
DECISION MAKING (CUSTODY)
AGREEMENT

or

SOLE LEGAL DECISION-MAKING
(CUSTODY)

Name of Respondent

to Mother

to Father

INSTRUCTIONS

This document has 4 parts: PART 1) General Information; PART 2) Legal Decision Making (Custody) and Parenting Time; PART 3) Danger to Children Notification Statement; and PART 4) Joint Legal Decision Making (Custody) Agreement. Where this form refers to "children" it refers to any and all minor children common to the parties whether one or more.

One or both parents must complete and sign the Plan as follows:

- a. If only *one* parent is submitting the Plan: that parent must sign at the end of PART 2 and 3.
- b. If both parents agree to legal decision making (custody) and parenting time arrangements *but not to joint legal decision making (custody)*: Both parents must sign the Plan at the end of PART 2 and 3.
- c. If both parents agree to joint legal decision making (custody) and parenting time arrangements as presented in the Plan: Both parents must sign the Plan at the end of PART 2, 3, and 4.

PART 1: GENERAL INFORMATION:

A. MINOR CHILDREN. This Plan concerns the following minor children:
(Use additional paper if necessary)

B. THE FOLLOWING LEGAL DECISION-MAKING (CUSTODY) ARRANGEMENT IS REQUESTED:

(Choose ONE of 1, 2, 3, 4.) (If you chose "sole legal decision-making authority" [1 or 2], you have the option of also requesting restrictions on the parenting time of the other party.

1. SOLE LEGAL DECISION-MAKING (CUSTODY) BY AGREEMENT. The parents agree that sole legal decision-making authority (custody) and primary physical custody should be granted to the Mother Father.

The parents agree that since each has a unique contribution to offer to the growth and development of their minor children, each of them will continue to have a full and active role in providing a sound moral, social, economic, and educational environment for the benefit of the minor children, as described in the following pages,

OR

2. SOLE LEGAL DECISION-MAKING (CUSTODY) REQUESTED BY THE PARENT SUBMITTING THIS PLAN. The parents cannot agree to the terms of legal decision making (custody) and parenting time. The parent submitting this Plan asks the court to order sole legal decision-making authority and parenting time according to this Plan.

(Optional, if you marked 1 or 2 above)

RESTRICTED, SUPERVISED, OR NO PARENTING TIME.

The parent submitting this Plan asks the court for an order restricting parenting time. The facts and information related to this request are described in the Petition.

OR

3. JOINT LEGAL DECISION-MAKING (CUSTODY) BY AGREEMENT. The parents agree to joint legal decision-making (custody) and request the court to approve the joint legal decision-making (custody) arrangement as described in this Plan. Primary physical custody will be with the Mother Father,

OR

- 4. JOINT LEGAL DECISION-MAKING AUTHORITY (CUSTODY) REQUESTED BY THE PARENT SUBMITTING THIS PLAN.** The parents cannot agree to the terms of legal decision making and parenting time **or** are unable to submit this plan together at this time. My request for joint legal decision-making authority is deferred for the court's determination.

PART 2: PHYSICAL CUSTODY AND PARENTING TIME. Complete each section below. Be specific about what you want the judge to approve in the court order.

A. (School Year) WEEKDAY AND WEEKEND TIME-SHARING SCHEDULE:

- The minor children will be in the care of Father as follows: (Explain).

- The minor children will be in the care of Mother as follows: (Explain).

- Other physical custody arrangements are as follows: (Explain).

- Transportation will be provided as follows:

- Mother** or **Father** will pick the minor children up at _____ o'clock.

- Mother** or **Father** will drop the minor children off at _____ o'clock.

Parents may change their time-share arrangements by mutual agreement with at least ____ days notice in advance to the other parent.

B. SUMMER MONTHS OR SCHOOL BREAK LONGER THAN 4 DAYS: The weekday and weekend schedule described above will apply for all 12 calendar months **EXCEPT:**

- During summer months or school breaks that last longer than 4 days, no changes shall be made. **OR,**

- During summer months or school breaks that last longer than 4 days, the minor children will be in the care of Father: (Explain)

- During summer months or school breaks that last longer than 4 days, the minor children will be in the care of Mother: (Explain)

- Each parent is entitled to a _____ week period of vacation time with the minor children. The parents will work out the details of the vacation at least _____ days in advance.

C. TRAVEL

- Should either parent travel out of the area with the minor children, each parent will keep the other parent informed of travel plans, address(es), and telephone number(s) at which that parent and the minor children can be reached.
- Neither parent shall travel with the minor children outside Arizona for longer than ____ days without the prior written consent of the other parent or order of the court.

D. HOLIDAY SCHEDULE: The holiday schedule takes priority over the regular time-sharing schedule as described above. Check the box(es) that apply and indicate the years of the holiday access/Parenting time schedule.

Holiday	Even Years				Odd Years				
<input type="checkbox"/> New Year's Eve	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	
<input type="checkbox"/> New Year's Day	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	
<input type="checkbox"/> Spring Vacation	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	
<input type="checkbox"/> Easter	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	
<input type="checkbox"/> 4th of July	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	
<input type="checkbox"/> Halloween	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	
<input type="checkbox"/> Veteran's Day	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	
<input type="checkbox"/> Thanksgiving	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	
<input type="checkbox"/> Hanukkah	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	
<input type="checkbox"/> Christmas Eve	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	
<input type="checkbox"/> Christmas Day	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	
<input type="checkbox"/> Winter Break	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	
<input type="checkbox"/> Child's Birthday	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	<input type="checkbox"/>	Mother	<input type="checkbox"/>	Father	
<input type="checkbox"/>	Mother's Day will be celebrated with the Mother every year.								
<input type="checkbox"/>	Father's Day will be celebrated with the Father every year.								
<input type="checkbox"/>	Each parent may have the children on his or her birthday.								
<input type="checkbox"/>	Three-day weekends which include Martin Luther King Day, Presidents' Day, Memorial Day, Labor Day, Columbus Day, the children will remain in the care of the parent who has the minor children for the weekend.								
<input type="checkbox"/>	Other Holidays (Describe the other holidays and the arrangement) :								

- Telephone Contact:** Each parent may have telephone contact with the minor children during the children's normal waking hours, **OR:** (Explain) _____
- Other** (Explain) : _____

E. PARENTAL ACCESS TO RECORDS AND INFORMATION: Under Arizona law (A.R.S. §25-403.06), unless otherwise provided by court order or law, on reasonable request, both parents are entitled to have equal access to documents and other information concerning the minor children's education and physical, mental, moral and emotional health including medical, school, police, court and other records. A person who does not comply with a reasonable request for these records shall reimburse the requesting parent for court costs and attorney fees incurred by that parent to make the other parent obey this request. A parent who attempts to restrict the release of documents or information by the custodian of the records without a prior court order is subject to legal sanctions.

F. EDUCATIONAL ARRANGEMENTS:

- Both parents have the right to participate in school conferences, events and activities, and the right to consult with teachers and other school personnel.
- Both parents will make major educational decisions together. (optional) If the parents do not reach agreement, then:

OR

- Major educational decisions will be made by Mother Father after consulting other parent.

G. MEDICAL AND DENTAL ARRANGEMENTS:

- Both parents have the right to authorize emergency medical treatment, if needed, and the right to consult with physicians and other medical practitioners. Both parents agree to advise the other parent immediately of any emergency medical/dental care sought for the minor children, to cooperate on health matters concerning the children and to keep one another reasonably informed. Both parents agree to keep each other informed as to names, addresses and telephone numbers of all medical/dental care providers.
- Both parents will make major medical decisions together, except for emergency situations as noted above. (optional) If the parents do not reach an agreement, then: _____

OR

- Major medical/dental decisions will be made by Mother Father after consulting other parent.

H. RELIGIOUS EDUCATION ARRANGEMENTS: (Choose ONE)

- Each parent may take the minor children to a church or place of worship of his or her choice during the time that the minor children is/are in his or her care.
- Both parents agree that the minor children may be instructed in the _____ faith.
- Both parents agree that religious arrangements are not applicable to this plan.

I. ADDITIONAL ARRANGEMENTS AND COMMENTS:

- NOTIFY OTHER PARENT OF ADDRESS CHANGE.** Each parent will inform the other parent of any change of address and/or phone number in advance **OR** within _____ days of the change.
- NOTIFY OTHER PARENT OF EMERGENCY.** Both parents agree that each parent will promptly inform the other parent of any emergency or other important event that involves the minor children

- TALK TO OTHER PARENT ABOUT EXTRA ACTIVITIES.** Each parent will consult and agree with the other parent regarding any extra activity that affects the minor children's access to the other parent.
- ASK OTHER PARENT IF HE/SHE WANTS TO TAKE CARE OF CHILDREN.** Each parent agrees to consider the other parent as care-provider for the minor children before making other arrangements.
- RELOCATION.** If either parent intends to relocate outside the state or more than 100 miles within the state with the minor child(ren), they will provide at least 45 days advance written notice to the other parent and adhere to the provisions set forth in A.R.S. §25-408(B), including the requirement that all parties continue to comply with current court orders, regardless of distance moved or notice required, unless otherwise ordered by the Court.
- COMMUNICATE.** Each parent agrees that all communications regarding the minor children will be between the parents and that they will **not** use the minor children to convey information or to set up parenting time changes.
- METHOD OF COMMUNICATION.** Each parent agrees to use the following means of communication:
_____.
- FREQUENCY OF COMMUNICATION.** Each parent agrees to communicate regarding the child(ren) on a regular basis. That communication schedule will be:

and will be by the following methods: Phone Email Other
- PRAISE OTHER PARENT.** Each parent agrees to encourage love and respect between the minor children and the other parent, and neither parent shall do anything that may hurt the other parent's relationship with the minor children
- COOPERATE AND WORK TOGETHER.** Both parents agree to exert their best efforts to work cooperatively in future plans consistent with the best interests of the minor children and to amicably resolve such disputes as may arise.
- NOTIFY OTHER PARENT OF PROBLEMS WITH TIME-SHARING AHEAD OF TIME.** If either parent is unable to follow through with the time-sharing arrangements involving the minor child(ren), that parent will notify the other parent as soon as possible.

- PARENTING PLAN.** Both parents agree that if either parent moves out of the area and returns later, they will use the most recent **“Parenting Plan/Access Agreement”** in place before the move.
- MEDIATION.** If the parents are unable to reach a mutual agreement regarding a legal change to their parenting orders, including a proposed relocation of a child, they shall participate in mediation through the court or a private mediator of their choice.

NOTICE: DO NOT DEVIATE FROM PLAN UNTIL DISPUTE IS RESOLVED.

Both parents are advised that while a dispute is being resolved, neither parent shall deviate from this Parenting Plan, or act in such a way that is inconsistent with the terms of this agreement.

Once this Plan has been made an order of the Court, if either parent disobeys the court order related to parenting time with the children, the other parent may submit court papers to request enforcement. See the Self-Service Center packets “To Make Someone Obey a Court Order” for help.

J. PART 2 SIGNATURE OF ONE OR BOTH PARENTS (as instructed on page 1)

Signature of Mother: _____ Date: _____

Signature of Father: _____ Date: _____

PART 3: STATEMENT REGARDING CONTACT WITH SEX OFFENDERS AND PERSONS CONVICTED OF DANGEROUS CRIMES AGAINST CHILDREN.

According to A.R.S. §25-403.05, a child’s parent or custodian must immediately notify the other parent or custodian if the person knows that a convicted or registered sex offender or someone who has been convicted of a dangerous crime against children may have access to the child.

The parent or custodian must provide notice by first class mail, return receipt requested, by electronic means to an electronic mail address that the recipient provided to the parent or custodian for notification purposes or by another form of communication accepted by the court.

According to A.R.S. § 13-705 (P) (1), "Dangerous crime against children" means any of the following that is committed against a minor who is under fifteen years of age:

- (a) Second degree murder.
- (b) Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.
- (c) Sexual assault.
- (d) Molestation of a child.
- (e) Sexual conduct with a minor.
- (f) Commercial sexual exploitation of a minor.
- (g) Sexual exploitation of a minor.
- (h) Child abuse as prescribed in section 13-3623, subsection A, paragraph 1.
- (i) Kidnapping.
- (j) Sexual abuse.
- (k) Taking a child for the purpose of prostitution as prescribed in section 13-3206.
- (l) Child prostitution as prescribed in section 13-3212.
- (m) Involving or using minors in drug offenses.
- (n) Continuous sexual abuse of a child.
- (o) Attempted first degree murder.
- (p) Sex trafficking.
- (q) Manufacturing methamphetamine under circumstances that cause physical injury to a minor.
- (r) Bestiality as prescribed in section 13-1411, subsection A, paragraph 2.
- (s) Luring a minor for sexual exploitation.
- (t) Aggravated luring a minor for sexual exploitation.
- (u) Unlawful age misrepresentation.

PART 3 SIGNATURE OF ONE OR BOTH PARTIES (as instructed on page 1)

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

Signature of Mother: _____ Date: _____

Signature of Father: _____ Date: _____

PART 4: JOINT LEGAL DECISION MAKING (CUSTODY) AGREEMENT

(IF APPLICABLE):

A. DOMESTIC VIOLENCE: Arizona Law (A.R.S. § 25-403.03) states that joint legal decision-making authority (custody) shall NOT be awarded if there has been "a history of significant domestic violence".

- Domestic Violence has **not** occurred between the parties, **OR**
- Domestic Violence **has** occurred but it has not been "significant" or has been committed by both parties.*

B. DUI or DRUG CONVICTIONS:

- Neither party has been convicted of driving under the influence or a drug offense within the past 12 months, OR
- One of the parties HAS been convicted of driving under the influence or a drug offense within the past 12 months but the parties feel Joint Legal Decision-Making (Custody) is in the best interest of the children.*

*** IF THERE HAS BEEN DOMESTIC VIOLENCE OR A DUI OR DRUG CONVICTION:
Attach an extra page explaining why Joint Legal Decision-Making (Custody) is still in the best interest of the children.**

C. JOINT LEGAL DECISION MAKING (CUSTODY) AGREEMENT: If the parents have agreed to joint legal decision making (custody), the following will apply, subject to approval by the Judge:

1. **REVIEW:** The parents agree to review the terms of this agreement and make any necessary or desired changes every _____ month(s) from the date of this document.
2. **CRITERIA.** Our joint legal decision making (custody) agreement meets the criteria required by Arizona law A.R.S. § 25-403.02, as listed below:
 - a. The best interests of the minor children are served;
 - b. Each parent's rights and responsibilities for personal care of the minor children and for decisions in education, health care and religious training are designated in this Plan;
 - c. A practical schedule of the parenting time for the minor children, including holidays and school vacations is included in the Plan;
 - d. A procedure for the exchange(s) of the child(ren) including location and responsibility for transportation.
 - e. The Plan includes a procedure for periodic review;
 - f. The Plan includes a procedure by which proposed changes, including relocation of where a child resides with either parent pursuant to A.R.S. §25-408, disputes and alleged breaches may be mediated or resolved.
 - g. A procedure for communicating with each other about the child, including methods and frequency.

PART 4 SIGNATURES OF BOTH PARENTS REQUESTING JOINT LEGAL DECISION MAKING AUTHORITY (CUSTODY) (as instructed on page 1)

Signature of Mother: _____

Date: _____

Signature of Father: _____

Date: _____

CURRENT EMPLOYER* INFORMATION

You may also fill out this form online at the Family Support Center Website.

For Clerk's Use Only

THIS FORM MUST BE COMPLETED FOR:

- AN INCOME WITHHOLDING ORDER**
- ORDER TO STOP AN INCOME WITHHOLDING ORDER**
- NOTIFICATION OF A CHANGE OF EMPLOYER (or OTHER PAYOR)**

CASE NUMBER: _____ **ATLAS NUMBER:** _____

NAME OF PERSON ORDERED TO MAKE PAYMENTS:

LIST THE NAME OF THE EMPLOYER* AND THE ADDRESS OF THE PAYROLL OR FINANCIAL DEPARTMENT (for the person named above) WHERE THE INCOME WITHHOLDING ORDER OR STOP ORDER SHOULD BE MAILED.

EMPLOYER* NAME: _____

PAYROLL ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

EMPLOYER* TELEPHONE: _____

EMPLOYER* FAX: _____

**or other payor or source of funds*

FOR COURT USE ONLY. DO NOT WRITE BELOW THIS LINE.

WA/FSC

WA/LOG ID: _____
TYPE OF W/A _____
DATE _____
AMOUNT OF ORDER _____
EMPLOYER STATUS _____
ENTERED BY _____
NEW W/A _____ SUB _____
AG _____ DCSE _____