

LEGAL SEPARATION WITH MINOR CHILDREN

For Respondent Only

3

Respond

Part 3: Respond to a Petition for Legal Separation
(Forms Packet)

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

SELF SERVICE CENTER

HELPFUL INFORMATION: HOW TO FILE A RESPONSE TO A PETITION FOR LEGAL SEPARATION WITH MINOR CHILDREN

IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE: All court documents request your address and phone number. If you are a victim of domestic violence, you must file "*Petition for an Order of Protection*" and ask that your address not be disclosed on court papers. With that order, you do not need to put your address and phone number on your court papers. Then, write "protected" where asked for this information and update the Clerk of the Court with an address and phone number as soon as possible. The Clerk of the Court will keep your address confidential.

PAPERS YOU SHOULD HAVE RECEIVED WITH THE PETITION FOR LEGAL SEPARATION:

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, your spouse must complete an Application and Affidavit for Entry of Default and send you a copy of that document. You will 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. That means, you will not get to tell the judge your side of the story.

PRELIMINARY INJUNCTION: This is an order from the court to both spouses about what you CAN and CANNOT do with property, minor children, and other issues while the legal separation is pending. If you or your spouse do not obey this order, the party who disobeys it can be in serious trouble with the court. If your spouse disobeys the order, see a lawyer for help on what to do. The Self-Service Center has a list of lawyers who will help you help yourself, and this list tells how much they charge to help you.

INFORMATION FOR CONCILIATION COURT: You may or may not have received a paper on this. There is no requirement that your spouse serve this document on you. In either case, the court has services to help couples with their marriage, called "Conciliation" and "Mediation." You can ask for an appointment by filing a written Petition, to discuss your marriage with these court professionals. You can get the forms for the appointment at the Self-Service Center.

PARENT INFORMATION PROGRAM ORDER and NOTICE: This is an important document. You and the other parent must attend and complete a class in the Parent Information Program. This is a very exciting and wonderful class. They designed it to help you. The purpose of the Parent Information Program is to give parents information about the impacts that divorce, the changes in the family unit, and court involvement have on minor children involved in a divorce, paternity, or custody case. This Order and Notice applies to all parents who file an action for dissolution of marriage or legal separation, or any paternity proceeding, in which a party has requested that the court determine custody or parenting time on or after January 1, 1997, and to all other domestic relations cases if ordered by the Court. **Make sure you read this order and notice and do what it says.**

AFFIDAVIT REGARDING MINOR CHILDREN. This document describes your minor children and where they have lived for the past five years. Both you and the other party must file this document telling the court about other custody and parenting time cases involving your minor children.

PETITION FOR LEGAL SEPARATION WITH CHILDREN: This is the form your spouse completed to tell the court his or her side of the story about property, debt, spousal maintenance/ support (alimony), child custody, child support, health insurance, pregnancy, and everything else about the marriage. **Read each and every word very carefully,** and decide what you want to do. Here are your choices:

1. **Do nothing.** This means your spouse can get a legal separation and tell the judge his or her side of the story, without you telling your side at all. **This is called 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. You should see a lawyer before you decide to do nothing.
2. **Decide with your spouse how you want to handle everything:** property, debt, spousal maintenance, child support, child custody, and everything else about the marriage. Then you and your spouse 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 your spouse desire to live separate and apart, and can talk about the critical issues to decide how you both want to handle the legal separation. 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 your spouse said in the Petition,** file a Response stating your side of the story, and how you want to handle everything: property, debt, spousal maintenance (alimony), child custody, child support and everything else about the legal separation. This will make your case a **contested matter.** But, even if you originally file a Response, you and your spouse can still decide to agree on something, or everything, and file court papers for a **Consent or Stipulation.** Mediators can help you with this, and the Self-Service Center has a list of mediators, and how much they charge to help you. If you file a Response and do not settle everything with your spouse, you must be sure to file the court papers you will need to set the case for trial.

SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO RESPOND TO A PETITION FOR LEGAL SEPARATION WITH CHILDREN

COMPLETING YOUR WRITTEN RESPONSE TO THE PETITION:

- | STEP | INSTRUCTION |
|------|--|
| A | Type or print with black ink only. |
| B | Make sure your form is titled "RESPONSE TO PETITION FOR LEGAL SEPARATION WITH MINOR CHILDREN". |
| 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. Then state whether you are representing yourself or whether an attorney represents you. |
| D | Fill in the name of Petitioner and Respondent exactly the same way as it looks on the Petition. Do this for every document you file with the court regarding this case from now on. |
| E | Use the case number that is stamped in the upper right-hand corner of the Petition. Do this for all documents you file with the court regarding this case from now on. |

STATEMENTS MADE TO THE COURT UNDER OATH:

GENERAL INFORMATION:

- 1. ABOUT MY SPOUSE, THE PETITIONER.** Fill in your spouse's (the Petitioner's) name, address (if not protected), date of birth, occupation, and length of time domiciled (lived) in this state. This is basic information about the Petitioner.
- 2. ABOUT ME, THE RESPONDENT.** Fill in your name, address, date of birth, occupation, and length of time domiciled (lived) in this state. This is basic information about YOU, the Respondent.
- 3. ABOUT OUR MARRIAGE.** This is general information about your marriage. Fill in the date that you were married, and the city and state where you were married.
- 4. ABOUT THE LEGAL SEPARATION.** Check one box only to tell the judge that you want to be legally separated, or that you do not want to be legally separated but that you want to be divorced. If you or your spouse have lived in Arizona for more than 90 days prior to filing the "***Petition for Legal Separation***" the judge has the discretion to change the "***Petition for Legal Separation***" to a "***Petition for Dissolution of Marriage (Divorce)***" if one of the parties believes the marriage is over and wants a divorce instead of a legal separation.

PROPERTY AND DEBTS: The information you give in paragraphs 5 and 6 tells the court about your property and debts and how you think property and debts should be divided. Community property is generally any property you and your spouse purchased during your marriage or that was paid for during the marriage, regardless of who uses the property or who actually paid the money. Unless property was a gift or inheritance, all property

gotten during the marriage is community property, and both you and your spouse are entitled to a roughly equal share of this property. Community debts, likewise, belong to both people, regardless of who spent the money. If you have questions, or have a lot of community assets, you may want to consult an attorney regarding issues of community property and debts BEFORE filing your Response and other papers.

It is very important that you be specific in your responses about the property and debt. Describe the property and debt that should go to or be paid by you in detail and describe the property and debt that should go to or be paid by your spouse in detail. Never list an item and check both the Petitioner and the Respondent box.

5a **COMMUNITY PROPERTY.** If you and your spouse do not have any community property from the marriage, mark the first box. If you had property together, check the second box. If you checked the second box, you will then tell the court first what property should go to you and second, what property should go to your spouse. Generally, the court will try to divide the property 50-50, unless there are good reasons not to. Realize that it is unlikely that the court will give most or all of the property to either spouse, so try to put some thought into what you think would be a fair split before answering this question.

First, you will list the property that you want the court to award to you. Next you will list the property that you want the court to award the Petitioner. Put a mark in the boxes corresponding to which property you want to go to which person. You should describe the property as thoroughly as you need to for identification purposes. You can use the brand name and model where applicable, as well as serial numbers.

Types of property include:

- a) Real estate (property or home). Mark who you want to get the property. You can ask the Court to give you the home, to give it to your spouse, or to sell the home and divide the proceeds. You should write the complete address of the property under "Real estate located at." Most property also has a legal description such as "LOT 77, PINE TREE ACRES, according to Book 111 of Maps," etc. You should use this description, which will appear on your deed papers, if you have it. Cemetery plots are also considered real property.
- b) Household furniture. This includes sofas, beds, tables, etc.
- c) Household furnishings. This generally includes other things in the house other than furniture, e.g., dishes, small appliances, rugs, etc.
- d) Other items (explain). List the things that you specifically want to go to one person or another that have not already been listed.
- e) Pension/retirement fund/profit sharing/stock plan. You and your spouse each generally have a right to a one-half interest in any spouse's plan, ONLY for the number of years you were married. The longer you have been married, the greater your financial interest in a spouse's plan, up to 50 percent if you have been together the whole period of the plan. Mark this box if you want to divide your interest in a retirement or profit sharing/retirement/401K plan. If you mark this box, you should see an attorney about a document called a Qualified Domestic Relations Order or QDRO. A QDRO is a very specialized legal document that requires a professional's assistance to prepare. To find out what the actual cash value and present day value of the pension plan is, you may want to consult with an accountant experienced in valuing pension plans.
- f) Motor vehicles. List the vehicle identification number, the year and make of car (Ford, Chevrolet) and the model (Mustang, Camaro), etc.

5b **SEPARATE PROPERTY.** If you do not have any separate property, mark the first box. If your spouse does not have any separate property, mark the second box. If you have separate property, check the third box. If your spouse has separate property, check the fourth box. Then

describe the property and who should get the property. Separate property is usually property an individual had prior to the marriage. Separate property also includes gifts, devises, and inheritances. There are other times that property can be separate property so it is always a good idea to talk to a lawyer before you fill out this or any court papers.

6a **COMMUNITY DEBTS.** If you and your spouse do not owe money on any debts from the marriage, mark the first box and GO ON. If you did have debt, mark the second box. If you mark the second box, tell the court first which debts the Petitioner should pay and then which debts you should pay. Generally, the Court will attempt to make a fair split of the debts, and if you get the property that money is owed on, you probably will also be given the debt. It is unusual that the Court will order one person to pay all the debts. Think about what is a fair split of the debts before answering this question. Put enough information to identify the specific debt.

If you and your spouse have been separated and have acquired new debts on your own before filing for legal separation or divorce, you may want the Court to Order that each of you pay for any new debts you have gotten after the date you separated. You can make this request on the page of your Response under "Community Debts."

6b **SEPARATE DEBTS.** If you and your spouse do not have separate debt, check the first box. If you have separate debt, check the second box. If your spouse has separate debt, check the third box. Then describe the debt and who should pay for it. Separate debt is usually debt acquired prior to the marriage.

7. **TAX RETURNS.** Mark this box if this is how you want to handle income tax refunds. If you want some other arrangement, write that in instead. It is always a good idea to talk to a lawyer and an accountant about your taxes.

8. **SPOUSAL MAINTENANCE/SUPPORT.** Spousal maintenance/support is the term used to describe money paid from one spouse to the other spouse as part of a Divorce or Legal Separation Agreement or Order. You may know the term as alimony. The money is designed as a safety net for a spouse who cannot provide for his or her needs or who meets other requirements listed. The idea behind spousal maintenanc/support (alimony) is that accomplishments during your marriage, including increases in earning potential and living standards are shared and earned by BOTH parties to a marriage. Look at the list of boxes to see if any of these apply to you or your spouse. If so, you can decide to make a request that spousal maintenance/support be awarded to the appropriate party or that spousal maintenance/support not be awarded at all. Mark as many boxes as apply to your situation. If none apply, go on with the form. Spousal maintenance is paid separate from child support and is NOT a substitute for or a supplement to child support.

9. **PREGNANCY.** Check the box that tells the Judge whether the wife is pregnant or not and fill in the information requested if wife is pregnant.

10. **DOMESTIC VIOLENCE.** This tells the Court if domestic violence was in the marriage and affects a request for joint custody, (if you intend to ask for joint custody). If you are not sure what domestic violence means, see the first page of the document entitled "Helpful Information: How to Respond to a Petition for Legal Separation with Minor Children." Then, check the box that applies to your situation If domestic violence has not occurred and your spouse agrees with you, go to paragraph 10. Because you are responding to what your spouse asked for in the Petition, you should now summarize for the Court how Domestic Violence is different from what your spouse said about Domestic Violence.

11. **CHILDREN OF THE PARTIES WHO ARE LESS THAN 18 YEARS OF AGE.** Write the names of any children under age 18 born to you and your spouse during your marriage or adopted by you and your spouse. Include the child's birth date, and current address. If you do not have any minor children, you should be using the Response Packet Without Minor Children.

- 12. WRITTEN CUSTODY AGREEMENT.** Check this box **ONLY** if you and your spouse have a written agreement regarding custody, parenting time and child support that **both of you signed BEFORE** you filed the Response to the Petition for Legal Separation. If you have only discussed these issues and do not have a written agreement, do **NOT** check this box. Attach a copy of the written agreement if you have a copy.
- 13. SUMMARY OF WHAT I SAY THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION.** Since you are responding to what your spouse asked for in the Petition, you should now summarize for the judge how what you say is different from what your spouse said in the Petition.
- 14. CONCILIATION.** Here you must state that the conciliation requirements under Arizona law, A.R.S. 25-381.09 do not apply or have been met. The Court has a service called Conciliation. Conciliation allows you to meet with trained professionals to resolve the issues of your marriage or the issues in dispute. You must agree that conciliation would not be helpful to you and your spouse, or that you have gone to conciliation.
- 15. CHILD CUSTODY JURISDICTION.** You are stating that the court has or does not have jurisdiction or the authority to decide child custody under Arizona law because the minor children have or have not lived in Arizona for at least 6 months before this Petition was filed. If you have minor children who are common to you and your spouse and you are now filing for legal separation, generally, you should have lived in the State of Arizona with the children for at least 6 months, or Arizona must be the minor children's primary place of residence before your spouse files for legal separation. If you have questions regarding this requirement or other reasons why the court may not have jurisdiction, see a lawyer for help. Then check one box.
- 16. GENERAL DENIAL:** This tells the court that even if you did not answer each and everything said in the Petition, you deny what you did not address. This is extra protection for you.

REQUESTS TO THE COURT: This section of the Response formally requests that the court grant or not grant you and your spouse the legal separation, and tells the Court other requests you are making:

- A LEGALLY SEPARATE OR CHANGE TO DIVORCE.** This is your request to be legally separated from your spouse, or if you do not want to be legally separated, but want a divorce from your spouse instead. See a lawyer for help on this, if you are not sure.
- B SPOUSAL MAINTENANCE/SUPPORT (ALIMONY).** This tells the court that you or your spouse should pay money to the other spouse on a monthly basis to help with living expenses. If you do want one party to receive spousal maintenance, check the Petitioner or Respondent box, the monthly amount, and the time period. If you do not want spousal maintenance ordered, do not mark anything, GO ON.

(You can only mark a box here if you marked the same box in the section above). If you request spousal maintenance, choose what you believe to be a reasonable monthly amount and tell the court how long the money should be paid. Base the amount of any request based on the receiving party's need and the income of the spouse paying this money. Remember, spousal maintenance is not a substitute for, or a supplement to, child support that may be ordered.

C COMMUNITY PROPERTY. This tells the court that your requested division of the property is fair, and that the Court should divide the property as requested by you in your Response.

D COMMUNITY DEBT. This tells the court that your requested division of the debts is fair, and that the court should divide the debts as requested by you in your Response. If you have been separated from your spouse for enough time that you or your spouse may have additional debts, write the date of separation on the line provided if you want each of you to pay the debts you caused after you separated.

E SEPARATE PROPERTY AND DEBT. This states you want you and your spouse to keep property you each owned before you were married or that is separate property, and to pay debt that was acquired before you were married or that is separate debt.

F CHILD CUSTODY AND PARENTING TIME (VISITATION)

F.1. SOLE CUSTODY OF CHILDREN AND PARENTING TIME. If you want sole custody, check the box that applies, including the parenting time you are asking for. Tell the Court whether you want custody of the minor children to go to your spouse (the Petitioner) or you (the Respondent).

PARENTING TIME: Check only one box. You can ask that the non-custodial parent (the parent having physical custody of the minor child less than 50% of the time) have one of the following types of parenting time. If you want to know more about custody and parenting time, refer to "**Planning for Parenting Time: Arizona's Guide for Parents Living Apart**". 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.

Reasonable parenting time. This suggests an amount of parenting time appropriate to the age of the child. The Court offers suggested amounts of visitation, but the amount can vary by agreement of both parents.

Supervised parenting time to the non-custodial parent. You should request supervised parenting time if the non-custodial parent cannot adequately care for the minor children without another person present. You may request this if the person not having custody abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for a minor child without another adult present. Remember, supervised parenting time is not intended to punish the parent, but to protect the minor child.

No parenting time to the non-custodial parent. You should mark this option only if the non-custodial parent has seriously harmed, abused, or otherwise is a serious danger to the minor child's physical and emotional health, or if there is a criminal Court Order stating no contact between the minor child and the non-custodial parent. You may use this as a last resort to protect the minor child.

OR

F.2. JOINT CUSTODY: If you are asking for joint custody, you must file a Joint Custody Agreement/Parenting Plan signed by both parents that the court must approve.

G CHILD SUPPORT: Tell the court who you think should pay child support. The person who has custody of the minor child(ren), or who has physical care of the minor child(ren) more than 50% of the time, is the person who should receive the support. The other spouse, often called the "non-custodial" parent, must pay support to the custodial parent. The income of the parties generally determines the amount of the support according to court guidelines. You must check only one box.

H INSURANCE AND HEALTH CARE EXPENSES FOR CHILDREN: Check only one box. Tell the Court which parent should provide insurance for the minor children. Whichever parent has the most affordable insurance plan available through work, generally should pay for insurance. Adjustments can be made to child support to reflect the costs of insurance for the minor children.

I TAX EXEMPTION: Decide how you and your spouse will declare the tax dependency exemptions, for which minor children, for which years. Federal Tax law also determines this for you. If you are not sure, see a lawyer or an accountant for help.

J OTHER ORDERS. Tell the court anything else you may want Ordered in your Legal Separation that has not been covered elsewhere in your Response.

OATH AND VERIFICATION OF RESPONDENT: Sign this form in front of a notary. By doing so you are telling the court that everything contained in the Response to Petition for Legal Separation is true. Then write in the date you sent your Response to the other party or his or her attorney if represented by an attorney, and the address you mailed the Response to.

PARENT INFORMATION PROGRAM. Remember to attend the Parent Information Program class. For further information see the Order and Notice to Attend the Parent Information Program class you should have received from the Petitioner. If you did not receive this information, the Self-Service Center has the form.

OTHER COURT PAPERS:

- 1. Parenting Plan.** Refer to "**Planning for Parenting Time: Arizona's Guide for Parents Living Apart**". 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.
- 2. Parent's Worksheet for Child Support.** Read the Instructions on how to fill out the Parent's Worksheet to help you prepare this document.
- 3. Child Support Order.** Read the Instructions on how to fill out the Child Support Order to help you prepare this document.
- 4. Affidavit of Minor Children.** There are no instructions that go with this document. You must fill out this document. Fill in the information requested on the form.

SELF-SERVICE CENTER

PROCEDURES: HOW TO FILE A RESPONSE WITH THE COURT

STEP 1: Complete the "Family Court/Sensitive Data Sheet". (Do NOT copy or provide this document to the other party).

Make **2** copies of the "Response" and the "Response to Child Support Information Form" after you have filled them out.

STEP 2: SEPARATE YOUR DOCUMENTS INTO THREE (3) SETS:

SET 1 - ORIGINALS FOR CLERK OF COURT:

- "Family Court/Sensitive Data Sheet"
- "Response"

SET 3 – YOUR COPIES

- "Response"

SET 2 - COPIES FOR SPOUSE:

- "Response"

STEP 3: FILE THE PAPERS AT THE COURT:

GO TO: THE CLERK OF THE COURT TO FILE YOUR PAPERS: The court is open from 8:00 a.m.- 5:00 p.m., Monday-Friday. **You should go to the court at least two hours before it closes.** You may file your court papers at the following Superior Court locations:

GRAHAM COUNTY CLERK OF THE COURT
800 WEST MAIN STREET
SAFFORD, ARIZONA 85546

FILE: Go to the Clerk of the Court filing counter.

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

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.

PAPERS: Hand all three (3) sets of your court papers to the Clerk along with along with the filing fee.

MAKE SURE YOU GET BACK THE FOLLOWING FROM THE CLERK:

- Your set of copies
- Your spouse's copies

STEP 4: Keep one copy for yourself, and mail or hand-deliver the other copy to the other person (or the person's attorney, if he/she is represented by an attorney. If the person is represented by an attorney, the attorney's name and address will be on the Petition in the upper left hand corner.)

STEP 5: **What will happen next.**

You will receive notice to attend either a hearing or a conference.

SELF-SERVICE CENTER

PARENTING PLAN INFORMATION

A.R.S. § 25-401 defines legal decision-making and parenting time as follows:

1. **"Legal Decision-Making"** means the legal right and responsibility to make all nonemergency legal decisions for a child including those regarding education, health care, religious training and personal care decisions.
2. **"Joint Legal Decision-Making"** means both parents share decision-making and neither parent's rights or responsibilities are superior except with respect to specified decisions as set forth by the court or the parents in the final judgment or order.

PARENTS PLEASE NOTE: Per A.R.S. § 25-403.09, an award of joint legal decision-making or a substantially equal parenting time plan does not diminish the responsibility of either parent to provide for the support of the child. Also note that joint legal decision-making does not necessarily mean equal parenting time. A.R.S. § 25-403.02(E)

3. **"Sole Legal Decision-Making"** means one parent has the legal right and responsibility to make major decisions for a child.
4. **"Parenting Time"** means the schedule of time during which each parent has access to a child at specified times. Each parent during their scheduled parenting time is responsible for providing the child with food, clothing and shelter and may make routine decisions concerning the child's care.

You may view the "Parenting Time Guidelines" online at the Arizona Supreme Court's website.

Drafting a Parenting Plan:

The written parenting plan pays attention to how the parents will make decisions pertaining to the child(ren)'s education, health care, religious training, and personal care; it is a blend of specific information with generalized plans of action. It should reflect what the parents are currently doing or what they actually plan to do. It should reflect a commitment to the minor child(ren)'s needs as predominant.

If the parents cannot agree on a plan for legal decision-making or parenting time, each parent must submit a proposed parenting plan. A.R.S. § 25-403.02(A)

In order for the court to approve a parenting plan, A.R.S. § 25-403.02 requires the court to make the following findings:

- a. The best interests of the minor child(ren) are served;
- b. The plan designates legal decision-making as joint or sole;
- c. The plan sets forth each parent's rights and responsibilities for the personal care of the minor child(ren) and for decisions in areas such as education, health care, and religious training;
- d. The plan provides a practical schedule of parenting time for the child, including holidays and school vacations;
- e. The plan includes a procedure for exchanges of the child, including location and responsibility for transportation;

- f. The plan includes a procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved, which may include the use of Conciliation Services or private counseling;
- g. The plan includes a procedure for periodic review (e.g., parents agree to review the terms of the agreement every 12 months.);
- h. The plan includes a procedure for communicating with each other about the child, including methods and frequency;
- i. The plan includes a statement that each party has read, understands, and will abide by the notification requirements of A.R.S. § 25-403.05(B). (A parent must immediately notify the other parent if the parent knows that a convicted/registered sex offender or a person who has been convicted of a dangerous crime against children may have access to the child. Notice must be provided (i) by first class mail, return receipt requested, (ii) by electronic means to an e-mail address the recipient provided to the parent for notification purposes, or (iii) by other communication accepted by the court.)

The following questions may be used as a starting place when drafting a parenting plan:

1. **The geographical location of the parents:** Where do parents live relative to one another? What are their addresses? Permanent or temporary?
2. **Arrangements regarding the residential requirements of the minor child(ren):** How much time will the minor child(ren) spend with each parent? Be as specific as possible, including days and times.
3. **Arrangements for holidays and vacations:** What are your plans for summer vacation and school breaks? List specific details including dates and times.
4. **Arrangements for education:** How will decisions be made for educational matters? For example, if preschool age, what school will the minor child(ren) attend? If private school, who pays what?
5. **Additional transportation arrangements:** Will any additional transportation arrangements be needed? If so, what will be the responsibilities of each parent?
6. **Determinations regarding minor child(ren)'s health care:** For example, how will medical decisions be made? Who will provide insurance? How are non-insured expenses paid? Who decides on seeking non-emergency treatment? Is there a dental plan? If not, who will pay what?
7. **Arrangements regarding extraordinary expenses:** For example, what financial arrangements are made for the minor child(ren) (such as each sharing extraordinary expenditures and the parent with whom the minor child(ren) resides bearing the ordinary ones during the minor child(ren)'s residency)? A fixed amount per month?
8. **Arrangements for minor child(ren)'s religious training, if any:** For example, how will decisions be made for religious training? What, if any, are the plans for religious training?
9. **Any other factors:** What other arrangements (such as music lessons, sports/activity fees, camp or Scouts) are needed?

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

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

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

After a response is filed . . .

- (1) **The Respondent must then immediately mail or deliver a blank copy of the ADR statement (and these instructions) to the Petitioner along with a copy of the response that was filed.** (If either party is represented by an attorney, all communications should be sent directly to the attorney.)
- (2) **The parties must meet (in person or by telephone), within 90 days of the filing of the response with the court (not the date the response is delivered to the petitioner). If you have not discussed these matters with the other party as required, be prepared to explain to the court the reasons.** ("Inconvenience" is not an acceptable reason.)
- (3) **Within 30 days AFTER you meet, and NOT LATER THAN 120 DAYS AFTER THE DATE THE RESPONSE WAS ORIGINALLY FILED WITH THE CLERK OF COURT you must file the "Alternative Dispute Resolution Statement to the Court."**

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

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

GRAHAM COUNTY CLERK OF THE COURT
800 WEST MAIN STREET
SAFFORD, ARIZONA 85546

INFORMATION ABOUT ADR (ALTERNATIVE DISPUTE RESOLUTION) PROCESSES

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

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

Benefits of ADR include, but are not limited to:

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

COURT SPONSORED ADR OPTIONS

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

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

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

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

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

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

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

GRAHAM COUNTY CLERK OF THE COURT
800 WEST MAIN STREET
SAFFORD, ARIZONA 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.

SELF-SERVICE CENTER

**RESPONSE TO PETITION AND PAPERS
FOR LEGAL SEPARATION WITH MINOR CHILDREN**

CHECKLIST

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

- ✓ You want to file a response to 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 do not agree with what your spouse wrote 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.		Interpreter Needed:
<i>*Check only if no other category applies</i>		<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Dissolution (Divorce)	<input type="checkbox"/> Paternity	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.

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: _____

ATLAS Number: _____
(if applicable)

Name of Respondent

RESPONSE TO PETITION FOR LEGAL SEPARATION WITH MINOR CHILDREN

STATEMENTS TO THE COURT, UNDER OATH OR BY AFFIRMATION:

GENERAL INFORMATION:

1. ABOUT MY SPOUSE, THE PETITIONER

Name: _____
Address: _____
Date of Birth: _____ Job Title: _____
Starting with today, number of months/years in a row, my spouse has lived in Arizona: _____

2. ABOUT ME, THE RESPONDENT

Name: _____
Address: _____
Date of Birth: _____ Job Title: _____
Starting with today, number of months/years in a row, my spouse has lived in Arizona: _____

3. ABOUT OUR MARRIAGE

Date of Marriage: _____
City and state, or country where we were married: _____

4. ABOUT THE LEGAL SEPARATION (check one box)

- I want to be legally separated from my spouse, OR
- I do not want to be legally separated from my spouse because my marriage is over and I want to be divorced.

INFORMATION ABOUT PROPERTY AND DEBTS

Instructions: You must be specific. You must describe the property and debt that should go to you or be paid by you and then check the box. You must then describe the property and debt that should go to or be paid by your spouse, and check the box. For example, under household furnishings you could say, blue and white living room sofa, and then check the box to say whether it should go to you or to your spouse. Never list an item and check both the Petitioner and the Respondent box.

5.a. COMMUNITY PROPERTY: (check one box)

- My spouse and I did not acquire any community property during the marriage, OR
- My spouse and I acquired community property during our marriage, and we should divide it as follows:

Description of property/ Value of property:	My Spouse, Petitioner	Me, Respondent
<input type="checkbox"/> Real estate at: _____ Legal Description: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Real estate at: _____ Legal Description: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Household furniture and appliances: _____ _____ _____	<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"/> Household furnishings: _____ _____ _____	<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"/> Other items: _____ _____ _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Description of property/ Value of property:	My Spouse, Petitioner	Me, Respondent
--	------------------------------	-----------------------

<input type="checkbox"/> Pension/retirement fund/profit sharing/stock plan/401K:		
_____	<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"/> Motor vehicles:		
Make: _____	<input type="checkbox"/>	<input type="checkbox"/>
Model: _____		
VIN Number: _____		
Lien Holder: _____		
 Make: _____	<input type="checkbox"/>	<input type="checkbox"/>
Model: _____		
VIN Number: _____		
Lien Holder: _____		

5.b. SEPARATE PROPERTY. (Check all boxes that apply.)

- I do not have any property that I brought into the marriage or separate property.
- My spouse, the Petitioner does not have any property that he or she brought into the marriage or separate property.
- I have property that I brought into the marriage or I have separate property. I want this property awarded to me as described below.
- My spouse, the Petitioner, has property that he or she brought into the marriage or has separate property. I want this property awarded to my spouse as described below.

Separate Property: (List the property and the value of the property, and check the box to tell the Court who should get the property.)

Description of Property/ Value of Property	My Spouse, Petitioner	Me, Respondent
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

6.a. COMMUNITY DEBTS: (Check one box.)

- My spouse and I did not incur any community debts during the marriage, OR
- We should divide the responsibility for the debts incurred during the marriage as follows:

Description of debt/ Amount of debt:	My Spouse, Petitioner	Me, Respondent
_____	<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"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

6.b. SEPARATE DEBTS. (Check all boxes that apply.)

- My spouse and I do not have any debts that were incurred prior to the marriage or separate debt,
- OR**
- I have separate debt or debt that I incurred prior to the marriage that should be paid by me as described below:
 - My spouse has separate debt or debt that he or she or incurred prior to the marriage that should be paid by my spouse as described below:

Description of debt/ Amount of debt:	My Spouse, Petitioner	Me, Respondent
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

7. TAX RETURNS: (Check this box if this is what you want).

After the Judge or Commissioner signs the Decree of Legal Separation, we will pay federal and state taxes as follows: For previous years the parties will file joint federal and state income tax returns. In addition, for previous calendar years, both parties will pay and hold the other harmless from half of all additional income taxes if any and other costs, and each will share equally in any refunds.

For this calendar year (the year that the Decree is signed) and all future calendar years, each party will, subject to IRS Rules and Regulations, file **Joint Tax Returns** OR **Separate Tax Returns**.

8. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY) (check the box that applies to you):

- Neither party is entitled to Spousal Maintenance (alimony), **OR**
- Petitioner **OR** Respondent is entitled to Spousal Maintenance because: (Check one or more of the box(es) below that apply. At least one reason must apply to get spousal maintenance.)
 - Person lacks sufficient property to provide for his or her reasonable needs;
 - Person is unable to support himself or herself through appropriate employment;
 - Person is the custodian of a child(ren) whose age or condition is such that the person should not be required to seek employment outside the home;
 - Person lacks earning ability in the labor market adequate to support himself or herself; and,
 - Person contributed to the educational opportunities of the other spouse or had a marriage of long duration and is now of an age that precludes the possibility of gaining employment adequate to support himself or herself.

9. PREGNANCY

- Wife is not pregnant, **OR**
 - Wife is pregnant
- The baby is due on _____ (date), (and, check one box below):
- The Petitioner and Respondent are the parents of the child, **OR**
 - Petitioner is not the parent of the child, **OR**
 - Respondent is not the parent of the child.

10. DOMESTIC VIOLENCE: (Check the box that is true. If you intend to ask for joint custody, there must have been no "significant" domestic violence. A.R.S. § 25- 403.03):

- Domestic violence has not occurred, **OR**
- Domestic violence has occurred but it has not been significant.
- There has been significant domestic violence.

SUMMARY OF WHAT I SAY ABOUT DOMESTIC VIOLENCE THAT IS DIFFERENT FROM WHAT MY SPOUSE SAID IN THE PETITION:

11. CHILDREN OF THE PARTIES WHO ARE LESS THAN 18 YEARS OLD (check one box):

Listed below are children still under the age of 18 born to or adopted by my spouse and me during our marriage, or where indicated, born before. Husband is the father of child(ren) listed.

Child's Name:	_____
Birthdate:	_____ <input type="checkbox"/> Born prior to marriage
Address:	_____
Length of Time at Address:	_____

Child's Name:	_____
Birthdate:	_____ <input type="checkbox"/> Born prior to marriage
Address:	_____
Length of Time at Address:	_____

Child's Name:	_____
Birthdate:	_____ <input type="checkbox"/> Born prior to marriage
Address:	_____
Length of Time at Address:	_____

Child's Name:	_____
Birthdate:	_____ <input type="checkbox"/> Born prior to marriage
Address:	_____
Length of Time at Address:	_____

Child's Name:	_____
Birthdate:	_____ <input type="checkbox"/> Born prior to marriage
Address:	_____
Length of Time at Address:	_____

Information for additional children is listed on attached page(s), made part of this document.

12. WRITTEN AGREEMENT. CHECK ONLY IF TRUE:

- My spouse and I have a written agreement signed by both of us about the maintenance of a spouse, division of property/debt, where the children will live, authority for legal decision-making concerning the children (legal custody), parenting time, and child support, **AND**
- I have attached a copy of the written agreement.

13. SUMMARY OF WHAT I ASKED FOR THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION: (Here summarize what is different between you want and what your spouse asked for.)

14. CONCILIATION.

True **OR** False. (Check one box.) The conciliation requirements under Arizona law either do not apply or have been met. (This must be a true statement or you cannot file for Legal Separation.)

15. JURISDICTION OVER MATTERS OF PHYSICAL CUSTODY AND LEGAL DECISION MAKING CONCERNING CHILDREN. (Check only one box).

This court **has jurisdiction** to decide matters of physical custody and authority for legal decision-making concerning minor child(ren) common to the parties who have lived with petitioner or respondent in Arizona for at least the past 6 months, or since birth if younger than 6 months, **OR**

This court does **not have jurisdiction** to decide matters of physical custody and authority for legal decision-making concerning minor child(ren) common to the parties under Arizona law because the minor children have not lived in Arizona for at least 6 months before this Petition was filed. Explain: (There are other reasons why the court may not have jurisdiction due to the residence of the children. See a lawyer for help.)

16. GENERAL DENIAL:

I deny anything stated in the Petition that I have not specifically admitted, qualified, or denied.

REQUESTS TO THE COURT:

A. LEGALLY SEPARATE OR CHANGE TO DIVORCE:

Legally separate the parties **OR** Change this case to a divorce case because my marriage is over and either I or my spouse have lived in Arizona for the last 90 days **OR** Legally separate the parties, but refuse to decide child custody matters due to lack of jurisdiction as stated in number 15 above.

B. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):

Order spousal maintenance/support to be paid by Petitioner, **OR** Respondent through the Clerk of the Court/Clearinghouse in the amount of _____ per month, and the statutory fee, beginning with the first day of the month after the Judge or Commissioner signs the Decree of Legal Separation and continuing until the person receiving the spousal maintenance is deceased, or for months.

C. COMMUNITY PROPERTY: Make a fair division of all community property as requested in this Response.

D. COMMUNITY DEBTS: Order each party to pay community debts as requested in this Response, and to pay any other community debts unknown to the other party. Order each party to pay and hold the other party harmless from debts incurred by him or her since the parties separation on (date):

E. SEPARATE PROPERTY AND DEBT: Award each party his or her separate property and debt.

F. PRIMARY RESIDENTIAL PARENT, PARENTING TIME, AND AUTHORITY FOR LEGAL DECISION MAKING (CUSTODY): Declare which parent shall be designated as "Primary Residential Parent" for each minor child as follows:

Declare **Mother** as primary residential parent for the following named children:

Declare **Father** as primary residential parent for the following named children:

subject to parenting time, as follows

F.1. PARENTING TIME: Award parenting time as follows:

- Reasonable parenting time rights to the non-primary residential parent, **OR**
- Supervised parenting time between the children and Mother **OR** Father, **OR**
- No parenting time rights to the Mother **OR** Father.

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

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

a. Name this person to supervise: _____

b. Restrict parenting time as follows: _____

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

- Mother
- Father, **OR**
- Shared equally by the parties.

F.2. AUTHORITY FOR LEGAL DECISION MAKING (LEGAL CUSTODY): Award legal authority to make decisions concerning the child(ren) as follows:

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

OR

AWARD JOINT AUTHORITY FOR LEGAL DECISION MAKING to BOTH PARENTS.

Mother and Father will agree to act as joint legal decision makers concerning the minor child(ren) and will submit a Parenting Plan and Joint Legal Decision Making Agreement signed by the both parties. (For the court to order "joint" legal decision making, there must have been no "significant" domestic violence according to Arizona law, A.R.S. § 25-403.03)

G. CHILD SUPPORT: Order that child support will be paid by Petitioner, **OR** Respondent in a reasonable amount as determined by the Court under the Arizona Child Support Guidelines. (I will attach the Child Support Order to the Decree). Support payments will begin on the first day of the first month following the entry of the legal separation decree. These payments, and a fee for handling, will be paid through the Clerk of the Court and collected by automatic Income Withholding Order.

H. INSURANCE AND HEALTH CARE EXPENSES FOR CHILDREN: Order that:

Mother should be responsible for providing: medical dental vision care insurance.

Father should be responsible for providing: medical dental vision care insurance.

The costs of medical/dental/vision care expenses not paid by insurance should be shared as follows:

Mother _____% **Father** _____%.

I. TAX EXEMPTION: The parties will claim the minor children as income tax dependency exemptions on federal and state income tax returns as follows:

Parent entitled to claim	Name of child	Current tax year	Later tax years
<input type="checkbox"/> Petitioner or <input type="checkbox"/> Respondent	_____		
<input type="checkbox"/> Petitioner or <input type="checkbox"/> Respondent	_____		
<input type="checkbox"/> Petitioner or <input type="checkbox"/> Respondent	_____		
<input type="checkbox"/> Petitioner or <input type="checkbox"/> Respondent	_____		

J. OTHER ORDERS I AM REQUESTING (Explain request here):

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

Copy of the foregoing mailed
to the other party on _____
Month/Day/Year

and at the following address:

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: _____

ATLAS Number: _____
(if applicable)

Name of Respondent

AFFIDAVIT REGARDING MINOR CHILDREN

NOTICE: This *"Affidavit Regarding Minor Children"* is required for all legal decision making (custody) cases. If you are asking to modify an existing Arizona legal decision making (custody) order, it is only required if the children have lived outside the state at some time in the last 5 years.

Fill out this Affidavit completely, and provide accurate information. Use additional paper if necessary. You must give copies of this Affidavit and all other required documents to the other party, and to the judge.

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

Name: _____ Name: _____

Birthdate: _____ Age: _____ Birthdate: _____ Age: _____

Name: _____ Name: _____

Birthdate: _____ Age: _____ Birthdate: _____ Age: _____

2. INFORMATION REGARDING WHERE THE CHILDREN UNDER 18 YEARS OLD HAVE LIVED FOR THE LAST 5 YEARS (or since birth, if younger than 5).

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

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

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

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

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

Name of each child: _____

Name of Court: _____ Court Location: _____

Court Case Number: _____ Current Status: _____

How the child is involved: _____

Summary of any Court Order: _____

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

I do have or I do not have information about a legal decision making (custody) court case

Case No. _____

relating to any of the children named above that is pending in this state or in any other state. (If so, explain. If not, go on.)

Name of each child: _____

Name of Court: _____ Court Location: _____

Court Case Number: _____ Current Status: _____

How the child is involved: _____

Summary of any Court Order: _____

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

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

Name of each child: _____

Name of person with the claim: _____

Address of person with the claim: _____

Nature of the claim: _____

OATH OR AFFIRMATION AND VERIFICATION

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

Signature

Date

STATE OF _____

COUNTY OF _____

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

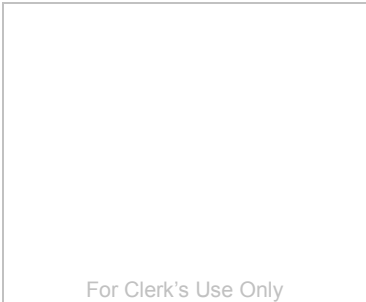
(date)

_____.

(notary seal)

Deputy Clerk or Notary Public

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: _____

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