

CHILD CUSTODY, SUPPORT and PARENTING TIME

4

Part 4 THE COURT ORDER

(Forms Only)

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Packet Last Revised February 2009
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DRCV8fc - 5044



SELF-SERVICE CENTER

**ESTABLISH CUSTODY, PARENTING TIME (VISITATION)
AND SUPPORT**

PETITIONER OR RESPONDENT

**PART 4 -- THE COURT ORDER
(FORMS ONLY)**

This packet contains court forms to go to the court hearing for an order that establishes child custody, parenting time, support, but not paternity. The documents should be in the following order:

Order	File Number	Title	# pages
1	DRCV8ft	Table of forms in this packet	1
2	DRCV8k	Checklist to use packet and file court forms	1
3	DRCV81f	<i>“Order Establishing Custody, Parenting Time, Support”</i>	4
4	DRCVG11f	<i>“Parenting Plan”</i>	5
5	DRS12f	<i>“Parent’s Worksheet”</i>	2

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SELF-SERVICE CENTER

FORMS TO GET COURT ORDER ON CUSTODY, PARENTING TIME , CHILD SUPPORT

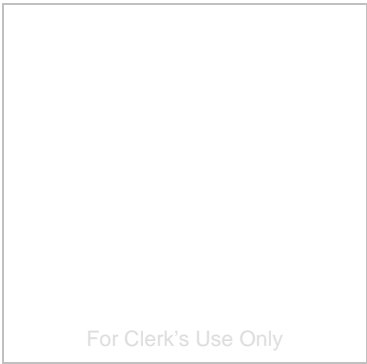
CHECKLIST

Use the forms in this packet only if the following factors apply to your situation:

- ✓ You or the other party filed a petition to establish, custody, parenting time, and child support AND,
- ✓ You (and the other party if you are proceeding by consent) have completed the court papers about custody, parenting time, and child support AND,
- ✓ You are ready to complete the court papers about the final order AND,
- ✓ You are going to a default hearing, or you both agree on the settlement terms of the court case, or you are going to a trial on what you disagree about.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. The Self-Service Center has a list of lawyers who can give you legal advice and who can help you on a task-by-task basis for a fee, and a list of court-approved mediators as well. You may view the lists at the Self-Service Centers or on the Internet at:
www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/LawyersAndMediators/.

Name of Person Filing Document: _____
 Your Address: _____
 Your City, State, Zip Code: _____
 Your Telephone Number: _____
 ATLAS Number (if applicable): _____
 Attorney Bar Number (if applicable): _____
 Representing Self (Without Attorney) OR Attorney for _____



**SUPERIOR COURT OF ARIZONA
 MARICOPA COUNTY**

Case No.: _____

 (Name of Petitioner)

ORDER FOR (check one box)

- CUSTODY, PARENTING TIME and CHILD SUPPORT**
- CUSTODY AND PARENTING TIME**

AND

 (Name of Respondent)

THE COURT FINDS:

1. This case has come before this court for a final order, and if necessary the court has taken all testimony needed to enter a final Order.
2. This court has jurisdiction over the parties under the law.
3. Where it has the legal power to do so and where it is applicable to the facts of this case, this court has considered, approved, and made an Order relating to Child Custody, Child Support, Parenting Time and expenses related to the births of the minor child(ren).
4. This Order applies to these minor child(ren):

CHILD(REN)'S NAME(S)

DATE OF BIRTH

_____	_____
_____	_____
_____	_____
_____	_____

5. PARENT INFORMATION PROGRAM.

- A. 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 Order until Petitioner has completed the class.
- B. Respondent has attended 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 Order until Respondent has completed the class.

6. DEVIATION FROM CHILD SUPPORT. The Court, having considered the best interests of the child(ren), deviates from the guidelines for the following reasons:

- Application of the guidelines is inappropriate.
- Application of the guidelines is unjust.
- The parties have signed a written agreement with knowledge of the amount of support that would have been ordered by the guidelines but for the agreement.

THE COURT MAKES THE FOLLOWING FINDING REGARDING THE DEVIATION:

- The child support order would have been \$ _____
- The child support order after deviation is \$ _____
- All parties have signed the agreement free of duress and coercion.

7. 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.)

8. SUPERVISED OR NO PARENTING TIME . (if applicable)

- Supervised parenting time** between the minor child(ren) and Petitioner OR Respondent or Other
- No parenting time** between minor child(ren) and Petitioner OR Respondent or Other is in the best interests of the minor child(ren) for the following reasons: _____

9. DRUG CONVICTION WITHIN LAST TWELVE MONTHS:

- If either party has been convicted of driving under the influence of alcohol or drugs, or was convicted of any drug offense within 12 months of filing the request for custody, the custody, and or parenting time arrangement ordered by this court appropriately protects the minor child(ren).

THE COURT ORDERS:

1. CHILD CUSTODY AND PARENTING TIME :

A. SOLE CUSTODY:

- Sole custody of the minor child(ren) is awarded to:
 - Mother or Father as primary custodial parent, subject to parenting time as follows:

- (1) Parenting time to the parent not having custody according to the Parenting Plan attached to and made a part of this Order. **OR**
- (2) **Supervised parenting time** to Mother or Father according to the terms of the Parenting Plan attached to and made a part of this Order, but only in the presence of another person name below or otherwise approved by the court.
 Name of supervisor: _____
 Restriction on parenting time : _____

The cost of supervised parenting time shall be paid by:
 Mother or Father or shared equally by the parties.

OR

- (3) **No parenting time** rights to Mother or Father based on the findings above.

OR

B. JOINT CUSTODY:

Petitioner and Respondent agree to act as joint custodians of the minor child(ren), as set forth in the Joint Custody Agreement and Parenting Plan pursuant to A.R.S. Section 25-403., signed by both parties and attached to and made a part of this Order. There have been no significant acts of Domestic Violence under A.R.S. 13-3601 by either parent. The Court adopts the agreed terms of the Joint Custody Agreement. By attaching the Joint Custody Agreement and Parenting Plan to the Order, it becomes part of the final Order and carries the same legal weight as any other Order.

2. CHILD SUPPORT:

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 signing of this Order, according to the Child Support Worksheet attached hereto and incorporated. All child support payments shall be made through the Support Payment Clearinghouse, P.O. Box 52107, Phoenix, Arizona 85072-2107, plus an applicable statutory fee. Payments shall be in equal installments made on the 1st and 15th of each month thereafter through an automatic wage assignment.

3. MEDICAL AND DENTAL INSURANCE, PAYMENTS, AND EXPENSES:

Mother or Father is ordered to provide medical and dental insurance for the minor child(ren) as provided for in the Child Support Worksheet attached hereto and incorporated by reference. The party ordered to pay for medical and dental insurance must keep the other party informed of the insurance company's name, address, and telephone number, and provide the other party with the documents necessary to submit insurance claims. Further, Mother is ordered to pay _____% and Father is ordered to pay _____% of all reasonable uncovered and/or uninsured medical, dental, prescription, and other health care expenses for the minor child(ren), including co-payments.

4. 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.

5. LIMITATION ON JURISDICTION: (check box if applicable)

This court cannot make a legal order, without personal service on (the other party) with respect to issues of child support, medical and dental insurance for the minor child(ren) or regarding costs relating to birth of the child(ren). The court reserves the right to enter such orders at such time as the court acquires personal jurisdiction over the Respondent.

6. OTHER ORDERS: This court makes further Orders relating to this matter as follows:

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

DONE IN OPEN COURT: _____

JUDGE OR COMMISSIONER

If you are the Petitioner and you have a Default Hearing, and the Respondent was *personally* served with the court papers, meaning that service was not done by "publication", you must mail or give a copy of this Court Order to the Respondent after the Judge has signed it. You must tell the Court you will do this.

By signing below, Petitioner declares that a copy of the Decree will be mailed to Respondent at the following address:

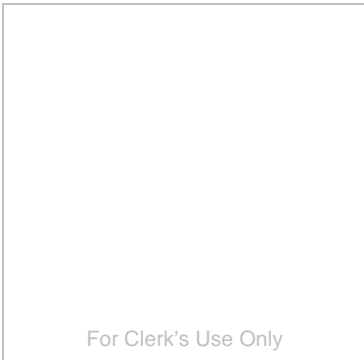
Respondent's Name: _____

Mailing Address: _____

City, State Zip Code: _____

Petitioner's Signature: _____

Date: _____



Name of Person Filing Document: _____
 Your Address: _____
 Your City, State, Zip Code: _____
 Your Telephone Number: _____
 ATLAS Number (if applicable): _____
 Attorney Bar Number (if applicable): _____
 Representing Self (Without Attorney) OR Attorney for Petitioner Respondent

**SUPERIOR COURT OF ARIZONA
 IN MARICOPA COUNTY**

 Name of Petitioner Case Number _____

AND

PARENTING PLAN FOR:
 JOINT CUSTODY WITH JOINT CUSTODY AGREEMENT
 OR
 SOLE CUSTODY

 to Mother
 to Father

 Name of Respondent

INSTRUCTIONS

This document has 3 parts: PART 1) General Information; PART 2) Custody and Parenting Time; PART 3) Joint Custody Agreement.

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

- a. If both parents agree to joint custody: Both parents must sign the Plan at the end of PART 2 and at the end of PART 3;
- b. If both parents agree to custody and parenting time arrangements but not to joint custody: Both parents must sign the Plan at the end of PART 2;
- c. If only one parent is submitting the Plan: That parent must sign at the end of PART 2

PART 1: GENERAL INFORMATION:

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

- B. CUSTODY ARRANGEMENTS REQUESTED IN THIS PLAN:** The following custody arrangement is requested: (Check the box(es) that apply.)
- JOINT LEGAL CUSTODY DETERMINATION DEFERRED:** The parent's request for joint legal custody is deferred to the court for determination. **OR,**
 - JOINT LEGAL CUSTODY BY AGREEMENT:** The parents agree to joint legal custody and request the court to approve the joint legal custody arrangement as described in this Plan, **OR**
 Mother or **Father** will be the primary custodial parent
 - SOLE LEGAL CUSTODY BY AGREEMENT:** The parents agree that **Mother or** **Father** will be the parent with sole legal custody and shall be the primary custodial parent. The parents agree that since each has a unique contribution to offer to the growth and development of their minor child(ren), 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 child(ren), as described in the following pages. **OR,**
 - SOLE LEGAL CUSTODY REQUESTED BY THE PARENT SUBMITTING THIS PLAN:** The parents cannot agree to the terms of custody and parenting time. The parent submitting this Plan asks the court to order custody and parenting time according to this Plan.
 - 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.

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

- A. WEEKDAY AND WEEKEND SCHEDULE:** The time-sharing schedule will be as follows:
- 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 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 child(ren) will be in the care of Father: (Explain.)

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

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

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

C. 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 child(ren) 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 child(ren) for the weekend.							
<input type="checkbox"/>	Other Holidays (Describe the other holidays and the arrangement.)							

-
- Each parent may have telephone contact with the minor child(ren) during the child(ren)'s normal waking hours
 - Other (Explain)
-

D. PARENTAL ACCESS TO RECORDS AND INFORMATION: Under Arizona law (A.R.S. §25-403), 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 child(ren)'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.

E. 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. If the parents do not reach an agreement, then the final decision making regarding educational decisions shall be with **Mother OR** **Father** after consultation with _____

F. 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 child(ren), to cooperate on health matters concerning the child(ren) 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. If the parents do not agree, then the final decision regarding medical issues will be with: **Mother OR** **Father** after consultation with _____

G. RELIGIOUS EDUCATION ARRANGEMENTS:

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

H. 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 child(ren)
- 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 child(ren)'s access to the other parent.
- ASK OTHER PARENT IF HE/SHE WANTS TO TAKE CARE OF CHILD(REN).** Each parent agrees to consider the other parent as care-provider for the minor child(ren) before making other arrangements.
- OBTAIN WRITTEN CONSENT BEFORE MOVING.** Neither parent will move with the minor child(ren) out of the Phoenix metropolitan area without prior written consent of the other parent, or a court ordered Parenting Plan.
- COMMUNICATE.** Each parent agrees that all communications regarding the minor child(ren) will be between the parents and that they will **not** use the minor child(ren) to convey information or to set up parenting time changes.
- PRAISE OTHER PARENT.** Each parent agrees to encourage love and respect between the minor child(ren) and the other parent, and neither parent shall do anything that may hurt the other parent's relationship with the minor child(ren)
- 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 child(ren) 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 **or** the minimum Maricopa County Access Guidelines until other arrangements can be worked out.
- MEDIATION.** If the parents are unable to reach a mutual agreement regarding a legal change to their parenting orders, they may request mediation through the court or a private mediator of their choice
- 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.

NOTICE TO PARENTS: Once this Plan has been made an order of the Court, if either parent disobeys the court order related to parenting time with the child(ren), the other parent may submit court papers to request enforcement. See Self-Service Center materials for help.

I. SIGNATURE OF ONE OR BOTH PARENTS – as instructed on page 1.

Signature of Mother: _____ Date: _____

Signature of Father: _____ Date: _____

PART 3: JOINT CUSTODY AGREEMENT (IF APPLICABLE):

- A. JOINT CUSTODY AGREEMENT:** If the parents have agreed to joint custody, the following will apply, subject to approval by the Judge:
1. **REVIEW PARENTING PLAN.** The parents agree to review the terms of the joint custody agreement and make any necessary or desired changes every _____ months from the date of this document.
 2. **CRITERIA.** Our joint custody agreement meets the criteria required by Arizona law (A.R.S. §25-403)
 - a. The best interests of the minor child(ren) are served;
 - b. Each parent's rights and responsibilities for personal care of the minor child(ren) and for decisions in education, health care and religious training are designated in this Plan;
 - c. A schedule of the physical residence of the minor child(ren), including holidays and school vacations is included in the Plan;
 - d. The Plan includes a procedure for periodic review;
 - e. The Plan includes a procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved
 - f. The parties understand that joint custody does not necessarily mean equal parenting time.

B. DOMESTIC VIOLENCE: Arizona Law (A.R.S. § 25-403.03) states that joint 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. If "yes" to this box, **attach an extra page explaining** why joint custody is still in the best interest of the minor child(ren) even though domestic violence has occurred.

C. SIGNATURE OF BOTH PARENTS REQUESTING JOINT CUSTODY

Signature of Mother: _____ Date: _____

Signature of Father: _____ Date: _____

(1) Name of Person Filing : _____
 Phone Number(s): _____ / _____
 In this case I am Petitioner or Respondent Or represented by Attorney
 (IF) Attorney, Name: _____ Bar No.: _____
 Atty. Email: _____ Atty. Phone: _____

For Clerk's Use Only

**SUPERIOR COURT OF ARIZONA
 IN MARICOPA(2) COUNTY**

PARENT'S WORKSHEET FOR CHILD SUPPORT

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

(3) Respondent _____ (4) ATLAS _____

(5) Total Number of Children: _____

(6) Parent with Primary Custody: Father Mother

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

(8) Gross Income figures for the OTHER PARENT are:

- ACTUAL**, with proof, such as a recent W2 or pay stub attached, or other party's signed statement.
- ESTIMATED**, based on facts or knowledge of pay before promotion or of others in similar job.
- ATTRIBUTED**, based on what other party could and should be earning (see Guidelines 5e).

	FATHER	MOTHER
Gross Income (Pre-Tax Income. Before deductions.)	\$ _____ (9)	\$ _____
Spousal Maintenance Paid	\$ - _____ (10)	\$ - _____
Spousal Maintenance Received	\$ + _____ (11)	\$ + _____
Child Support Paid/Contributed	\$ - _____ (12)	\$ - _____
Other Support of Children Paid	\$ - _____ (13)	\$ - _____
Adjusted Gross Income	\$ _____ (14)	\$ _____
Combined Adjusted Gross Income	(15) \$ _____	
Basic Child Support Obligation	(16) \$ _____	
Plus Costs for:		
Medical/Dental/Vision Insurance	\$ _____ (17)	\$ _____
Childcare	\$ _____ (18)	\$ _____
Education Expenses	\$ _____ (19)	\$ _____
Extraordinary/Special Needs Child Expenses	\$ _____ (20)	\$ _____
No. of Children Age 12 or Over _____ Adjustment _____ %	(21) \$ _____	
Total Adjustments for Costs	(22) _____	
Total Child Support Obligation	(23) \$ _____	

