CHILD CUSTODY, SUPPORT and PARENTING TIME
(Formerly known as "VISITATION"

3

Part 3: Response to Petition
(Instructions Packet)

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SELF SERVICE CENTER

ESTABLISH CHILD CUSTODY, SUPPORT and PARENTING TIME (Formerly known as "VISITATION")

FOR RESPONDENT ONLY

PART 3 -- RESPONSE TO PETITION (Instructions Only)

How to assemble these documents

This packet contains instructions to respond to a petition to establish child custody, parenting time and support. Be sure the documents are in the following order:

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2	DRCV31h	Instructions: How to respond to custody and/or parenting time papers (with child support)	6
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INSTRUCTIONS FOR HOW TO RESPOND TO PAPERS FOR CUSTODY and/or PARENTING TIME (Formerly Known as "VISITATION") (with or without child support)

WHEN TO USE THIS FORM:

Use this form if you want to respond to a court petition about establishing custody and parenting time with or without child support. **YOU CANNOT USE THIS FORM TO ESTABLISH PATERNITY.**

If the other party wants a court order for child custody and parenting time, the court will also review the current child support order. If there is no order, the court will establish child support in this case or, if the child support order needs to be changed, the court will do so in this case.

IMPORTANT INFORMATION ABOUT WHEN YOU MUST FILE YOUR RESPONSE

- **LOOK AT THE TIMETABLE BELOW**. If the last day to respond falls on a Saturday, Sunday, or legal holiday, you **DO NOT** count that day.
- **INCLUDE WEEKENDS AND HOLIDAYS IN YOUR COUNT** -- until you reach the number of days in the Timetable below. If a written response is filed with the court on time, the Petitioner **CANNOT PROCEED BY DEFAULT.**

DEFAULT TIMETABLE

SERVICE BY	COUNT	EVENT
Acceptance	24 Days	after respondent signed the Acceptance
Acceptance out-of-state	34 Days	after respondent signed the Acceptance
Process Server	24 Days	after respondent received papers from Server
Sheriff in Arizona	24 Days	after respondent received papers from Sheriff
Sheriff out-of-state	34 Days	after respondent received papers from Sheriff
Registered Mail	34 Days	after respondent signed the green receipt
Publication	64 Days	after the 1st date of publication

IMPORTANT NOTICE ABOUT WHEN A PARTY CAN BRING A CHILD CUSTODY CASE IN THE SUPERIOR COURT IN ARIZONA: Generally a party must have resided in Arizona with the children for at least 6 months, or Arizona must be the children's primary place of residence before filing a child custody complaint. If you have questions regarding this requirement, see a lawyer before filing.

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

A defendant/respondent can be sued in Arizona on a case about establishing, enforcing, or changing a support order, or establishing paternity, if **ONE** of the following is true about the defendant/respondent:

- The person is a resident of Arizona;
- The person was personally served in Arizona (See packet on service to know about this.);
- The person agrees to have the case heard here and files written papers in the court case;
- The person lived with the child in this state at some time;
- The person lived in this state and provided pre-birth expenses or support for the child;
- The child lives in this state as a result of the acts or directions of the person;

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- The person had sexual intercourse in this state as a result of which the child may have been conceived;
- The person signed a birth certificate that is filed in this state;
- The person did any other acts that substantially connect the person with this state (see a lawyer to help you determine this).

WARNING: Jurisdiction over the defendant/respondent is very serious. If you have any doubts about whether it was proper for the plaintiff OR petitioner to sue you in Arizona, you should see a lawyer **IMMEDIATELY**, and **BEFORE** you file any written response, answer or other court paper.

IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE:

Unfortunately, domestic violence can be part of any relationship. Domestic violence can include physical violence directed against you or your children such as hitting, slapping, pushing, or kicking. Domestic violence can also include threats of physical violence made against you and your children, or regular verbal abuse used to control you. The person who hurts you does **NOT** need to have been convicted of domestic violence or assault for you to be a domestic violence victim, and you do not need to have sought medical care or been admitted to a hospital to be a victim.

All court documents will request your address and phone number. If you are a victim of domestic violence, are in a domestic violence shelter, or if you do not want your address known to protect yourself or your children from further violence, you must file for an order of protection first and ask that your address not be disclosed on court papers. With that order, you do not need to put your address and phone number on your court papers. Update the clerk of the court with an address and phone number as soon as possible so that the Court can get in touch with you.

INFORMATION ABOUT PAPERS YOU SHOULD HAVE RECEIVED FROM THE OTHER PARTY WITH THE PETITION ABOUT CHILD CUSTODY AND PARENTING TIME:

SUMMONS: You have been summoned to appear in court. The summons tells you how many calendar days you have to file a response, depending on how you were served with the court papers. Be sure to file a WRITTEN RESPONSE on time. If the time for you to file a **WRITTEN RESPONSE** has passed, the other party must complete an **Application and Affidavit for Entry of Default** and send you a copy. Then you have 10 more days in which to file your WRITTEN RESPONSE. If you do not file a **WRITTEN RESPONSE ON TIME** a default judgment can be entered.

PETITION FOR CHILD CUSTODY, CHILD PARENTING TIME, AND CHILD SUPPORT: This is the form the other party completed to tell the court his/her side of the story about the children, pregnancy, child support, child parenting time, and child custody. **Read each and every word very carefully**, and decide what you want to do. Here are your choices:

1. **Do nothing.** This means the other party can get a court order and tell the judge his/her side of the story, without you telling your side at all. **This is called a default.** Even in these cases, the judge will try to decide what is best, but it is never a good idea to ignore the court proceeding and have a court order that you had no input on. See a lawyer for help before you choose this option.

2. **Decide with the other party** how you want to handle everything about the children, pregnancy, child support, child parenting time, and child custody. Then you and the other party file papers in the court stating your agreement on everything. This is called 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.

3. **Disagree** with what the other party said in the Petition, and to file a response stating your side of the story, and how you want to handle everything. **This is called a contested matter**. But, even if you originally file a response, you and the other party can 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 the other party, you must be sure to file the court papers you will need to set the case for trial.

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HELP ON COMPLETING YOUR WRITTEN RESPONSE TO THE PETITION TO ESTABLISH CHILD CUSTODY, PARENTING TIME AND CHILD SUPPORT:

Use this form if you want to **RESPOND OR ANSWER** a Petition to establish custody, parenting time and /or child support.

A. Make sure your form states **RESPONSE TO PETITION FOR CHILD CUSTODY, PARENTING TIME AND CHILD SUPPORT, OR CUSTODY AND PARENTING TIME** in the upper right hand part of the page.

B. 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.

C. Fill in the name of "Petitioner" and "Respondent" exactly the same way as it looks on the Petition. Do that for every document you ever file with the court from now on in this case.

D. Use the DR case number that is stamped in the upper right-hand corner of the Petition. Do that for every document you ever file with the court from now on in this case.

GENERAL INFORMATION:

1. Fill in the name, address, date of birth, and social security number for the petitioner. This is basic information about the relationship to the children for whom the person wants the custody and/or parenting time order.

2. Fill in the information about you.

3. Fill in information about all the children for whom you want custody/parenting time. The same persons should be the mother and the father for all the children for whom you want this order. If you think the children have different fathers or mothers, say so and the Petitioner will have to file a separate lawsuit.

STATEMENTS ABOUT PATERNITY AND CHILD SUPPORT

4. What is the current status of paternity in this case? (Mark whichever box describes your case.)

   - ❖ **ORDER:** Mark this box if there is an Order from any Court. On the first line, print the date the Order was signed. On the second line, print the County where the Order was made. On the next line, print the name of the father.
   - ❖ **OTHER:** Mark this box if you do not have a formal court order for paternity but you do have a court order for child support.

5. **WHAT IS THE CURRENT SITUATION AS TO CHILD SUPPORT?** Mark which box describes your case.

   - ❖ **ORDER DOES NOT NEED TO BE CHANGED:** Check here if you think that the child support order you have does not need to be changed in light of the custody order you want. BUT: the judge will review all the facts and decide whether to change the child support order, if it is in the best interests of the children to do so -- even if you do not want this.

   - ❖ **ORDER NEEDS TO BE CHANGED:** Check here if the child support order you have needs to be changed in light of the custody order you want.

   - ❖ **DO NOT HAVE CHILD SUPPORT/PARENTING TIME ORDER:** If you have a paternity order only, without a child support order, the judge will make an order on the issues of custody, parenting time, and child support.

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6. **STATE HERE WHAT YOU SAY ABOUT PATERNITY OR SUPPORT THAT IS DIFFERENT FROM WHAT THE PETITIONER ASKED FOR.** This is because the form of petition the other party used might not be from the Self-Service Center, and so it might be arranged a little differently than this form of response.

OTHER INFORMATION ABOUT THE CHILDREN: If you are aware of court cases about the children, you need to tell the court. Attach a copy of the orders about custody, parenting time, or child support to the petition, unless the orders are from the Superior Court in Maricopa County.

7. Fill out where the children from this action have been living **for the past 5 years;** if any children are under age 5, simply put information since their birth. Write each child's name; the address where the child lived; what dates the child lived at each address; who the child lived with; and the relationship of that person to the child. While you may not remember exact dates when you moved from one location to another, fill this information out as completely as possible.

8. You must tell the Court if you participated as a party or witness in any court case involving custody or parenting time of the child(ren). If not, mark the first box and **GO ON**. If there is another case, mark the second box and give as much information as possible. This information could affect you or your children's rights in this case.

9. The Court **MUST** know if there have been other cases involving custody, parenting time or child support of the children, even if you were not a party. If there are no other custody or parenting time cases, or you don't know of any, mark the first box and GO ON. If you have been involved in any way with this type of Court case, mark the second box and give the information where requested. Tell the Court what happened and what is going on now in the other case(s).

10. If you do not know of another person **OTHER THAN THE OPPOSING PARTY** who has physical custody of the child(ren) or is claiming custody or parenting time rights to any of the children, mark the first box and **GO ON**. If you do know of such a person, put the information here, including the child's name and the person who believes they have a custody or parenting time claim. If there is such a person, you must include the person as a respondent in this court case.

11. Since you are responding to what the other party asked for in the petition, you should now summarize for the judge how what you say ABOUT THE CHILDREN is different than what the other party said. This is because the form of complaint the other party used might not be from the Self-Service Center, and it might be arranged differently than this form of response.

OTHER STATEMENTS TO THE COURT:

12. **OTHER EXPENSES:** This asks for a fair division of all expenses about the children.

13. **DOMESTIC VIOLENCE:** This tells the Court if there was domestic violence in the relationship, and relates to a request for joint custody, if you intend to ask for joint custody. If you are not sure what this means, see the **IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE** on the first page of these instructions. Mark the box corresponding to your situation. If domestic violence has not occurred, GO ON.

14. **VENUE:** This tells the court that one parent or the children live in Arizona, Maricopa County, so the court can make a decision about your case. Generally, if either one of the parents or the children are residents of Maricopa County, the case can be taken care of here, even if everyone is not a resident of this state and does not live in Maricopa County. You also need to be sure that the respondent can legally be brought into the lawsuit. See comments on the first page for help on deciding this.

15. **GENERAL DENIAL:** This tells the Court that, even if you did not answer each and everything said in the complaint, you deny what you did not address. This is extra protection for you.

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

This section of the Complaint/Petition formally requests that the Court make Orders relating to issues such as custody, parenting time and/or support.

1. CUSTODY OF CHILDREN AND PARENTING TIME

A. SOLE CUSTODY: If you want sole custody, check the boxes that apply, including the parenting time you are asking for. Tell the court whether you want custody of the children to go to you or the other party.

PARENTING TIME: Mark one box only. You can ask that the non-custodial parent (the parent having physical custody of the child less than 50% of the time) have one of the following types of parenting time:

1. **Reasonable Parenting time.** This suggests an amount of parenting time appropriate to the age of the child. The Court offers suggested amounts of parenting time, but the amount can vary by agreement of both parents. Complete the Parenting Plan before you go to the judge for your final order.

2. **Supervised or No Parenting time to the Non-Custodial Parent.** You may request supervised or no parenting time if the non-custodial parent cannot adequately care for the children or cannot do so without another person present. You may request this if the person not having custody abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for a child without another adult present. Remember, supervised or no parenting time is not intended to punish the parent, but to protect the child. You must write in specifically why parenting time should be supervised or no parenting time allowed.

3. **Supervised Parenting time:** Describe how you think this should work and who should pay for it.

4. **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 child's physical and emotional health, or if there is a criminal Court Order stating there is to be no contact between the child and the non-custodial parent. This is a last resort to protect the child.

B. JOINT CUSTODY: If you are asking for joint custody, you must file a Joint Custody Agreement that is signed by both parents and approved by the court.

2. **CHILD SUPPORT:** Mark which party should pay child support. (Note: the box you mark should match what you asked for in the Petition).

3. **HEALTH, MEDICAL, DENTAL INSURANCE AND HEALTH CARE EXPENSES:** Mark which party should be responsible for health, medical and dental insurance.

4. **OTHER ORDERS:** Mark this box only if you have made other requests of the Court. If you mark the box, write the specific additional orders you are requesting the Court to make that were not covered elsewhere in your Petition.

OATH AND VERIFICATION:

Sign this form in front of a Notary Public. By doing so, you are telling the Court that everything contained in the Custody and/or **Parenting time** Complaint is true.

WHAT TO DO NEXT:

1. COPIES OF RESPONSE: After completing your ***"Response,"*** make **four (4) copies** before you file.

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2. **FILING THE RESPONSE AND PAYMENT OF COURT FEE:** File all four (4) copies and the original of your ***"Response"*** with the Clerk of the Court. **Be sure you file within the time limit set, or you might lose significant rights.** There is a filing fee of $121.00, but if you qualify you might be able to have the fees deferred so that you can make a payment arrangement with the Court. Forms to request deferral are available at the Self-Service Center or at the filing counter. You do **not** need to send a copy of the fee deferral request to the Petitioner or his/her attorney. Make sure you receive all four (4) copies back from the Clerk and they have been stamped.
3. **MAIL A COPY TO THE OTHER PARTY:** You need to mail or hand-deliver one copy to the other party. If the person is represented by an attorney, mail or hand-deliver the copy to the attorney whose name and address appears on the Petition in the upper right hand corner.
4. **BRING TWO COPIES TO COURT ADMINISTRATION:** Take the copies for Court Administration and the assigned judge to:

In Phoenix: Family Court Administration
Central Court Building, sixth (6th) floor
201 W. Jefferson.

In Mesa: Court Administration
Southeast Judicial Complex, second (2nd) floor
222 E. Javelina Drive

In Surprise: Court Administration
Northwest Court Complex
14264 West Tierra Buena Lane

Court Administration offices are open Monday through Friday, 8am until 5pm, excluding legal holidays**.** Court Administration will keep one of the copies, and forward the other copy to your assigned judge.

5. **KEEP THE LAST COPY FOR YOUR RECORDS:** You should always keep a copy of any document that you file with this Court.

OTHER IMPORTANT PAPERS IN THIS PACKET:

Before you get an order from the judge, you must complete the court papers on what you want the judge to order about child custody and access (parenting time), and for child support. The court papers you need, with guidelines and/or instructions, are included in this packet. These court forms, and those prepared by the other party, are what the judge will use when it is time to sign the order about custody, access, and support. You can complete the papers about custody/access and support now, and serve or provide copies to the other party. Or, you can complete the papers before the final court hearing date. Family Court Clerk Services of the Clerk of the Court will help you with child support calculations for the Worksheet.

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SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY
PARENTING TIME (formerly known as "Parent/Child Access" or "Visitation") GUIDELINES

1. PURPOSE

These Guidelines are designed to provide assistance to the parents in the resolution of issues relating to parenting time and to provide assistance to the court in formulating access orders when the parents are unable to reach an agreement. The underlying purpose of any such agreement or order is to provide for the best interest of each child after giving full consideration to the facts and issues that are relevant to each family.

2. USES AND LIMITATIONS

These Guidelines are designed to be used by parents, their attorneys, family counselors and the Conciliation Services of the Court. Effective use of these Guidelines requires that each parent review the Guidelines from beginning to end prior to reaching any conclusion as to the appropriate resolution of each case. These Guidelines will have limited benefit unless each parent reviews the Guidelines fully. After the Guidelines have been reviewed, the parents should develop a child care plan that will be in the best interest of their own child(ren). To use these Guidelines properly, the parties are encouraged to seek the assistance of Conciliation Services. Conciliation Services are available in the form of either counseling or mediation of custody issues, both of which are available **at no charge.**

To facilitate negotiation by parties, a proposed plan of parenting time should be exchanged between the parents whenever the custodial arrangement is at issue. The custodial plans should be as detailed as reasonably possible, while at the same time allowing flexibility for changes, both by the parents and by the child(ren) if sufficiently mature.

The parents should meet annually or as needed to schedule the coming year. The use of a calendar for scheduling purposes is highly recommended. The parents' work schedules and the child(ren)'s school and extracurricular activities need to be considered when developing such a plan. This is especially true for those parents who do not enjoy a traditional work week. The plan should assign responsibility for transportation, cleaning (both clothes and child(ren)), homework and meals. While parenting time should be an enjoyable and enriching experience to both parents and child(ren), it is an obligation and responsibility for each parent as well as a right and a privilege. Both parents must also have a good faith commitment to developing and carrying out a parenting time plan. Arizona law requires that the court, "shall determine custody," in every custody order and in every modification of a custody order. While a court may enter an order regarding parenting time without the direct use of the word "custody," the order must, at some point, designate one parent as the custodial parent or must designate specific periods of time that each parent is the custodial parent.

3. ASSUMPTIONS

These Guidelines are based on the premise that:

A. Both parents are fit.
B. Both parents desire to have an ongoing relationship with each child.
C. Both parents are able to carry out the childcare plan.
D. Any negotiated solution with meaningful input from the parents and, where applicable, the child(ren), is preferred to a court imposed solution.

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E. It is usually in the child(ren)'s best interest for each parent to have frequent, meaningful and continuing access to the child(ren).

F. That the child(ren) need(s) reliability, predictability and consistency on the part of each parent.

G. That frequent, meaningful and continuing access to each parent offers the child(ren) a sense of significance--"I am a person, I am important and I count."

H. That the child(ren) need(s) continuous access, direct experience and openness of communication with each parent and an absence of involvement in the mutual blaming of the parents.

4. GENERAL RULES

Experience has dictated a number of common sense guidelines that should be followed in every case. Some of these guidelines are also supported by law. Except as otherwise ordered by the court:

A. Both parents are entitled to access to records and information on the medical care of the child(ren) directly from the health care provider as well as from the other parent. Each parent should notify the other promptly of any significant medical treatment.

B. Both parents are entitled to access to all school records of the child(ren) directly from the school as well as from the other parent. School reports should be photocopied promptly after receipt and supplied to the other parent. Both parents should be notified promptly of all child-related activities which encourage or allow parental participation.

C. Both parents are reminded that parenting time and child support, while they may be emotionally connected, are separate legal issues. Arizona law provides that parental access may not be denied due to the failure to pay child support. It also provides that child support may not be withheld due to the failure of a parent to allow access.

D. Parents should share with each other their residence and work addresses and phone numbers.

E. Each parent should encourage the child(ren) to initiate telephone and/or mail contact with the other parent on a regular basis.

F. The parents should not discuss their marital problems with the child(ren). They should not try to turn the child(ren) against the other parent by discussing with the child(ren) the shortcomings of the other parent.

G. The parents should not attempt to buy the favor of the child(ren) with presents, special treatment, special privileges or promises.

H. Parents should not make their child(ren) choose between the two parents.

I. Parents should not question their child(ren)regarding the activities of the other parent.

J. Parents should not make promises that cannot be kept.

K. Parents should not fight with the other parent in the presence of their child(ren).

L. Parents should be prompt with appointments with the child(ren). It is unfair to keep a child waiting, and worse, to disappoint the child(ren) by not showing up at all. When unforeseen circumstances prevent compliance within approximately 15 minutes of the scheduled time

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of exchange, immediate notification should be given, if possible, and appropriate alternative arrangements should be made. Alternative arrangements may include delayed scheduling, make-up access, or skipped access. For those occasional circumstances when a parent cannot meet the prearranged schedule, that parent should be responsible for the reasonable expenses incurred for child care, unless otherwise mutually agreed upon by both parents.

M. Parents should coordinate plans regarding bedtime, discipline, homework schedule and other household rules.

5. FACTORS FOR BASIC AND OPTIONAL ACCESS

The plan for basic and optional access is designed to allow the parents, and the court if necessary, to select the proper child care plan depending upon the family circumstances. Basic access is designed to be just that, a minimum level of access which would apply to a large number of families without further modification. For families considering the optional access, consideration of the following factors are important:

A. The geographic location of each parent;

B. Each parent's willingness and ability to perform the child care duties associated with the child(ren), relative to the child(ren)'s stage of development such as feeding, changing, bathing, preparing the child(ren) for school, taking responsibility for the child(ren)'s homework, etc.;

C. Each parent's ability to care for the child(ren)'s needs (historical involvement alone is not the critical focus; rather, a parent's willingness and ability to learn the necessary skills should be a determining consideration);

D. The lack of hostility between the parents;

E. The ability of both parents' work schedules and the child(ren)'s schedule to accommodate extended access;

F. The child(ren)'s age(s) and strength of attachment to each parent;

G. The child(ren)'s relationship with his/her friends; and

H. The regular and consistent access that has been maintained by the visiting parent under the basic access plan along with a desire to increase the time commitment.

Arizona law establishes certain criteria to be met prior to the entry of an order for joint custody. Optional access which approaches an award of joint custody requires compliance with the statutory joint custody criteria.

6. PARENTING TIME

The following guidelines provide various programs for parenting time plans.

A. Infant up to Age Six Months

1. **Basic Access:** Ideally, access should be brief but frequent throughout the week. For those parents whose schedules permit, access is recommended three times a week at two hours each for the early months. As the child progresses to the age of six months, an additional

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four hours should be added during the day on the weekend. For those parents unable to have the frequent access, which is recommended, the alternative would be a four-hour access on the weekend.

2. **Optional Access:** Optional access includes one or more of the following: One access each week following birth and progressing to a total of three to four access times per week at four hours each with a weekend overnight suggested.

B. Six Months to Three Years

1. **Basic Access:** Provided regular access between parents and child(ren) has been maintained, access from six to twelve months should include the day of Saturday, and starting from twelve months to three years, access should progress up to alternate weekends (Saturday a.m. to Sunday p.m.) and one mid-week (not overnight).

2. **Optional Access:** Optional access includes one or more of the following: extending the weekend so that it begins on either Friday or Thursday; allowing additional weekday access; allowing a mid-week overnight access.

C. Three Years to Five Years

1. **Basic Access:** Alternating weekends; one mid-week (overnight optional) in alternate weeks. Holidays should be either shared or alternated.

2. **Optional Access:** Optional access includes one or more of the following: begin the weekend on Thursday; end the weekend on Monday or Tuesday; split or alternate the week; one to two mid-week overnights in alternating weeks.

D. Six Years to Twelve Years

1. **Basic Access:** Alternating weekends; one mid-week (overnight optional). Holidays should be either shared or alternated.

2. **Optional Access:** Optional access includes one or more of the following: begin the weekend on Thursday; end the weekend on Monday or Tuesday; split or alternate the week; one to two mid-week overnights in alternating weeks; add a third weekend per month.

3. **Comment:** As the child(ren) reach junior high, increasing consideration should be given to the child(ren)'s activities; a less structured and more flexible schedule is recommended. Regardless of how unstructured or flexible the schedule is, access must still occur on a regular basis.

E. Thirteen Years and Older

1. **Basic Access:** Alternating weekends; one mid-week (overnight optional). Holidays should be either shared or alternated.

2. **Optional Access:** Additional access as may be arranged between both parents and child(ren).

3. **Comment:** At this age, parents should make individual arrangements for each child regardless of the formal custody arrangements. All schedules, time-sharing, vacation schedules and holidays must remain flexible to accommodate the activities and interest of each child. Direct discussions are encouraged between parents and the child(ren) to formalize the parenting time plan for this age range. The basic access plan described

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above for this age range is simply a "minimum" plan for those families without any other agreement.

F. Child Care

When one parent will be absent from the home for an extended period of time, the child(ren) should spend the period of absence with the other parent, assuming such plan is appropriate for the child(ren). This also assumes that geographic location of both parents, the child(ren)'s age(s) and outside activities and the parent's work schedules all accommodate the arrangement. The period of absence which triggers the exchange will vary depending upon the circumstances of the parties. As the hostility level between the parents is reduced, the period triggering the exchange is reduced. This allows additional access between parent and child(ren) and has additional advantage of eliminating the expense for extended care providers.

G. Holidays

Holidays are to be alternated or shared between the parents. The child(ren) should be with mother on Mother's Day and with father on Father's Day.

H. Extended Access/Vacation

Infants and children up to school age should be permitted to have extended access to the other parent on an increasing time basis. It is important to note that for children up to three years of age, the child(ren) should not be deprived of contact with the primary parent for more than one week at a time. For children ages three years to school age, the child(ren) ordinarily should not be deprived of access to the other parent for more than two consecutive weeks. For children six years and older, the basic vacation access should be in the range of two to four weeks with optional access extending up to ten weeks or so. For children in junior high and high school, parents should consider the comments in sections D and E above.

Each parent is entitled to two uninterrupted weeks for out-of-town travel. Except for the two weeks of out-of-town travel, the parent exercising the vacation access time is to allow the other parent the equivalent parenting time that the vacationing parent enjoys during the remainder of the year. The child(ren) should return from vacation at least one week prior to the start of school.

7. PARENT/CHILD ACCESS-LONG DISTANCE

Children under the age of five should not travel alone unless appropriate travel arrangements have been made. Access, including overnights, should be given when a parent is traveling to the community in which the child(ren) lives, provided a minimum of 48 hours notice is given to the other parent. If the parent and child(ren) travel to the other parent's community, similar access should be arranged. During periods of long distance access, access shall be given the other parent.

A. **Pre-Kindergarten Age**

Access should be provided during the summer and at other times with consideration given to access periods of two to six weeks.

B. **Summer Access-School-Age Child**

Summer access of four to ten weeks is suggested with consideration for the child(ren)'s employment, organized activities and other outside activities. Consideration should also be given to such factors as the amount of time that the child(ren) has been apart from the other parent, the facilities for the child(ren) available to the other parent who will have summer access, arrangements that are made for the child(ren)'s care during the summer access, as well as the need for establishing and/or maintaining a relationship with the parent who has summer access.

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C. **School Year Access-School-Age Child**

School year access is suggested, provided it coincides with the child(ren)'s school holiday times.

D. **Additional Access**

Additional access during the school year is recommended, in particular, on the extended weekends (three-day weekends), provided that the additional access is logistically possible based upon the distance, available transportation, schedule of the children and the parties, and the lack of interference with the child's ongoing schooling.

8. FACTORS FOR LIMITATIONS

There are some families that cannot justify basic access, and reference should then be made to ARS 25-337 and other applicable laws.

9. DEFINITIONS

In the absence of an agreement of the parties or an order of the court, the following terms shall have the meanings set forth below:

A. **Day:** Up to eight consecutive hours;

B. **Weekend:** From 5:30 p.m. Friday to 6:00 p.m. Sunday;

C. **Mid-Week (Not Overnight):** From 5:30 p.m. to 8:00 p.m. In the absence of an agreement as to the day, this shall be on Wednesday;

D. **Mid-Week (Overnight):** From 5:30 p.m. to 8:00 a.m. In the absence of an agreement as to the day, this shall be Wednesday night;

E. **Holidays:** This typically includes Thanksgiving, Christmas and Spring break. It also includes such other holidays or days of special observance as per the agreement of the parties or order of the court;

F. **Long Distance:** Either the court or the parties may define long distance after considering the distance between the parties, the time necessary for travel, the convenience and expense of travel, the availability of resources and other alternatives.

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JOINT CUSTODY GUIDELINES

ARS 25-331.01 defines custody as follows:

1. **"Joint Custody"** means joint legal custody or joint physical custody, or both.

2. **"Joint Legal Custody"** means the condition under which both parents share legal custody and neither parent's rights are superior except with respect to specified decisions as set forth by the court or the parents in the final judgment or order.

3. **"Joint Physical Custody"** means the condition under which the physical residence of the child(ren) is shared by the parents in a manner that assures that the child(ren) has/have substantially equal time and contact with both parents.

4. **"Sole Custody"** means the condition under which one person has legal custody.

5. **"Parenting Time (formerly known as "Visitation")** means the condition under which a parent has the right to have the child(ren) physically placed with the parent and the right and responsibility to make, during that placement, routine daily decisions regarding the child(ren)'s care consistent with the major decisions made by the person having legal custody.

The written joint custody proposal pays attention to the cooperative sharing of physical care responsibilities; 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 child(ren)'s needs as predominant. The sharing of physical care responsibilities should not avoid or cover up disagreement by the parents on one or more issues.

NOTE: In order for the court to approve a joint custody agreement, ARS 25-332 requires the court to make the following findings:

a. The best interests of the child(ren) are served;
b. Each parent's rights and responsibilities for personal care of the child(ren) and for decisions in the areas of education, health care, and religious training are designated;
c. A schedule of the physical residence of the child(ren), including holidays and school vacations is included;
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, which may include the use of Conciliation Services or private counseling; and
f. The parties understand that joint custody does not necessarily mean equal parenting time.

PARENTS PLEASE NOTE: Per A.R.S 25-332, an award of joint custody does not diminish the responsibility of either parent to provide for the support of the child(ren).

The following represent items that should be included in the Joint Custody Proposal:

1. **The geographical location of the parents:** Where do parents live relative to one another? What are their addresses? Permanent or temporary?

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2. **Arrangements regarding the residential requirements of the child(ren):** How much time will the 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 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 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 child(ren) (such as each sharing extraordinary expenditures and the parent with whom the child(ren) resides bearing the ordinary ones during the child(ren)'s residency)? A fixed amount per month?

8. **Arrangements for 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?

The following items shall be included in the written Joint Custody Proposal:

A. If major changes arise, such as moving or remarriage, and the present child care arrangements are no longer feasible, the parents shall agree to renegotiate the terms of the plan with the aid of a Conciliation Services counselor or independent mediator prior to any court actions being considered.

B. A procedure for periodic review of the joint custody plan (e.g., parents agree to review the terms of the agreement every _____).

C. A statement that parents understand that joint custody does not necessarily mean equal parenting time.

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ARIZONA CHILD SUPPORT GUIDELINES

ADOPTED BY
THE ARIZONA SUPREME COURT
FOR
ACTIONS FILED AFTER APRIL 30, 2001

BACKGROUND: The Arizona Child Support Guidelines follow the Income Shares Model. The model was developed by the Child Support Guidelines Project of the National Center for State Courts. The total child support amount approximates the amount that would have been spent on the child(ren) if the parents and child(ren) were living together. Each parent contributes his/her proportionate share of the total child support amount.

Information regarding development of the guidelines, including economic data and assumptions upon which the Schedule of Basic Child Support Obligations is based, is contained in the June 28, 1999, report of Policy Studies, Inc., titled *REVIEW OF THE ARIZONA CHILD SUPPORT SCHEDULE.*

1. Purposes

a. To establish a standard of support for children consistent with the reasonable needs of children and the ability of parents to pay.

b. To make child support orders consistent for persons in similar circumstances.

c. To give parents and courts guidance in establishing child support orders and to promote settlements.

d. To comply with state law (Arizona Revised Statutes Section 25-320) and federal law (42 United States Code Section 651 et seq., 45 Code of Federal Regulations Section 302.56) and any amendments thereto.

2. Premises

a. These guidelines apply to all natural children, whether born in or out of wedlock, and to all adopted children.

b. The child support obligation has priority over all other financial obligations; the existence of non-support-related financial obligations is generally not a reason for deviating from the guidelines.

c. The fact that a custodial parent receives child support does not mean that he or she may not also be entitled to spousal maintenance.

If the court is establishing both child support and spousal maintenance, the court shall determine the appropriate amount of spousal maintenance first.

The receipt or payment of spousal maintenance shall be treated in accordance with sections 4.a and 5.a. The addition to or adjustment from gross income under these sections shall apply for the duration of the spousal maintenance award.

d. A parent's legal duty is to support his or her natural or adopted child(ren). The "support" of other persons such as stepchildren or parents is deemed voluntary and is not a reason for an adjustment in the amount of support determined under the guidelines.

e. Duration of support is governed by Arizona Revised Statutes Sections 25-501 and 25-320, except as provided in Arizona Revised Statutes Section 25-648.

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f. Monthly figures are used to calculate the support obligation. Any adjustments to the child support amount shall be annualized so that each month's support obligation is increased or decreased in an equal amount, instead of the obligation for particular months being abated, increased or decreased.

EXAMPLE: At a child support hearing in a paternity action a custodial parent requests an adjustment for child care costs (Section 8.b.1A.). The parent incurs child care costs of $150 per month but only for nine months of the year. The adjustment for child care costs must be annualized as follows: Multiply the $150 monthly cost times the nine months that the cost is actually paid each year, for an annual total of $1,350. Divide this total by 12 months to arrive at an annualized monthly adjustment of $112.50 that may be added to the Basic Child Support Obligation when determining the child support order.

g. When determining the Basic Child Support Obligation under Section 7, the amount derived from the Schedule of Basic Child Support Obligations shall not be less than the amount indicated on the Schedule:

1. For six children where there are more than six children.

2. For the Combined Adjusted Gross Income of $20,000 where the actual Combined Adjusted Gross Income of the parents is greater than $20,000.

3. Presumption

In any action to establish or modify child custody, and in any action to establish child support or past support or to modify child support, whether temporary or permanent, local or interstate, the amount resulting from application of these guidelines shall be the amount of child support ordered. These include, without limitation, all actions or proceedings brought under title 25 of the Arizona Revised Statutes (including maternity and paternity) and juvenile court actions in which a child support order is established or modified. However, if application of the guidelines would be inappropriate or unjust in a particular case, the court shall deviate from the guidelines in accordance with Section 18.

4. Determination of the Gross Income of the Parents

NOTE: Terms such as "Gross Income" and "Adjusted Gross Income" as used in these guidelines do not have the same meaning as when they are used for tax purposes.

a. Gross income includes income from any source, and may include, but is not limited to, income from salaries, wages, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits (subject to Section 25), worker's compensation benefits, unemployment insurance benefits, disability insurance benefits, recurring gifts, prizes, and spousal maintenance. Cash value shall be assigned to in-kind or other non-cash benefits. Seasonal or fluctuating income shall be annualized. Income from any source which is not continuing or recurring in nature need not necessarily be deemed gross income for child support purposes. It is generally not expected that a parent will earn income greater than what would be earned from full-time employment.

b. Gross income does not include sums received as child support or benefits received from means-tested public assistance programs including, but not limited to, Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), Food Stamps and General Assistance.

c. For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, gross income means gross receipts minus ordinary and necessary expenses required to produce income. Ordinary and necessary expenses do not include amounts determined by the court to be

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inappropriate for determining gross income for purposes of child support. Ordinary and necessary expenses include one-half of the self-employment tax actually paid.

d. Expense reimbursements or benefits received by a parent in the course of employment or self-employment or operation of a business shall be counted as income if they are significant and reduce personal living expenses.

e. If a parent is unemployed or working below full earning capacity, the court may consider the reasons. If earnings are reduced as a matter of choice and not for reasonable cause, the court may attribute income to a parent up to his or her earning capacity. If the reduction in income is voluntary but reasonable, the court shall balance that parent's decision and benefits therefrom against the impact the reduction in that parent's share of child support has on the child(ren)'s best interest. In accordance with Arizona Revised Statutes Section 25-320, income of at least minimum wage shall be attributed to a parent ordered to pay child support. If income is attributed to the parent receiving child support, appropriate child care expenses may also be attributed.

The court may decline to attribute income to either parent. Examples of cases in which it may be inappropriate to attribute income include, but are not limited to, the following circumstances:

1. A parent is physically or mentally disabled,

2. A parent is engaged in reasonable career or occupational training to establish basic skills or reasonably calculated to enhance earning capacity,

3. Unusual emotional or physical needs of a natural or adopted child require that parent's presence in the home, or

4. The parent is a current recipient of Temporary Assistance to Needy Families.

f. Only income of persons having a legal duty of support shall be treated as income under the guidelines. For example, income of a parent's new spouse is not treated as income of that parent.

g. The court shall not take into account the impact of the disposition of marital property except as provided in Arizona Revised Statutes Section 25-320.A.6. ("...excessive or abnormal expenditures, destruction, concealment or fraudulent disposition of community, joint tenancy and other property held in common.") or to the extent that such property generates income to a parent.

h. The Schedule of Basic Child Support Obligations is based on net income and converted to gross income for ease of application. The impact of income taxes has been considered in the Schedule (Federal Tax, Arizona State Tax, FICA, and Earned Income Tax Credit).

5. Adjustments to Gross Income

a. The amount of court-ordered spousal maintenance actually paid and the amount of court-ordered child support for children of other relationships actually paid by a parent shall be deducted from the gross income of the paying parent. Court-ordered arrearage payments on child support for children of other relationships or spousal maintenance shall not be included as an adjustment to gross income. "Children of other relationships" means natural or adopted children who are not the subject of this particular child support determination.

b. A parent shall receive a credit for support of children of other relationships covered by a court order for whom they are the custodial parent. The adjustment will be made to gross income and the amount of any adjustment will be determined by a simplified application of the guidelines to determine the basic amount of support that would be ordered for the children in question.

b. Support of natural or adopted children not covered by a court order may be considered as an adjustment factor. Any adjustment will be made to gross income and the amount of any

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adjustment will be determined by a simplified application of the guidelines to determine the basic amount of support that would be ordered for the other children in question.
EXAMPLE: A parent having gross monthly income of $2,000 supports an adopted minor child not subject of the support case before the court and for whom no support order exists. Locate $2,000 in the Combined Adjusted Gross Income column of the Schedule. Select the support figure in the column for one child, $383. The parent's income may be reduced by $383, resulting in an Adjusted Gross Income of $1,617.

6. Determining the Adjusted Gross Income of the Parents

Adjusted Gross Income is gross income minus the adjustments provided in Section 5 of these guidelines. The Adjusted Gross Income for each parent shall be established. These amounts shall be added together. The sum is the Combined Adjusted Gross Income.

7. Determining the Basic Child Support Obligation

Locate the income closest to the parents' Combined Adjusted Income figure on the Schedule of Basic Child Support Obligations and select the column for the number of children involved. This number is the Basic Child Support Obligation.

If there are more than six children, the amount derived from the schedule of basic support obligations for six children shall be the presumptive amount. The party seeking a greater sum shall bear the burden of proof that the needs of the children require a greater sum.

If the combined adjusted gross income of the parties is greater than $20,000 per month, the amount set forth for combined adjusted gross income of $20,000 shall be the presumptive basic child support obligation. The party seeking a sum greater than this presumptive amount shall bear the burden of proof to establish that a higher amount is in the best interests of the child(ren), taking into account such factors as the standard of living the child(ren) would have enjoyed if the parents and child(ren) were living together, the needs of the child(ren) in excess of the presumptive amount, consideration of any significant disparity in the respective percentages of gross income for each party and any other factors which, on a case by case basis, demonstrate that the increased amount is appropriate.

8. Determining the Total Child Support Obligation

To determine the Total Child Support Obligation, the court:

a. Shall add to the Basic Child Support Obligation the cost of the children's medical and/or dental insurance coverage. In determining the amount to be added, only the amount of the insurance cost attributable to the children subject of the support order shall be included. If coverage is applicable to other persons, the total cost shall be prorated by the number of persons covered. The court may decline to credit a parent for medical and/or dental insurance coverage obtained for a child if the coverage is not valid in the geographic region where the child resides.

   EXAMPLE: Through an employment-related insurance plan, a parent provides medical insurance that covers the parent, one child subject of the support case and two other children. Under the plan, the cost of an employee's individual insurance coverage would be $50. This parent instead pays a total of $170 for the "family option" that provides coverage for the employee and any number of dependents. Calculate the adjustment for medical insurance as follows: Subtract the $50 cost of individual coverage from the $170 paid for the "family option" to find the cost of dependent coverage. The $120 remainder then is divided by three--the number of covered dependents. The resulting $40 is added to the Basic Child Support Obligation as the cost of medical insurance coverage for the one child.

   An order for child support shall assign responsibility for providing medical insurance for the children who are the subject of the child support order. If medical insurance of comparable

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benefits and cost is available to both parents, the court should assign the responsibility to the parent having primary physical custody.

The court shall also specify the percentage that each parent shall pay for any medical costs of the children which are not covered by insurance. For purposes of this paragraph, non-covered "medical" means medically necessary medical and/or dental care as defined by Internal Revenue Service Publication 502.

Both parents should use their best efforts to obtain services that are covered by the insurance. A parent who is entitled to receive reimbursement from the other parent for medical costs not covered by insurance shall, upon request of the other parent, provide receipts or other evidence of payments actually made.

b. May add to the Basic Child Support Obligation amounts for any of the following:

1A. Child Care Costs:

Child care expenses that would be appropriate to the parents' financial abilities and to the lifestyle of the child(ren) if the parents and child(ren) were living together.

Expenses for child care shall be annualized in accordance with Section 2.f.

A custodial parent paying for child care may be eligible for a credit from federal tax liability for dependent children. The custodial parent is the parent who has custody of the child(ren) for the greater part of the year. Before adding child care costs to the Basic Child Support Obligation, the court may adjust this cost in order to apportion the benefit that the dependent tax credit will have to the parent incurring the childcare costs. An adjustment of twenty-five percent may be deducted from total annual child care costs, up to maximum annual costs of $2,400 for one child or $4,800 for two or more children. If the annual costs for child care exceed the maximum limits, $50 or $100 per month, respectively, may be subtracted from the annualized monthly child care cost. Otherwise, annual costs are multiplied by .0625 to arrive at the adjusted monthly child care costs.

EXAMPLE ONE: For two children a parent pays monthly child care costs of $550 for nine months of the year. To adjust for the expected tax credit benefit first determine whether the annual costs of child care exceed the maximum allowed annual costs. In this example, because the annual cost of $4,950 ($550 multiplied by 9 months) exceeds the $4,800 maximum for two or more children, $100 per month may be subtracted from the annualized monthly cost. To calculate the annualized cost, divide the annual cost by 12 months ($412.50) and subtract $100 ($312.50). $312.50 may be added to the Basic Child Support Obligation for adjusted child care costs.

EXAMPLE TWO: A parent pays monthly childcare costs of $175 for one child. Multiply by 12 months to obtain the annual costs ($2,100). Because this amount is less than the $2,400 maximum for one child, multiply $2,100 by .0625 to obtain the amount ($131.25) that may be added to the Basic Child Support Obligation.

Any adjustment for the payment of childcare costs with pre-tax dollars shall be calculated in a similar manner. A percentage adjustment other than twenty-five percent may be utilized if proven by the parent paying the childcare costs.

At lower income levels the head of household does not incur sufficient tax liability to benefit from the federal tax credit. No adjustment should be made where the income of the custodial parent is less than indicated on the following chart:

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MONTHLY GROSS INCOME OF THE CUSTODIAL PARENT					
ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
$1,350	$1,900	$2,450	$3,000	$3,550	$4,100

1B. Education Expenses:

Any reasonable and necessary expenses for attending private or special schools or necessary expenses to meet particular educational needs of a child, when such expenses are incurred by agreement of both parents or ordered by the court.

1C. Extraordinary Child:

These guidelines are designed to fit the needs of most children. The court may increase the Basic Child Support Obligation to provide for the special needs of gifted or handicapped children.

1D. Costs Associated With Court-Ordered Supervision

Costs associated with court- ordered supervised visitation or supervised exchanges, if not otherwise assigned by court order to one or both parties.

2. Older Child Adjustment

The average expenditures for child(ren) age twelve or older exceed the average expenditures for all children by approximately ten percent. Therefore, the court may increase child support for a child(ren) who has reached the age of twelve years by an amount up to ten percent of the support shown on the Schedule. If the court chooses to make an adjustment, the following method of calculation shall be used.

EXAMPLE: The Basic Child Support Obligation for one child, age 12, is $300. As much as $30 may be added by the court, for a total of $330. If not all children subject to the order are age 12 or over, the increase will be prorated as follows: Assume the Basic Child Support Obligation for three children is $300. If one of the three children is age 12 or over, assign 1/3 of the Basic Child Support Obligation to the older child ($100). Up to 10% ($10) of that portion of the Basic Child Support Obligation may be added as an older child adjustment, increasing the obligation to $310. NOTE: This proration method is limited to this section and should not be followed in Section 23.

9. Determining Each Parent's Proportionate Share of the Total Child Support Obligation

The Total Child Support Obligation shall be divided between the parents in proportion to their Adjusted Gross Incomes. The obligation of each parent is computed by multiplying each parent's share of the Combined Adjusted Gross Income by the Total Child Support Obligation.

EXAMPLE: Combined Adjusted Gross Income is $1,000. The father's Adjusted Gross Income is $600. Divide the father's Adjusted Gross Income by the Combined Adjusted Income. The result is the father's share of the Combined Adjusted Gross Income. ($600 divided by $1,000 = 60%) So, the father's share is 60%; the mother's share is 40%.

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10. Adjustment for Costs Associated with Visitation

Because the Schedule of Basic Child Support Obligations is based on expenditures for children in intact households, there is no consideration for costs associated with visitation. When visitation is exercised by the non-custodial parent, a portion of the costs for children normally expended by the custodial parent shifts to the non-custodial parent. Accordingly, when proof establishes that visitation is or is expected to be exercised by the parent paying child support, an adjustment shall be made to that parent's proportionate share of the Total Child Support Obligation.

To adjust for the costs of visitation, first determine the total amount of visitation indicated in a court order or parenting plan or by the expectation or historical practice of the parents. Using the following definitions, add together each period of visitation within twenty-four hours to arrive at the total number of visitation days per year.

a. "One day" means more than 12 continuous and consecutive hours or an overnight.
b. "One-half day" means greater than 4 and up to and including 12 continuous and consecutive hours.
c. "One-quarter day" means up to and including 4 continuous and consecutive hours.

For purposes of calculating visitation days, only the time spent by a child with the non-custodial parent is considered. Time that the child is in school or child care is not considered.

After determining the total number of visitation days, refer to “Visitation Table A”. The left two columns of the table set forth numbers of visitation days in increasingly higher ranges. Adjacent to each range is an adjustment percentage. The visitation adjustment is calculated as follows: Locate the total number of visitation days per year in the left columns of “Visitation Table A”and select the adjustment percentage from the adjacent column. Multiply the Basic Child Support Obligation determined under Section 7 by the appropriate adjustment percentage. The number resulting from this multiplication then is subtracted from the proportionate share of the Total Child Support Obligation of the parent who exercises visitation.

VISITATION TABLE A

Number of Visitation Days		Adjustment Percentage
0	3	0
4	20	.012
21	38	.031
39	57	.050
58	72	.085
73	87	.105
88	115	.161
116	129	.195
130	142	.253
143	152	.307
153	162	.362
163	172	.422
173	182	486

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EXAMPLE: The Basic Child Support Obligation from the Schedule is $425 for two children. After making all applicable adjustments under Section 8, the Total Child Support Obligation is $500 and the non-custodial parent's proportionate share is 60%, or $300. The non-custodial parent has visitation with the children a total of 100 days. On the Visitation Table, the range of days for this amount of visitation is from 88 to 115 days. The corresponding adjustment percentage is .161. Multiply the $425 Basic Child Support Obligation by .161. The resulting $68.43 is subtracted from $300 (the non-custodial parent's proportionate share of the Total Child Support Obligation), adjusting the support obligation to $231.57.

As the number of visitation days approaches equal time sharing (143 days and above), certain costs usually incurred only in the custodial household are assumed to be substantially or equally shared by both parents. These costs are for items such as the child's clothing and personal care items, entertainment and reading materials. If this assumption is rebutted by proof, for example, that such costs are not substantially or equally shared in each household, only visitation table b must be used to calculate the visitation adjustment for this range of days. Locate the total number of visitation days per year in the left columns of the "Visitation Table B" and select the adjustment percentage from the adjacent column. Multiply the basic child support obligation determined under Section 7 by the appropriate adjustment percentage. The number resulting from this multiplication then is subtracted from the proportionate share of the total child support obligation of the parent who exercises visitation.

VISITATION TABLE B		
Number of Visitation Days		**Adjustment Percentage**
143	152	.275
153	162	.293
163	172	.312
173	182	.331

If the time spent with each parent is essentially equal, the expenses for the children are equally shared and gross adjusted incomes of the parents also are essentially equal, no support shall be paid. If the parents' incomes are not equal, the total child support amount shall be divided equally between the two households and the parent owing the greater amount shall be ordered to pay what is necessary to achieve that equal share in the other parent's household.

Example: After making all applicable adjustments under Sections 8 and 11, the remaining child support obligation is $1500. The parents' proportionate shares of the obligation are $1000 and $500. To equalize the support available in both households, deduct the lower amount from the higher amount ($1000 - $500 = $500) then divide the balance in half ($500 □ 2 = $250). The resulting amount ($250) is paid to the parent with the lower obligation.

11. Adjustments for Other Costs

If a parent pays a cost under Section 8.a. through b.1.D., deduct the cost from that parent's proportionate share to arrive at the preliminary child support amount.

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12. Determining the Child Support Order

The court shall order the non-custodial parent to pay child support in an amount equal to his or her proportionate share of the Total Child Support Obligation. The custodial parent shall be presumed to spend his or her share on the children.

EXAMPLE: On the Schedule, the Basic Child Support Obligation for a Combined Adjusted Gross Income of $1,500 for one child is $291. To this the court adds $20 because the child is over 12 years of age (approximately 7% in this example). The Total Child Support Obligation is $311.

The father's share is 60% of $311, or $187. The mother's share is 40% of $311, or $124. Custody is granted to the mother and under the court-approved parenting plan visitation will be exercised by the father a total of 100 days per year. After adjusting for visitation, the father's share is $139.75. The father shall pay the child support amount of $139.75 per month. The value of the mother's contribution is $124, and she spends it directly on the child.

13. Self Support Reserve Test

In each case, after determining the child support order, the court shall perform a self support reserve test to verify that the non-custodial parent is financially able both to pay the child support order and to maintain at least a minimum standard of living, as follows:

Deduct $710 (the self support reserve) from the non-custodial parent's Adjusted Gross Income, except that the court may deduct from such parent's adjusted gross income for purposes of the self support reserve test only, court-ordered arrears on child support for children of other relationships or spousal maintenance if actually paid. If the resulting amount is less than the child support order, the court may reduce the current child support order to the resulting amount after first considering the financial impact the reduction would have on the custodial household. The test applies only to the current support obligation, but does not prohibit an additional amount to be ordered to reduce an obligor's arrears.

EXAMPLE: Before applying the self support reserve test, the child support order is calculated under the guidelines to be $175. The adjusted gross income of the non-custodial parent is $850. Subtracting the self-support reserve of $710 leaves $140. Because this resulting amount is less than the $175 child support order, the court may reduce the child support order to the resulting amount. However, before making any reduction, the court shall examine the self-support capability of the non-paying parent, using the same self support reserve test applied to the non-custodial parent. In this example, non-paying parent's proportionate share of the total child support obligation calculated under the guidelines to be $200. This parent earns minimum wage of $892 per month. Subtracting the self support reserve of $710 leaves $182. Because this resulting amount is less than the parent's proportionate share of the total child support obligation, it is evident that both parents have insufficient income to be self supporting. In this situation, the court has discretion to determine whether and in what amount the child support order (the amount the non-custodial parent is ordered to pay) may be reduced.

14. Multiple Children, Divided Custody

When each parent is granted physical custody of at least one of the parties' children, each parent is obligated to contribute to the support of all the children. However, the amount of current support to be paid by the parent having the greater support obligation shall be reduced by the amount of support owed to that parent by the other parent.

EXAMPLE: (For simplicity, this example does not consider visitation.) Combined Adjusted Gross Income is $3,000 per month. Father's gross income is $1,000 per month (33.3%) and he has custody of one child. Mother's gross income is $2,000 per month (66.6%) and she has custody of two children.

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Prepare a Parent's Worksheet to determine support for children in the mother's household. Locate the Combined Adjusted Gross Income figure of $3,000 on the Schedule. Select the support figure in the column for the two children in this household, $787. The father's share is 33.3% of $787or $262.07.

Prepare a Parent's Worksheet to determine support for the child in the father's household. Locate the Combined Adjusted Gross Income figure of $3,000. Select the support figure in the column for the one child in this household, $543. The mother's share is 66.6% of $543, or $361.64.

The mother is obligated to pay the father $361.64 for child support. This amount is reduced by the $262.07 obligation owed by the father to the mother. Thus, the mother shall pay $99.57 per month.

15. Support Assigned to the State

If support has been assigned to the state under Arizona Revised Statutes Section 46-407, the obligation of a parent to pay support shall not be offset by child support arrearages that may be owed to that parent.

16. Travel Expenses Associated with Visitation

The court may allocate travel expenses of the child associated with visitation. In doing so, the court shall consider the means of the parents and may consider how their conduct (such as a change of residence) has affected the costs of visitation. To the extent possible, any allocation shall ensure that the child has continued contact with each parent. A parent who is entitled to receive reimbursement from the other parent for allocated visitation expenses shall, upon request of the other parent, provide receipts or other evidence of payments actually made. The allocation of expenses does not change the amount of the support ordered.

17. Gifts in Lieu of Money

Once child support has been ordered by the court, the child support is to be paid in money. Gifts of clothing, etc. in lieu of money are not to be offset against the support order except by court order.

18. Deviations

a. The court shall deviate from the guidelines, i.e., order support in an amount different from that which is provided pursuant to these guidelines, after considering all relevant factors, including those set forth in Arizona Revised Statutes Section 25-320, and applicable case law, only if all of the following criteria are met:

   1. Application of the guidelines is inappropriate or unjust in the particular case,

   2. The court has considered the best interests of the child in determining the amount of a deviation. A deviation that reduces the amount of support paid is not, by itself, contrary to the best interests of the child,

   3. The court makes written findings regarding 1 and 2 above,

   4. The court shows what the order would have been without the deviation, and

   5. The court shows what the order is after deviating.

b. The court may deviate from the guidelines based upon an agreement of the parties only if all of the following criteria are met:

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1. The agreement is in writing,

2. All parties have signed the agreement with knowledge of the amount of support that would have been ordered by the guidelines but for the agreement,

3. All parties have signed the agreement free of duress and coercion, and

4. The court complies with the requirements of Section 18.a.

19. Third-Party Care Givers

When a child lives with a third-party care giver by virtue of a court order, administrative placement by a state agency or under color of authority, the third-party care giver is entitled to receive support payments from each parent on behalf of the child.

20. Court's Findings

The court shall make findings in the record as to: Gross Income, Adjusted Gross Income, Basic Child Support Obligation, Total Child Support Obligation, each parent's proportionate share of the child support obligation, and the child support order.

The findings may be made by incorporating a worksheet containing this information into the file.

If the court attributes income above minimum wage income, the court shall explain the reason for its decision.

The child support order shall be set forth in a sum certain and start on a date certain. A new child support order shall be filed upon any change in the amount or due date of the child support obligation.

21. Exchange of Information

The court shall order that every twenty-four months financial information such as tax returns, financial affidavits, and earning statements be exchanged between the parties.

Unless the court has ordered otherwise, at the time the parties exchange financial information, they shall also exchange residential addresses and the names and addresses of their employers.

22. Modification

a. Standard Procedure

Pursuant to Arizona Revised Statutes Sections 25-503 and 25-327, either parent or the state title IV-D agency may ask the court to modify a child support order upon a showing of a substantial and continuing change of circumstances.

b. Simplified Procedure

Either parent or the state title IV-D agency may request the court to modify a child support order if application of the guidelines results in an order that varies fifteen percent or more from the existing amount. A fifteen percent variation in the amount of the order will be considered prima facie evidence of substantial and continuing change of circumstances. A request for modification of the child support amount must be accompanied by a completed and sworn "Parent's Worksheet for Child Support Amount," and documentation supporting the incomes if different from the court's most recent findings regarding income of the parents. If the party requesting

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the modification is unable to provide documentation supporting the other party's income, the requesting party shall indicate that the income amount is attributed/estimated and state the basis for the amount listed. The state title IV-D agency may submit a parent's worksheet.

The simplified procedure also may be used by either parent or the state title IV-D agency to modify a child support order to assign or alter the responsibility to provide medical insurance for a child who is subject of a support order. A modification of the medical assignment or responsibility does not need to vary by fifteen percent or more from the existing amount to use the simplified procedure.

A copy of the request for modification of child support and the "Parent's Worksheet for Child Support Amount," including supporting documentation, showing that the proposed child support amount would vary fifteen percent or more from the existing child support order shall be served on the other parent, or on both parents if filed by the state title IV-D agency, pursuant to Rules 4.1 and 4.2, Rules of Civil Procedure.

If the requested modification is disputed, the parent receiving service must request a hearing within 20 days of service. If service is made outside the state, as provided in Rule 4.2, Rules of Civil Procedure, the parent receiving service must request a hearing within 30 days of service.

A party requesting a hearing shall file a written request for hearing accompanied by a completed and sworn "Parent's Worksheet for Child Support Amount." Copies of the documents filed, together with the notice of hearing, shall be served on the other party and, if appropriate, the state Title IV-D agency by first class mail not less than ten judicial days prior to the hearing.

Upon proof of service and if no hearing is requested within the time allowed, the court will review the request and enter an appropriate order or set the matter for hearing.

If any party requests a hearing within the time allowed, the court shall conduct such hearing. No order shall be modified without a hearing if one is requested.

The notice provision of Rule 55, Rules of Civil Procedure, does not apply to this simplified modification procedure.

A request to modify child support, request for a hearing and notice of hearing, "Parent's Worksheet for Child Support Amount" and child support order filed or served pursuant to this subsection must be made using forms approved by the Arizona Supreme Court or substantially similar forms.

Approved forms are available from the Clerk of the Superior Court.

23. Effect of Cessation of Support for One Child

If support for more than one child was ordered under these guidelines and thereafter the duty to support one of the children stops, the order is not automatically reduced by that child's share. To obtain a modification to the support order, a request must be made in writing to the court to recalculate the support obligation pursuant to these guidelines. The procedure specified in Section 22 may be used for this purpose.

EXAMPLE: The child support order for an income of $1,500, with four children is $562. One child graduates from high school and turns 18. In determining the new child support amount, do not deduct one-fourth of the order for a new order of $421.50. Instead, determine a new child support order by applying the guidelines. (NOTE: This method varies from the one used in Section 8.b.2).

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24. Income of a Child

Income earned or money received by a child from sources other than child support shall not relieve a parent of the support obligation established by these guidelines. However, income earned or money received by or on behalf of a person for whom support is ordered to be continued past the age of majority pursuant to Arizona Revised Statute 25-320.B and 25-809.F may be credited against any child support obligation.

25. Credit for Benefits

Benefits, such as Social Security Disability or Insurance, received by a child as a result of contributions made by the parent paying support shall be credited as follows:

a. Only the benefits received by the parent are included as part of that parent's gross income.

b. If the amount of the child's benefit for a given month is equal to or greater than the parent's child support obligation, then the parent's obligation is satisfied. Any benefit received by the child for a given month in excess of the child support obligation is not treated as an arrearage payment nor as a future payment.

c. If the amount of the child's benefit for a given month is less than the parent's child support obligation, the parent must pay the difference.

26. Federal Tax Exemption for Dependent Children

In any case in which the current child support obligation is at least $1,200 per year, there should be an allocation of the federal tax exemptions applicable to the minor children which as closely as possible approximates the percentages of support being provided by each of the parents. If it is determined that a party who is otherwise entitled to the dependency exemption based upon the above percentages will not derive a tax benefit from claiming the dependency exemption, the exemption should be allocated to the other party. The allocation of the exemptions shall be conditioned upon payment by December 31 of the total court-ordered child support obligation for the current calendar year and any court-ordered arrearage payments due during that calendar year for which the exemption is to be claimed. If these conditions have been met, the custodial parent shall execute the necessary Internal Revenue Service forms to transfer the exemptions. If the non-custodial parent has paid the current support, but has not paid the court-ordered arrearage payments, the non-custodial parent shall not be entitled to claim the exemption.

EXAMPLE: Non-custodial parent's percentage of gross income is approximately 67% and custodial parent's percentage is approximately 33%. All payments are current.

- If there are three children, the non-custodial parent would be entitled to claim two and the custodial parent would claim one.

- If there is only one child, the non-custodial parent would be entitled to claim the child two out of every three years, and the custodial parent would claim the child one out of every three years.

For purposes of this section only, a non-custodial parent shall be credited as having paid child support that has been deducted on or before December 31 pursuant to an order of assignment if the amount has been received by the court or clearinghouse by January 15 of the following year.

27. Effective Date

All child support orders in actions filed after April 30, 2001, shall be made pursuant to these guidelines, whether they be original orders or modifications of pre-existing orders.

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SCHEDULE OF BASIC CHILD SUPPORT OBLIGATION

This Schedule is only part of the overall guidelines and must be used together with the accompanying information

COMBINED ADJ. GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
650	147	218	259	286	310	332
700	156	232	274	303	329	352
750	164	243	288	319	346	370
800	171	255	303	334	362	388
850	179	267	317	350	380	406
900	188	281	333	367	398	426
950	196	294	348	385	417	446
1000	205	307	364	402	436	466
1050	213	320	379	419	454	486
1100	222	333	395	436	473	506
1150	230	346	410	453	492	526
1200	239	360	426	471	510	546
1250	247	373	442	488	529	566
1300	256	386	457	505	548	586
1350	264	399	473	522	566	606
1400	272	412	488	539	585	626
1450	282	425	502	555	602	644
1500	291	437	517	571	619	662
1550	300	449	531	587	636	681
1600	309	461	545	603	653	699
1650	319	473	560	618	670	717
1700	328	485	574	634	687	735
1750	337	497	588	650	704	754
1800	346	510	602	666	722	772
1850	356	522	617	681	739	790
1900	365	534	631	697	756	809
1950	374	546	645	713	773	827
2000	383	558	659	729	790	845
2050	392	570	674	744	807	863
2100	401	583	688	760	824	882
2150	409	595	702	776	841	900
2200	418	607	716	792	858	918
2250	426	619	731	807	875	936
2300	435	631	745	823	892	955
2350	443	643	759	839	909	973
2400	451	655	773	854	926	991
2450	460	668	787	870	943	1009
2500	468	680	802	886	960	1027
2550	477	692	816	902	977	1046

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2600	485	704	830	917	994	1064
2650	493	716	844	933	1011	1082
2700	503	729	859	950	1029	1102
2750	509	739	871	962	1043	1116
2800	516	748	882	974	1056	1130
2850	523	758	893	987	1069	1144
2900	530	768	904	999	1083	1159
2950	536	777	915	1011	1096	1173
3000	543	787	926	1024	1110	1187
3050	550	797	938	1036	1123	1202
3100	557	806	949	1048	1136	1216
3150	564	816	960	1061	1150	1230
3200	570	825	971	1073	1163	1245
3250	577	835	982	1085	1177	1259
3300	584	845	993	1098	1190	1273
3350	591	854	1005	1110	1203	1288
3400	597	864	1016	1122	1217	1302
3450	603	872	1025	1132	1228	1314
3500	608	879	1034	1142	1238	1325
3550	612	886	1042	1151	1248	1336
3600	617	893	1051	1161	1259	1347
3650	622	900	1059	1170	1269	1358
3700	627	907	1068	1180	1279	1369
3750	632	914	1076	1189	1289	1380
3800	636	922	1085	1199	1300	1391
3850	641	929	1094	1208	1310	1402
3900	646	936	1102	1218	1320	1413
3950	651	943	1111	1227	1331	1424
4000	655	950	1119	1237	1341	1435
4050	660	957	1128	1246	1351	1446
4100	665	964	1137	1256	1361	1457
4150	670	971	1145	1265	1372	1468
4200	674	978	1153	1274	1381	1477
4250	679	983	1159	1281	1388	1485
4300	683	989	1165	1288	1396	1493
4350	687	995	1172	1295	1403	1502
4400	691	1001	1178	1302	1411	1510
4450	695	1006	1184	1309	1419	1518
4500	700	1012	1191	1316	1426	1526

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4550	704	1018	1197	1323	1434	1534
4600	708	1024	1203	1330	1441	1542
4650	712	1029	1210	1337	1449	1550
4700	716	1035	1216	1344	1456	1558
4750	721	1041	1222	1351	1464	1566
4800	725	1046	1228	1357	1471	1574
4850	729	1052	1235	1364	1479	1582
4900	733	1057	1241	1371	1486	1590
4950	737	1063	1247	1378	1494	1598
5000	740	1067	1252	1383	1499	1604
5050	742	1071	1257	1388	1505	1610
5100	745	1075	1261	1393	1510	1616
5150	748	1079	1266	1398	1516	1622
5200	750	1083	1270	1404	1521	1628
5250	753	1087	1275	1409	1527	1634
5300	756	1091	1280	1414	1532	1640
5350	759	1094	1284	1419	1538	1646
5400	761	1098	1289	1424	1543	1651
5450	764	1102	1293	1428	1548	1657
5500	766	1106	1297	1433	1554	1662
5550	769	1109	1302	1438	1559	1668
5600	771	1113	1306	1443	1564	1674
5650	774	1117	1310	1448	1569	1679
5700	777	1121	1315	1453	1575	1685
5750	779	1124	1319	1458	1580	1691
5800	784	1131	1327	1466	1590	1701
5850	789	1138	1335	1475	1599	1711
5900	794	1145	1342	1483	1608	1721
5950	799	1151	1350	1492	1617	1730
6000	804	1158	1358	1500	1626	1740
6050	808	1165	1365	1509	1636	1750
6100	814	1172	1374	1518	1646	1761
6150	819	1180	1382	1528	1656	1772
6200	824	1187	1391	1537	1666	1783
6250	830	1195	1400	1547	1677	1794
6300	835	1202	1408	1556	1687	1805
6350	840	1210	1417	1566	1697	1816
6400	846	1217	1425	1575	1707	1827
6450	851	1225	1434	1584	1718	1838

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6500	856	1232	1442	1594	1728	1849
6550	861	1239	1450	1602	1737	1858
6600	865	1245	1457	1610	1745	1867
6650	869	1251	1464	1618	1754	1876
6700	873	1256	1471	1626	1762	1885
6750	877	1262	1478	1633	1771	1894
6800	881	1268	1485	1641	1779	1903
6850	886	1274	1492	1649	1787	1912
6900	890	1280	1499	1657	1796	1921
6950	894	1286	1506	1664	1804	1930
7000	898	1292	1513	1672	1813	1939
7050	902	1298	1520	1680	1821	1948
7100	906	1304	1527	1688	1830	1957
7150	910	1310	1534	1696	1838	1966
7200	914	1316	1541	1703	1846	1975
7250	918	1322	1548	1711	1855	1984
7300	923	1328	1555	1719	1863	1993
7350	927	1334	1562	1727	1872	2003
7400	931	1340	1570	1734	1880	2012
7450	935	1346	1577	1742	1889	2021
7500	939	1352	1584	1750	1897	2030
7550	943	1358	1591	1758	1905	2039
7600	947	1364	1598	1766	1914	2048
7650	951	1370	1605	1774	1923	2057
7700	956	1377	1613	1782	1932	2067
7750	961	1384	1621	1791	1941	2077
7800	965	1390	1628	1799	1951	2087
7850	970	1397	1636	1808	1960	2097
7900	975	1404	1644	1817	1969	2107
7950	980	1411	1652	1825	1979	2117
8000	984	1417	1660	1834	1988	2127
8050	989	1424	1667	1843	1997	2137
8100	994	1431	1675	1851	2007	2147
8150	998	1437	1683	1860	2016	2157
8200	1003	1444	1691	1868	2025	2167
8250	1008	1451	1699	1877	2035	2177
8300	1012	1457	1706	1886	2044	2187
8350	1017	1464	1714	1894	2053	2197
8400	1022	1471	1722	1903	2063	2207

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8450	1027	1477	1730	1911	2072	2217
8500	1031	1484	1738	1920	2081	2227
8550	1036	1491	1745	1929	2091	2237
8600	1041	1498	1753	1937	2100	2247
8650	1045	1504	1761	1946	2109	2257
8700	1050	1511	1769	1955	2119	2267
8750	1055	1518	1777	1963	2128	2277
8800	1059	1524	1784	1972	2137	2287
8850	1064	1531	1792	1980	2147	2297
8900	1069	1538	1800	1989	2156	2307
8950	1074	1544	1808	1998	2165	2317
9000	1078	1551	1816	2006	2175	2327
9050	1083	1558	1823	2015	2184	2337
9100	1088	1564	1831	2023	2194	2347
9150	1092	1571	1839	2031	2202	2356
9200	1096	1577	1846	2039	2211	2365
9250	1100	1583	1853	2047	2219	2375
9300	1104	1589	1860	2055	2228	2384
9350	1108	1595	1867	2063	2237	2393
9400	1112	1601	1874	2071	2245	2402
9450	1116	1607	1882	2079	2254	2411
9500	1121	1613	1889	2087	2262	2421
9550	1125	1619	1896	2095	2271	2430
9600	1129	1625	1903	2103	2280	2439
9650	1133	1631	1910	2111	2288	2448
9700	1137	1637	1917	2119	2297	2457
9750	1141	1643	1925	2126	2305	2467
9800	1145	1649	1932	2134	2314	2476
9850	1150	1655	1939	2142	2323	2485
9900	1154	1661	1946	2150	2331	2494
9950	1158	1667	1953	2158	2340	2503
10000	1162	1673	1961	2166	2348	2513
10050	1166	1680	1968	2174	2357	2522
10100	1170	1686	1975	2182	2366	2531
10150	1174	1692	1982	2190	2374	2540
10200	1179	1698	1989	2198	2383	2549
10250	1183	1704	1996	2206	2391	2558
10300	1187	1710	2004	2214	2400	2568
10350	1191	1716	2011	2222	2409	2577

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COMBINED ADJ. GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
10400	1195	1722	2018	2229	2417	2586
10450	1199	1728	2025	2237	2426	2595
10500	1203	1734	2032	2245	2434	2604
10550	1207	1740	2039	2253	2443	2614
10600	1212	1746	2046	2261	2451	2623
10650	1215	1751	2053	2268	2459	2631
10700	1219	1756	2059	2275	2466	2639
10750	1223	1762	2066	2283	2474	2647
10800	1226	1767	2072	2290	2482	2656
10850	1230	1772	2079	2297	2490	2664
10900	1234	1778	2085	2304	2497	2672
10950	1237	1783	2091	2311	2505	2680
11000	1241	1788	2098	2318	2513	2689
11050	1244	1794	2104	2325	2520	2697
11100	1248	1799	2111	2332	2528	2705
11150	1252	1804	2117	2340	2536	2713
11200	1255	1810	2124	2347	2544	2722
11250	1259	1815	2130	2354	2551	2730
11300	1263	1820	2137	2361	2559	2738
11350	1266	1826	2143	2368	2567	2746
11400	1270	1831	2149	2375	2574	2755
11450	1273	1836	2156	2382	2582	2763
11500	1277	1841	2162	2389	2589	2770
11550	1280	1846	2168	2395	2596	2778
11600	1283	1851	2174	2402	2603	2786
11650	1287	1856	2179	2408	2610	2793
11700	1290	1861	2185	2415	2618	2801
11750	1293	1866	2191	2421	2625	2808
11800	1297	1871	2197	2428	2632	2816
11850	1300	1876	2203	2435	2639	2824
11900	1303	1881	2209	2441	2646	2831
11950	1307	1885	2215	2448	2653	2839
12000	1310	1890	2221	2454	2660	2846
12050	1313	1895	2227	2461	2667	2854
12100	1317	1900	2233	2467	2674	2862
12150	1320	1906	2240	2475	2683	2871
12200	1325	1913	2248	2483	2692	2881
12250	1329	1919	2255	2492	2702	2891
12300	1333	1925	2263	2501	2711	2901

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SCHEDULE OF BASIC CHILD SUPPORT OBLIGATION

This Schedule is only part of the overall guidelines and must be used together with the accompanying information

COMBINED ADJ. GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
12350	1337	1932	2271	2509	2720	2911
12400	1342	1938	2279	2518	2730	2921
12450	1346	1945	2286	2527	2739	2931
12500	1350	1951	2294	2535	2748	2941
12550	1355	1957	2302	2544	2758	2951
12600	1359	1964	2310	2552	2767	2961
12650	1363	1970	2318	2561	2776	2971
12700	1367	1977	2325	2570	2786	2981
12750	1372	1983	2333	2578	2795	2991
12800	1376	1989	2341	2587	2804	3001
12850	1380	1996	2349	2595	2814	3011
12900	1384	2002	2357	2604	2823	3021
12950	1389	2009	2364	2613	2832	3031
13000	1393	2015	2372	2621	2842	3041
13050	1397	2021	2380	2630	2851	3050
13100	1401	2028	2388	2638	2860	3060
13150	1406	2034	2395	2647	2870	3070
13200	1410	2040	2403	2656	2879	3080
13250	1414	2047	2411	2664	2888	3090
13300	1418	2053	2419	2673	2897	3100
13350	1423	2060	2426	2681	2907	3110
13400	1427	2066	2434	2690	2916	3120
13450	1431	2072	2442	2698	2925	3130
13500	1435	2079	2450	2707	2935	3140
13550	1440	2085	2457	2715	2944	3150
13600	1444	2091	2465	2724	2953	3160
13650	1448	2098	2473	2733	2962	3170
13700	1452	2104	2481	2741	2972	3180
13750	1456	2110	2488	2749	2980	3188
13800	1459	2115	2493	2755	2986	3195
13850	1463	2119	2498	2761	2992	3202
13900	1466	2123	2503	2766	2998	3208
13950	1469	2128	2508	2772	3004	3215
14000	1472	2132	2513	2777	3011	3221
14050	1475	2137	2518	2783	3017	3228
14100	1478	2141	2523	2789	3023	3234
14150	1481	2145	2529	2794	3029	3241
14200	1484	2150	2534	2800	3035	3247
14250	1487	2154	2539	2806	3041	3254

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SCHEDULE OF BASIC CHILD SUPPORT OBLIGATION

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COMBINED ADJ. GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
14300	1490	2159	2544	2811	3047	3261
14350	1493	2163	2549	2817	3053	3267
14400	1496	2167	2554	2823	3060	3274
14450	1499	2172	2559	2828	3066	3280
14500	1502	2176	2564	2834	3072	3287
14550	1506	2181	2570	2840	3078	3293
14600	1509	2185	2575	2845	3084	3300
14650	1512	2189	2580	2851	3090	3307
14700	1515	2194	2585	2857	3096	3313
14750	1518	2198	2590	2862	3103	3320
14800	1521	2203	2595	2868	3109	3326
14850	1524	2207	2600	2874	3115	3333
14900	1527	2211	2605	2879	3121	3339
14950	1530	2216	2611	2885	3127	3346
15000	1533	2220	2616	2891	3133	3352
15050	1536	2224	2621	2896	3139	3359
15100	1539	2229	2626	2902	3145	3366
15150	1542	2233	2631	2908	3152	3372
15200	1545	2238	2636	2913	3158	3379
15250	1548	2242	2641	2919	3164	3385
15300	1552	2246	2646	2925	3170	3392
15350	1555	2251	2652	2930	3176	3398
15400	1558	2255	2657	2936	3182	3405
15450	1561	2260	2662	2942	3188	3412
15500	1564	2264	2667	2947	3195	3418
15550	1567	2268	2672	2953	3201	3425
15600	1570	2273	2677	2959	3207	3431
15650	1573	2277	2682	2964	3213	3438
15700	1576	2282	2687	2970	3219	3444
15750	1579	2286	2692	2976	3225	3451
15800	1582	2290	2698	2981	3231	3457
15850	1585	2295	2703	2987	3237	3464
15900	1588	2299	2708	2993	3244	3471
15950	1591	2303	2713	2998	3250	3477
16000	1595	2308	2718	3004	3256	3484
16050	1598	2312	2723	3010	3262	3490
16100	1601	2317	2728	3015	3268	3497
16150	1604	2321	2733	3021	3274	3503
16200	1607	2325	2739	3026	3280	3510

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SCHEDULE OF BASIC CHILD SUPPORT OBLIGATION

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COMBINED ADJ. GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
16250	1610	2330	2744	3032	3287	3516
16300	1613	2334	2749	3038	3293	3523
16350	1616	2339	2754	3043	3299	3530
16400	1619	2343	2759	3049	3305	3536
16450	1622	2347	2764	3055	3311	3543
16500	1625	2352	2769	3060	3317	3549
16550	1628	2356	2774	3066	3323	3556
16600	1631	2361	2780	3072	3329	3562
16650	1634	2365	2785	3077	3336	3569
16700	1638	2369	2790	3083	3342	3576
16750	1641	2374	2795	3089	3348	3582
16800	1644	2378	2800	3094	3354	3589
16850	1647	2383	2805	3100	3360	3595
16900	1650	2387	2810	3106	3366	3602
16950	1653	2391	2815	3111	3372	3608
17000	1656	2396	2821	3117	3379	3615
17050	1659	2400	2826	3123	3385	3621
17100	1662	2404	2831	3128	3391	3628
17150	1665	2409	2836	3134	3397	3635
17200	1668	2413	2841	3140	3403	3641
17250	1671	2418	2846	3145	3409	3648
17300	1674	2422	2851	3151	3415	3654
17350	1677	2426	2856	3157	3421	3661
17400	1681	2431	2861	3162	3428	3667
17450	1684	2435	2867	3168	3434	3674
17500	1687	2440	2872	3174	3440	3681
17550	1690	2444	2877	3179	3446	3687
17600	1693	2448	2882	3185	3452	3694
17650	1696	2453	2887	3191	3458	3700
17700	1699	2457	2892	3196	3464	3707
17750	1702	2462	2897	3202	3471	3713
17800	1705	2466	2902	3208	3477	3720
17850	1708	2470	2908	3213	3483	3726
17900	1711	2475	2913	3219	3489	3733
17950	1714	2479	2918	3225	3495	3740
18000	1717	2484	2923	3230	3501	3746
18050	1720	2488	2928	3236	3507	3753
18100	1724	2492	2933	3242	3513	3759
18150	1727	2497	2938	3247	3520	3766

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SCHEDULE OF BASIC CHILD SUPPORT OBLIGATION

This Schedule is only part of the overall guidelines and must be used together with the accompanying information

COMBINED ADJ. GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
18200	1730	2501	2943	3253	3526	3772
18250	1733	2505	2949	3259	3532	3779
18300	1736	2510	2954	3264	3538	3786
18350	1739	2514	2959	3270	3544	3792
18400	1742	2519	2964	3275	3550	3799
18450	1745	2523	2969	3281	3556	3805
18500	1748	2527	2974	3287	3563	3812
18550	1751	2532	2979	3292	3569	3818
18600	1754	2536	2984	3298	3575	3825
18650	1757	2541	2990	3304	3581	3831
18700	1760	2545	2995	3309	3587	3838
18750	1763	2549	3000	3315	3593	3845
18800	1767	2554	3005	3321	3599	3851
18850	1770	2558	3010	3326	3605	3858
18900	1773	2563	3015	3332	3612	3864
18950	1776	2567	3020	3338	3618	3871
19000	1779	2571	3025	3343	3624	3877
19050	1782	2576	3030	3349	3630	3884
19100	1785	2580	3036	3355	3636	3891
19150	1788	2585	3041	3360	3642	3897
19200	1791	2589	3046	3366	3648	3904
19250	1794	2593	3051	3372	3655	3910
19300	1797	2598	3056	3377	3661	3917
19350	1800	2602	3061	3383	3667	3923
19400	1803	2606	3066	3389	3673	3930
19450	1806	2611	3071	3394	3679	3936
19500	1810	2615	3077	3400	3685	3943
19550	1813	2620	3082	3406	3691	3950
19600	1816	2624	3087	3411	3697	3956
19650	1819	2628	3092	3417	3704	3963
19700	1822	2633	3097	3423	3710	3969
19750	1825	2637	3102	3428	3716	3976
19800	1828	2642	3107	3434	3722	3982
19850	1831	2646	3112	3440	3728	3989
19900	1834	2650	3118	3445	3734	3996
19950	1837	2655	3123	3451	3740	4002
20000	1840	2659	3128	3457	3747	4009

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PARENT'S WORKSHEET INSTRUCTIONS

This worksheet provides the information the court needs to determine child support amounts in accordance with Arizona's Child Support Guidelines. You may get a copy of the Guidelines from the Clerk of the Superior Court's office or the Self-Service Center. An automated child support calculator is also available on the Supreme Court's website at http://www.supreme.state.az.us/childsup.

COMPLETE THIS WORKSHEET IF:

NOTE: THESE INSTRUCTIONS CAN BE MADE AVAILABLE IN LARGE FORMAT OR ON AUDIO TAPE UPON REQUEST

Need Help with the calculations? Call 602-506-3762 for an appointment for assistance at the Phoenix, Surprise, or Mesa courthouse locations. Ask for the "Calculations Department."

- You are a party to a court action to establish a child support obligation **or** to modify an existing order for child support.

TO COMPLETE THIS WORKSHEET YOU WILL NEED TO KNOW:

- Your case number.
- Your monthly gross income and that of the other parent.
- The monthly cost of medical insurance for the children who are the subject of this action.
- Monthly child care amounts paid to others.
- The number of days the child(ren) spend with the non-custodial parent.
- Monthly obligations of yourself and the other parent for child support or court-ordered spousal maintenance/ support.

FOLLOW THESE INSTRUCTIONS WHICH ARE NUMBERED TO MATCH THE IDENTIFYING NUMBERS IN PARENTHESES ON THE FORM. TYPE OR PRINT NEATLY USING BLACK INK. The number in brackets after the instructions tells you where to look in the Guidelines for this item, for example, [Guidelines 5].

BASIC INFORMATION

(1) Type or print the name, mailing address, and daytime and evening phone number of the person filing the form. If you are representing yourself without an attorney check the box in front of "Self". (The space marked "state bar number" is used **only** if an attorney is preparing this form.)

(2) Type or print the name of the county in which this worksheet is being filed. (This may already be printed on the form.)

(3) If you are providing this information to establish a child support amount, Type or print the name, date of birth (DOB), and social security number (SSN) of the person shown as the petitioner on the original petition filed in the case that requests a support order be established.

If you are providing this information to modify your current support amount, Type or print the name, date of birth (DOB), and social security number (SSN) of the person who is shown as the Petitioner on the order that established the current support order.

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(4) Type or print the name, date of birth (DOB), and social security number (SSN) of the person shown as the Respondent on the document you used to answer Item 3.

(5) Type or print your case number and the ATLAS number. If you do not have a case number, leave this item blank. If you do not have an ATLAS number, leave this item blank.

(6) Mark the appropriate box(es) to indicate the party or parties completing the form.

NOTE:

✓ Terms such as "gross income" and "adjusted gross income" as used here do not have the same meaning as when they are used for tax purposes.
✓ "Gross Income" is not your "take home pay", it is the higher amount shown before any deductions are taken out of your check.
✓ If you are converting a weekly "gross income" figure to a "monthly gross income" figure, multiply the weekly amount by 4.33 (52 weeks divided by 12 months = 4.33 average weeks in a month).

MONTHLY GROSS INCOME

(7) If you estimate or attribute income in Item 8, check the box indicating which parent's income is estimated or attributed, and explain in Item 7 on the Basis For Amounts Shown on Worksheet. Examples of ESTIMATED income: He was promoted to supervisor and I know that position pays more; she has the same job as my sister, who works at the same place and makes this amount. Example of ATTRIBUTED income: My ex-wife was a secretary earning $1500/month. Now she has remarried and is staying home as a homemaker.

(8) Type or print the total amount of your Gross Income each month. Gross income means the amount before taxes and other deductions are taken out. For income from self-employment, rent, royalties, proprietorship of a business, joint ownership of a partnership or closely held corporation, gross income means gross receipts minus ordinary and necessary expenses required to produce income. What you include as "ordinary and necessary expenses" may be adjusted by the court, if deemed inappropriate for determining gross income for child support. Ordinary and necessary expenses include one-half of the self-employment tax actually paid. Gross Income includes monies from:

- Salaries
- Bonuses
- Worker's Compensation Benefits
- Wages
- Dividends
- Unemployment Insurance Benefits
- Self-employment
- Severance Pay
- Disability Insurance Benefits (including Social Security disability)
- Income from a Business
- Pensions
- Rental Income
- Annuities
- Recurring Gifts
- Royalties
- Capital Gains
- Prizes (including lottery winnings)
- Interest
- Social Security Benefits
- Spousal Maintenance (Item 9)
- Commissions
- Retirement Plans
- Trust Income
- Expense Reimbursements (that reduce personal living expenses)

Gross Income **does not include** benefits from public assistance programs such as Temporary Assistance for Needy Families (TANF), Supplemental Social Security Income (SSI), Food Stamps, and General Assistance (GA); and, it **does not include** child support payments received.

Also type or print the total monthly gross income for the other parent, to the best of your knowledge. If a parent is unemployed or underemployed, you may ask the court to attribute income to that parent by entering an **estimate** of what you think that parent would be earning if he or she worked at full earning

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capacity. The court shall presume, in the absence of contrary testimony, that a non-custodial parent is capable of full-time employment at least at the federal adult minimum wage. [Guidelines 4.e.] This presumption **does not** apply to non-custodial parents under the age of eighteen who are attending high school. If gross income is attributed to the parent receiving support, appropriate child care expenses may also be attributed at Item 17.

If you are completing this Parent's Worksheet as part of a modification proceeding and your income is different from the court's most recent findings, you must attach documentation to verify your current income. The documentation should include: your most recent tax return, W-2, or 1099 forms and your most recent paycheck stub showing year-to-date information. If these are not available, provide other documentation such as a statement of earnings from your employer showing year-to-date income.

If you are completing this Parent's Worksheet as part of a modification proceeding and the income you show for the other party is different from that listed on the court's most recent findings regarding income of that parent, you must attach documentation of the amount **or** mark the box in Item 7 to show that the income amount is estimated/attributed and explain the basis for the amount shown in Item 7 on the Basis For Amounts Shown on Worksheet. [Guidelines 4]

ADJUSTMENTS TO MONTHLY GROSS INCOME

(9) Type or print the total monthly amount of court-ordered spousal maintenance/support you and/or the other parent actually **pay to** a former spouse **or receive from** a former spouse. Also, the amount that is paid or received or will be paid or received in this court case each month. Spousal maintenance/support paid is a deduction from gross income. [Guidelines 2.c. and 5.a.]

(10) Type or print the total amount of court-ordered child support you and/or the other parent actually pay or contribute each month for children of other relationships. [Guidelines 5.a. and 5.c.]

(11) You may ask the court to consider the financial obligation you have to support other natural or adopted children for whom there is no court order requiring you to pay support. If you choose to do this, the adjustment amount you may request is determined by a simplified application of the guidelines. On the Schedule of Basic Child Support Obligations, find the amount that is closest to the adjusted gross income amount of the parent requesting an adjustment. Go to the column for the number of children in question. Enter the amount shown there in Item 11. Complete Item 11 on the Basis For Amounts Shown on Worksheet to explain why you are requesting an adjustment, include the names, dates of birth and social security numbers of the children for whom an adjustment is requested. [Guidelines 5.c.]

(12) For each parent, add or subtract the numbers in Items 9 through 11 from the number in Item 8. Write the results for each parent on the line in Item 12. This is the Adjusted Monthly Gross Income for each parent. [Guidelines 6]

COMBINED ADJUSTED MONTHLY GROSS INCOME

(13) Add the two numbers in Item 12 together (the one for the father and the one for the mother). This total is the Combined Adjusted Monthly Gross Income.

BASIC CHILD SUPPORT OBLIGATION

(14) Enter the number of children from this relationship for whom support is being sought in this court action. Complete Item 14 on the Basis For Amounts Shown on Worksheet, including the name(s), date(s) of birth(s) and social security number(s) of the child(ren) for whom support is requested. Indicate if any of the children are age 12 or older.

(15) On the Schedule of Basic Child Support Obligations, locate the amount that is closest to the Combined Adjusted Monthly Gross Income listed in Item 13. Go to the column for the number of children listed in Item 14. This amount is your Basic Child Support Obligation, enter it in Item 15. [Guidelines 7]

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ADJUSTMENTS FOR NECESSARY EXPENSES
Place in the column for the parent paying the expenses.

(16) Type or print the monthly dollar amount of that portion of the insurance premium that is or will be paid for court-ordered medical and/or dental insurance for the child(ren) who is/are the subject(s) of this order. [Guidelines 8.a.]

(17) If the parent with primary physical custody is working or if you have attributed income to that parent in Item 7, type or print the monthly cost of work-related child care that parent pays. If these costs vary throughout the year, add the amounts for each month together and divide by 12 to annualize the cost. [Guidelines 8.b.1.A]

(17a) The court may apportion the benefit the custodial parent derives from any federal child and dependent care tax credits. If the custodial parent qualifies for a federal tax credit enter the amount as adjusted under Section 8.B.1.a. of the guidelines or the amount in Item 17.
[Guidelines 8.b.1.A]

If the non-custodial parent pays for work-related childcare during periods of physical custody, the amount paid by that parent may also be included here (each month's amount added together and divided by 12 to annualize the cost). The annualized amount paid directly by the non-custodial parent may be subtracted under the Non-custodial Child Care Adjustment section, Item 31. Complete Item 17 on the Basis for Amounts Shown on Worksheet.

(18) Type or print the monthly costs of reasonable and necessary expenses for special or private schools and special educational activities. These expenses must be agreed upon by both parents or ordered by the court. [Guidelines 8.b.1.B]

(19) If any of the children for whom support is being ordered are gifted or handicapped and have special needs that are not recognized elsewhere, the additional monthly cost of meeting those needs should be entered here. [Guidelines 8.b.1.C]

(20) Type or print the monthly costs of court-ordered supervised visitation or supervised exchanges, if not otherwise assigned by court order to one or both parties. [Guidelines 8.b.1.D.]

(21) Average expenditures for children age 12 or older are approximately 10% higher than those for younger children. Therefore, if support is being determined for children 12 or older, enter the number of children who are 12 or older, and the monthly dollar amount of increase you believe this warrants. The highest possible increase would be 10% of the basic child support obligation. If more than one child is 12 or older, divide the basic support obligation by the number of children and multiply that figure by the number of children 12 or older; up to 10% of this amount may be requested as an adjustment. Explain why you think more support is needed on the Basis for Amounts Shown on Worksheet, Item 19. [Guidelines 8.b.2.]

(22) Add the amounts from Items 16, 17, 17a, 18, 19, 20 and 21 for both parents. Enter the total amount on the line in Item 22.

TOTAL CHILD SUPPORT OBLIGATION

(23) Add the amounts from Items 15 and 22. Enter the total amount on the line in Item 23. This is the Total Child Support Obligation amount.

EACH PARENT'S PERCENTAGE (%) OF COMBINED INCOME

Complete the calculations in this section to the best of your knowledge and ability. [Guidelines 9]

(24) For each parent, type or print the amount shown in Item 12.

(25) For each parent, type or print the amount shown in Item 13.

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(26) For each parent, divide the amount written in Item 24 by the amount written in Item 25. This will probably give you a decimal point answer less than 100%. However, if one parent earns all of the income for the family, this number will be 100%.

EXAMPLE: Item 24 = $600
Item 25 = $1000 $600 - $1,000 = .60 or 60%

EACH PARENT'S PERCENTAGE (%) OF THE TOTAL CHILD SUPPORT OBLIGATION

Complete the calculations in this section to the best of your knowledge and ability.

(27) For each parent, type or print the amount shown in Item 23.

(28) For each parent, type or print the amount shown in Item 26.

(29) For each parent, multiply the number in Item 27 by the number for that parent in Item 28. This equals the amount each parent should pay for child support.

EXAMPLE: Item 27 = $189
Item 28 = 60% $189 x .60 = $113.40

ADJUSTMENT FOR COSTS ASSOCIATED WITH VISITATION

(30) To adjust for the costs of visitation, first determine the total amount of visitation indicated in a court order or parenting plan or by the expectation or historical practice of the parents. Using the following definitions, add together each period of visitation within twenty-four hours to arrive at the total number of visitation days per year.

A. "One day" means more than 12 continuous and consecutive hours or an overnight.
B. "One-half day" means more than 4 hours and up to and including 12 continuous and consecutive hours.
C. "One-quarter day" means up to and including 4 continuous and consecutive hours.

For purposes of calculating visitation days, only the time spent by a child with the non-custodial parent is considered. Time that the child is in school or childcare is not considered.

Calculate the total number of visitation days by determining the extended periods of visitation first. Potential midweek visits or weekends should be reduced to reflect time spent on extended visitation periods.

Example: Father's visitation schedule calls for four weeks of summer visitation, alternating weekends and one midweek visit each week. The summer visitation of 4 weeks reduces the potential alternating weekends from 26 to 24. The midweek visits are also reduced from 52 to 48.

After determining the total number of visitation days, refer to "Visitation Table A"

"Visitation Table A" assumes that as the number of visitation days approaches equal time sharing (143 days and above), certain costs usually incurred only in the custodial household are assumed to be substantially or equally shared by both parents. These costs are for items such as the child's clothing and personal care items, entertainment, and reading materials. If this assumption is rebutted by proof,
however, by the person objecting to the assumption taking place, that these items are not duplicated in each household, only "Visitation Table B" must be used to calculate the visitation adjustment for this range of days.

If time with each parent is essentially equal, neither party receives a visitation adjustment. [Guidelines 10]

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VISITATION TABLE A		
Number of Visitation Days		Adjustment Percentage
0	3	0
4	20	.012
21	38	.031
39	57	.050
58	72	.085
73	87	.105
88	115	.161
116	129	.195
130	142	.253
143	152	.307
153	162	.362
163	172	.422
173	182	.486

VISITATION TABLE B		
Number of Visitation Days		Adjustment Percentage
143	152	.275
153	162	.293
163	172	.312
173	182	.331

MEDICAL INSURANCE PREMIUM ADJUSTMENT

(31) If the parent who will be ordered to make the child support payment is the same parent who will pay the children's medical insurance premium, enter the amount from Item 16 here.

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NON-CUSTODIAL CHILD CARE ADJUSTMENT

(31) If the parent who will be ordered to make the child support payments pays for work-related child care during periods of visitation, enter the amount from Item 17a. Complete Item 17 on the Basis for Amounts Shown on Worksheet.

EXTRA EDUCATION ADJUSTMENT

(31) If the parent who will be ordered to make the child support payment is the same parent who will pay the children's reasonable and necessary expenses for attending private or special schools, enter the amount from Item 18 here.

EXTRAORDINARY/SPECIAL NEEDS CHILD

(31) If the parent who will be ordered to make the child support payment is the same parent who will pay the special needs of gifted or handicapped children, enter the amount from Item 19 here.

COURT-ORDERED VISITATION/EXCHANGE

(31) If the parent who will be ordered to make the child support payment is the same parent who will pay the costs associated with court-ordered supervision or supervised exchanges, enter the amount from Item 20 here.

ADJUSTMENTS SUBTOTAL

(31) For the non-custodial parent, add the amounts entered in Items 30 and 31. Enter the total in Item 32.

PRELIMINARY CHILD SUPPORT AMOUNT

(33) Deduct the amount in Item 32 from Item 29. [Guidelines 11]

EQUAL TIME SHARING, UNEQUAL INCOMES

(34) If the time spent with each parent is essentially equal, but the incomes are not equal, the total child support amount shall be divided equally between the two households. In this case, adjustments under Item 31 apply for both parents, if the parent(s) pays a third party for the services listed under Item 31. The parent owing the greater amount shall be ordered to pay what is necessary to achieve that equal share in the other parent's household. Determine which parent has the lower preliminary child support amount from Item 33, deduct the lower amount from the higher amount, divide that amount in half. The resulting amount is paid to the parent with the lower obligation. Enter the amount in Item 34. If time with each parent is essentially equal, neither party receives a visitation adjustment. [Guidelines 10]

MULTIPLE CHILDREN, DIVIDED CUSTODY

(35) When each parent is granted physical custody of at least one of the parties' children, each parent is obligated to contribute to the support of all the children. However, the amount of current support to be paid by the parent having the greater support obligation shall be reduced by the amount of support owed to that parent by the other parent. Determine which parent has the lower preliminary child support amount from Item 33, deduct the lower amount from the higher amount. The resulting amount is paid to the parent with the lower obligation. Enter the amount in Item 35. [Guidelines 14]

SELF SUPPORT RESERVE TEST

(36a) Enter the paying parent's adjusted gross income from Item 12, then enter $710 (the self-support reserve amount) in Item 36a. [Guidelines 13]

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(36b) The court may deduct from the non-custodial parent's adjusted gross income for purposes of the self support serve test only, court-ordered arrears on child support for children of other relationships or spousal maintenance, if actually paid. Enter any arrears amount actually paid in Item 36b. [Guidelines 13]

(37) Deduct $710 (the self-support reserve amount) and any arrears amount actually paid, from the adjusted gross income of the parent who will pay support. If the resulting amount is less than the preliminary child support amount, the court may reduce the current child support order to the resulting amount after first considering the financial impact the reduction would have on the custodial household. The test applies only to the current support obligation, but does not prohibit an additional amount to be ordered to reduce an obligor's arrears. Absent a deviation, the preliminary child support amount or the result of the self-support reserve test is the amount of the child support to be ordered in Item 38. [Guidelines 13]

AMOUNT TO BE ORDERED BASED ON THESE CALCULATIONS

(38) The amount on this Item is the amount of child support that should be ordered based on your calculations. ENTER THE LESSER AMOUNT FROM Item 33, 34, 35 or 36.

DEVIATION FROM THE GUIDELINES AMOUNT

(39) The court shall deviate from the guidelines (i.e., order support in an amount different from the amount which is calculated under these guidelines), if an order would be unjust or inappropriate. Show the total support amount you believe should be ordered. A deviation can only be ordered if the court makes appropriate findings. Complete Item 39 on the Basis For Amounts Shown on Worksheet if you believe a deviation is warranted. [Guidelines 18]

RESPONSIBILITY FOR VISITATION-RELATED TRAVEL EXPENSES

(40) The court may allocate the costs of visitation-related travel. On the Basis for Amounts Shown on Worksheet, Item 40, describe the expected visitation plan and related travel/transportation expenses. On this Item, list the dollar amount or percentage you think each parent should pay toward the travel/transportation costs. The court will decide how to allocate the expense. The allocation of expense does not change the amount of the support ordered in Item 38. [Guidelines 16]

RESPONSIBILITY FOR MEDICAL EXPENSES NOT PAID BY INSURANCE

(41) The court must specify each parent's proportionate share of uninsured medical expenses for the children. Based on each parent's ability to pay, indicate what you think this percentage should be for each parent. The court will make the final decision. [Guidelines 8.a.]

SIGNATURE LINE

(42) The person completing the worksheet must sign here before a Notary Public or Court Clerk affirming the correctness of the information. (If both parents complete the form together, both should sign here.)

WHEN YOU HAVE COMPLETED THIS WORKSHEET:

If you are completing this worksheet to **establish** a child support obligation:

- ✓ Make a copy of the worksheet for your records;
- ✓ Make a copy to send or deliver to the other party and/or the state prior to the hearing;
- ✓ Take the original to court at the time of your hearing; and
- ✓ Take financial documentation.

If you are completing this worksheet to **modify** a child support obligation:

- ✓ Attach any documentation required for Item 7 or 8;
- ✓ Make a copy of the worksheet for your records;
- ✓ Make a copy of the worksheet to serve on the other party and/or the state; and
- ✓ Attach the original worksheet to the Request for Modification of Child Support Pursuant to Guidelines' Simplified Procedure and file it with the Clerk of Superior Court.

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

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

After a response is filed . . .

(1) **The Respondent must then immediately mail or deliver a blank copy of the ADR statement (and these instructions) to the Petitioner along with a copy of the response that was filed.** (If either party is represented by an attorney, all communications should be sent directly to the attorney.)

(2) **The parties must meet (in person or by telephone), within 90 days of the *filing* of the response with the court *(not*** the date the response is *delivered* to the petitioner)**. If you have not discussed these matters with the other party as required, be prepared to explain to the court the reasons.** ("Inconvenience" is not an acceptable reason.)

(3) Within 30 days AFTER you meet, and **NOT LATER THAN 120 DAYS AFTER THE DATE THE RESPONSE WAS ORIGINALLY FILED WITH THE CLERK OF COURT** you must file the ***"Alternative Dispute Resolution Statement to the Court."***

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

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

The Clerk of the Superior Court
CENTRAL COURT BUILDING
201 West Jefferson, 1st floor
Phoenix, Arizona 85003

OR

The Clerk of the Superior Court
SOUTHEAST COURT FACILITY
222 East Javelina Drive, 1st floor
Mesa, Arizona 85210

The Clerk of Superior Court
NORTHWEST COURT FACILITY
14264 West Tierra Buena Lane
Surprise, Arizona 85374

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.

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- 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 (There is currently no extra charge for these services.)

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.

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.

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:

Phoenix – 101 W. Jefferson, 1st Fl. M – F, 7:30am – 5:00pm
Mesa – 222 E. Javelina, 1st Fl. M – F, 8:00am – 5:00pm
Surprise- 14264 W. Tierra Buena Lane, M – F, 8:00 am – 5:00 pm

Internet – www.superiorcourt.maricopa.gov/ssc (Then click on "lawyers & mediators")

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

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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.

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