DIVORCE
WITH MINOR CHILDREN

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4

THE COURT ORDER

Part 4: To get the Divorce Decree
(Forms Packet)

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DRDC8f – 5026 - 0113

SELF-SERVICE CENTER

DIVORCE FOR A NON-COVENANT MARRIAGE WITH MINOR CHILDREN

Part 4: THE DECREE/COURT ORDER

CHECKLIST

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

- ✓ You or your spouse filed a ***"Petition for Dissolution of a Non-Covenant Marriage (Divorce) With Minor Children",*** **AND**
- ✓ You and your spouse have minor children with each other **OR** the wife is pregnant by the husband, **AND**
- ✓ You have attended the Parent Information Program and have filed your certificate of attendance with the Clerk of the Court, **AND**
- ✓ You have completed the court papers concerning where the children will live, parenting time for each parent, who will have legal authority to make decisions concerning the children, and child support as well.
- ✓ You are going to a default hearing **or** you are going to a divorce trial.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Self-Service Center website at:
www.superiorcourt.maricopa.gov/SSC

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SELF-SERVICE CENTER

DIVORCE WITH MINOR CHILDREN

FOR PETITIONER OR RESPONDENT

PART 4 - THE COURT ORDER / DIVORCE DECREE

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This packet contains court forms for a ***"Decree of Dissolution of a Non-Covenant Marriage (Divorce) – With Minor Children."*** The documents should appear in the following order:

Order	File Number	Title	# pages
1	DRDC8k	Checklist: *You may use these forms if…*	1
2	DRDC8ft	Index (this page)	1
3	DRDC81f	***"Decree of Dissolution of Marriage (Divorce) -- With Minor Children"***	12
4	DRCVG11f	***"Parenting Plan"***	7
5	DRS12f	***"Parent's Worksheet for Child Support"***	2

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Name of Person Filing: (A) _____
In this case I am: ☐ **Petitioner** ☐ **Respondent**
In this case I am: ☐ **Representing Myself (No Attorney), or**
If Represented by Attorney: **Attorney Bar Number:** _____
My Address (if not protected)**:** _____
City, State, Zip Code: _____
Telephone Numbers: _____

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

_____
(B) Petitioner

Case Number: _____

ATLAS Number: _____
(if applicable)

_____
(B) Respondent

DECREE OF DISSOLUTION OF A NON-COVENANT MARRIAGE WITH MINOR CHILDREN

THE COURT FINDS:

1. This case has come before this court for a final Decree of Dissolution of Marriage. The court has taken all testimony needed to enter a Decree, or the court has determined testimony is not needed to enter the Decree.

2. This court has jurisdiction over the parties under the law and the provisions of this Decree are fair and reasonable under the circumstances, and are in the best interests of the minor child(ren) as to physical custody, authority for legal decision making (legal custody), parenting time, and support.

SERVICE BY PUBLICATION:

If Respondent was served by publication and was not personally served, this court cannot make a legal order, with respect to issues of child support, medical and dental insurance, payments, expenses for the minor child(ren), community property or debt, or spousal maintenance/support. The court reserves jurisdiction until personal service is made upon Respondent to consider the maintenance/support of either spouse, the disposition of community property or debts, child support, and any other relief requested in the Petition or orders deemed necessary by the court.

3. The Court finds that:

a. **90 Day Requirement:** At the time this action was filed, one or both parties had lived in, or been stationed in Arizona while a member of the United States Armed Forces, for more than 90 days.

b. **Conciliation provisions of A.R.S. §25-381.09 either do not apply or have been met.**

c. **Irretrievably Broken:** The marriage is irretrievably broken. This marriage is not a covenant marriage.

d. **Regarding Issues of Minor Children, Child Support and Spousal Maintenance, Division of Property and Debt:** Where it has the legal power and where it is applicable to the facts of this case, this court has considered, approved, and made Orders relating to issues of legal decision making (legal custody), parenting time, child support, spousal maintenance (alimony), and the division of property and/or debts.

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e. Community Property and Debt:

☐ The parties did **not** acquire any community property or debt during the marriage, **OR**

☐ There **IS** an agreement as to division of community property and debt; all community property and debt is divided pursuant to this Decree.

☐ There is **NO** agreement as to division of community property and debt, but all community property and debt is divided pursuant to this Decree.

f. Pregnancy and Paternity:

☐ Wife is **not** pregnant, **OR**

☐ Wife **is pregnant**, and the husband ☐ **IS** OR ☐ **IS NOT** the father of the child.

☐ The husband is the father of these children born to the parties *before* the marriage:

Name(s)	**Date(s) of Birth**

g. Spousal Maintenance/Support:

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

h. Parent Information Program:

1. **Mother** ☐ has attended the Parent Information Program as evidenced by the ***"Certificate of Completion"*** in the court file. **OR**
Mother ☐ has not attended the Parent Information Program and ☐ shall be denied any requested relief to enforce or modify this decree until Mother has completed the class.

2. **Father** ☐ has attended the Parent Information Program as evidenced by the ***"Certificate of Completion"*** in the court file. **OR**
Father ☐ has **not** attended the Parent Information Program and ☐ shall be denied any requested relief to enforce or modify this decree until Father has completed the class.

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

☐ Application of the guidelines is inappropriate

☐ Application of the guidelines is unjust

The court makes the following finding regarding the deviation:

☐ The child support order would have been **$** _____

☐ The child support order after deviation is **$** _____

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

_____

_____

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

☐ In the amount entered on Line 34 of the Worksheet for $_____

☐ In an adjusted amount calculated using the self-support reserve on line 35 of the Worksheet for $_____

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

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

REASONS:

_____

_____

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

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

REASONS: _____

_____

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

1. ☐ Domestic violence has not occurred during this marriage, **OR**
2. ☐ Domestic violence has occurred, but the domestic violence **has not** been significant. Explain why joint legal decision-making (custody) is in the best interest of the child(ren) even though domestic violence has occurred:

_____

_____

_____

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Case No. _____

THE COURT ORDERS: (C)

1. MARRIAGE IS DISSOLVED: The marriage of the parties is dissolved and the parties are restored to the legal status of single persons.

2. NAMES:

☐ The name of the ☐ Wife or ☐ The Husband, whose complete married name is :

Is restored to: (List the complete legal name or maiden name as before this marriage)

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

_____

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

4. PREGNANCY AND PATERNITY

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

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

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

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

Children Born BEFORE the Marriage	DATE(S) OF BIRTH

☐ **FOR ANY ABOVE-NAMED MINOR CHILD BORN IN THE STATE OF ARIZONA, THE CLERK OF COURT SHALL FORWARD A COPY OF THIS ORDER TO THE OFFICE OF VITAL RECORDS, WHICH IS ORDERED TO AMEND THE BIRTH CERTIFICATE(S) AS FOLLOWS:**

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(List full name of husband/father as appears on his Social Security card or other government issued official document and as should appear on the children's birth certificate(s))

1. **Add the name:** (List one name only)

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

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

Current Legal Name	**New Name** *(optional)*

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

a. PRIMARY RESIDENTIAL PARENT:

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

☐ **Mother is designated the primary residential parent of:** _____

_____

☐ **Father is designed the primary residential parent of:** _____

_____

SUBJECT TO PARENTING TIME AS FOLLOWS:

b. PARENTING TIME:

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

☐ **NO PARENTING TIME RIGHTS to ☐ Mother OR ☐ Father, *OR***

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

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

_____

_____

(IF supervised) Name of supervisor: _____

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The cost of supervised parenting time will be paid by the:
☐ **the Mother,** ☐ **the Father, OR** ☐ **Shared equally by the parties**

Restrictions on parenting time (if applicable): _____

_____

_____

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

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

☐ **Mother, OR** ☐ **Father,**

OR

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

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

MEDICAL, DENTAL, VISION CARE FOR MINOR CHILDREN:
☐ **Mother** is responsible for providing: ☐ medical ☐ dental ☐ vision care insurance.
☐ **Father** is responsible for providing: ☐ medical ☐ dental ☐ vision care insurance.

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

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

7. SPOUSAL MAINTENANCE/SUPPORT:

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

b. ☐ **Wife**, **OR** ☐ **Husband** is ordered to pay the other party the sum of **$** _____ per month spousal maintenance/support **BEGINNING THE FIRST DAY OF THE MONTH** after this Decree is signed. Each payment shall be made by the first day of each month after that and shall continue until the receiving party is remarried or deceased **or** until (date) _____ All payments shall be made through the Support Payment Clearinghouse by automatic income

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withholding order, until all required payments have been made under this Decree. Payments made shall be included in receiving spouse's taxable income and is tax deductible from the paying spouse's income as required by law. Spousal maintenance / support payments end if the receiving party is remarried or deceased.

8. PROPERTY, DEBTS AND TAX RETURNS:

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

b. ☐ Other orders and relief relating to property or debt are contained in Exhibit A, which is attached and incorporated into this Decree.

c. ☐ Each party is assigned his or her separate property and Petitioner must pay his/her separate debt, and Respondent must pay his/her separate debt.

d. ☐ This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfer of title ordered in this Decree, such as motor vehicles, houses, and bank accounts. The parties shall transfer all real and personal property as described in Exhibit A to the other party on or before_____by 5:00 p.m.

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

e. ☐ For previous calendar years, pursuant to IRS rules and regulations, the parties will file
☐ joint federal and state income tax returns and hold the other harmless from half of all additional income taxes and other costs, if any, and each will share equally in any refunds, OR
☐ separate federal and state income tax returns. AND,

☐ This calendar year and continuing thereafter, each party will file separate federal and state income tax returns. AND,

9. FINANCIAL INFORMATION EXCHANGES:

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

10. TAX EXEMPTION:

The parties shall claim as income tax dependency exemptions on federal and state tax returns as follows. A party required to pay child support is only entitled to claim minor child(ren) as an income tax dependency exemption if that parent has paid all of the child support due and owing for the year that party is entitled to the exemption:

Name of minor child	Parent entitled to claim		in Tax Year
	☐Mother	☐ Father	
	☐Mother	☐ Father	
	☐Mother	☐ Father	
	☐Mother	☐ Father	
	☐Mother	☐ Father	

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

Name: _____ **Birth date:** _____

Name: _____ **Birth date:** _____

Name: _____ **Birth date:** _____

Child expected to be born this date: _____

12. OTHER ORDERS. (List any other orders.)

_____

_____

_____

_____

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

DONE IN OPEN COURT: _____. **(D)**

_____
JUDGE OR COURT COMMISSIONER

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

Respondent's Name: _____

Mailing Address: _____

City, State Zip Code: _____

By Petitioner: _____

Date: _____

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Case No. _____

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

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

☐ **Award each party the personal property in his/her possession.**

☐ **Community property is awarded to each party as follows:**

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

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

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Case No. _____

COMMUNITY PROPERTY

AWARD TO:

		Petitioner	Respondent
Motor Vehicles - continued			
	Year, Make, Model: _____	☐	☐
	Last 4 digits of VIN # _____		
☐	Cash, bonds of $_____	☐	☐
☐	Other: _____	☐	☐
☐	Other: _____	☐	☐
☐	Other: _____	☐	☐
☐	Other: _____	☐	☐

☐ **Continues on attached page.**

3. DIVISION OF RETIREMENT, PENSION, DEFERRED COMPENSATION

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

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

OR

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

_____

OR

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

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

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

_____

_____

_____

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

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

☐ **Petitioner or** ☐ **Respondent OR**

☐ **Shall be sold and the proceeds divided as follows:**

_____% or $_____ to Petitioner.

_____% or $_____ to Respondent.

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

_____

_____

_____

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

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

☐ **Petitioner or** ☐ **Respondent**

OR

☐ **Shall be sold and the proceeds divided as follows:**
_____% or $_____ to Petitioner.

_____% or $_____ to Respondent.

☐ **Continues on attached page.**

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

Community debts shall be divided as follows:

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

☐ **Continues on attached page.**

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

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

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

Description	Value	**To Petitioner**	To Respondent
	$	☐	☐
	$	☐	☐
	$	☐	☐
	$	☐	☐
	$	☐	☐
	$	☐	☐
	$	☐	☐

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

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

Creditor Name	**Debt Amount**	**Petitioner Pays**	**Respondent Pays**
	$	☐	☐
	$	☐	☐
	$	☐	☐
	$	☐	☐
	$	☐	☐
	$	☐	☐
	$	☐	☐

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

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

_____
Name of Petitioner

AND

_____
Name of Respondent

Case Number _____

PARENTING PLAN FOR:

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

or

☐ **SOLE LEGAL DECISION-MAKING (CUSTODY)**

☐ to Mother
☐ to Father

INSTRUCTIONS

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

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

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

PART 1: GENERAL INFORMATION:

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

_____ _____
_____ _____
_____ _____

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

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

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

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

OR

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

(Optional, if you marked 1 or 2 above)

☐ **RESTRICTED, SUPERVISED, OR NO PARENTING TIME.**
The parent submitting this Plan asks the court for an order restricting parenting time. The facts and information related to this request are described in the Petition.

OR

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

OR

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

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

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

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

_____

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

_____

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

_____

☐ Transportation will be provided as follows:

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

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

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

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

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

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

_____

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

_____

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

C. TRAVEL

☐ **Should either parent travel out of the area with the minor children, each parent will keep the other parent informed of travel plans, address(es), and telephone number(s) at which that parent and the minor children can be reached.**

☐ **Neither parent shall travel with the minor children outside Arizona for longer than ____ days without the prior written consent of the other parent or order of the court.**

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

	Holiday	Even Years		Odd Years	
☐	New Year's Eve	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	New Year's Day	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	Spring Vacation	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	Easter	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	4th of July	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	Halloween	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	Veteran's Day	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	Thanksgiving	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	Hanukkah	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	Christmas Eve	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	Christmas Day	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	Winter Break	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	Child's Birthday	☐ Mother	☐ Father	☐ Mother	☐ Father

☐ **Mother's Day** will be celebrated with the Mother every year

☐ **Father's Day** will be celebrated with the Father every year.

☐ **Each parent may have the children on his or her birthday.**

☐ **Three-day weekends** which include Martin Luther King Day, Presidents' Day, Memorial Day, Labor Day, Columbus Day, the children will remain in the care of the parent who has the minor children for the weekend.

☐ **Other Holidays** (Describe the other holidays and the arrangement) :

_____

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

_____

☐ **Other** (Explain) **:**

_____

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E. PARENTAL ACCESS TO RECORDS AND INFORMATION: **Under** Arizona law

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

F. EDUCATIONAL ARRANGEMENTS:

☐ Both parents have the right to participate in school conferences, events and activities, and the right to consult with teachers and other school personnel.

☐ Both parents will make major educational decisions together. (optional) ☐
If the parents do not reach agreement, then:

_____

_____

OR

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

G. MEDICAL AND DENTAL ARRANGEMENTS:

☐ Both parents have the right to authorize emergency medical treatment, if needed, and the right to consult with physicians and other medical practitioners. Both parents agree to advise the other parent immediately of any emergency medical/dental care sought for the minor children, to cooperate on health matters concerning the children and to keep one another reasonably informed. Both parents agree to keep each other informed as to names, addresses and telephone numbers of all medical/dental care providers.

☐ Both parents will make major medical decisions together, except for emergency situations as noted above. (optional) ☐ If the parents do not reach an agreement, then: _____

_____

OR

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

H. RELIGIOUS EDUCATION ARRANGEMENTS: (Choose **ONE**)

☐ Each parent may take the minor children to a church or place of worship of his or her choice during the time that the minor children is/are in his or her care.

☐ Both parents agree that the minor children may be instructed in the _____ faith.

☐ Both parents agree that religious arrangements are not applicable to this plan.

I. ADDITIONAL ARRANGEMENTS AND COMMENTS:

☐ **NOTIFY OTHER PARENT OF ADDRESS CHANGE.** Each parent will inform the other parent of any change of address and/or phone number in advance **OR** within _____ days of the change.

☐ **NOTIFY OTHER PARENT OF EMERGENCY.** Both parents agree that each parent will promptly inform the other parent of any emergency or other important event that involves the minor children

☐ **TALK TO OTHER PARENT ABOUT EXTRA ACTIVITIES.** Each parent will consult and agree with the other parent regarding any extra activity that affects the minor children's access to the other parent.

☐ **ASK OTHER PARENT IF HE/SHE WANTS TO TAKE CARE OF CHILDREN.** Each parent agrees to consider the other parent as care-provider for the minor children before making other arrangements.

☐ **OBTAIN WRITTEN CONSENT BEFORE MOVING.** Neither parent will move with the minor children out of the Phoenix metropolitan area without prior written consent of the other parent, or a court ordered Parenting Plan. **A.R.S. 25-408 (B)**

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☐ **COMMUNICATE.** Each parent agrees that all communications regarding the minor children will be between the parents and that they will **not** use the minor children to convey information or to set up parenting time changes.

☐ **METHOD OF COMMUNICATION.** Each parent agrees to use the following means of communication: _____.

☐ **FREQUENCY OF COMMUNICATION.** Each parent agrees to communicate regarding the child(ren) on a regular basis. That communication schedule will be: _____ _____ and will be by the following methods: ☐ Phone ☐ Email ☐ Other

☐ **PRAISE OTHER PARENT.** Each parent agrees to encourage love and respect between the minor children and the other parent, and neither parent shall do anything that may hurt the other parent's relationship with the minor children

☐ **COOPERATE AND WORK TOGETHER.** Both parents agree to exert their best efforts to work cooperatively in future plans consistent with the best interests of the minor children and to amicably resolve such disputes as may arise.

☐ **NOTIFY OTHER PARENT OF PROBLEMS WITH TIME-SHARING AHEAD OF TIME.** If either parent is unable to follow through with the time-sharing arrangements involving the minor child(ren), that parent will notify the other parent as soon as possible.

☐ **PARENTING PLAN.** Both parents agree that if either parent moves out of the area and returns later, they will use the most recent ***"Parenting Plan/Access Agreement"*** in place before the move.

☐ **MEDIATION.** If the parents are unable to reach a mutual agreement regarding a legal change to their parenting orders, they may request mediation through the court or a private mediator of their choice.

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

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

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

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

Signature of Mother: _____ **Date:** _____

Signature of Father: _____ **Date:** _____

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

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

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

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

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

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

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

Signature of Mother: _____ **Date:** _____

Signature of Father: _____ **Date:** _____

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PART 4: JOINT LEGAL DECISION MAKING (CUSTODY) AGREEMENT (IF APPLICABLE):

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

☐ Domestic Violence has **not** occurred between the parties, **OR**

☐ Domestic Violence **has** occurred but it has not been "significant" or has been committed by both parties.*****

B. DUI or DRUG CONVICTIONS:

☐ **Neither party has been convicted of driving under the influence or a drug offense within the past 12 months, OR**

☐ **One of the parties HAS been convicted of driving under the influence or a drug offense within the past 12 months but the parties feel Joint Legal Decision-Making (Custody) is in the best interest of the children.***

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

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

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

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

Signature of Mother: _____ **Date:** _____

Signature of Father: _____ **Date:** _____

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(1) Name of Person Filing : _____

Phone Number(s): _____ / _____

In this case I am ☐ Petitioner *or* ☐ Respondent Or ☐ represented by Attorney

(IF) Attorney, Name: _____ Bar No.: _____

Atty. Email: _____ Atty. Phone: _____

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA IN MARICOPA(2) COUNTY

PARENT'S WORKSHEET FOR CHILD SUPPORT

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

(3) Respondent: _____ **(4)** ATLAS: _____

(5) Total Number of Children: _____

(6) Parent with Primary Legal Decision-Making Authority (Custody): Father ☐ Mother ☐

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

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

☐ **ACTUAL,** with proof, such as a recent W2 or pay stub attached, or other party's signed statement.

☐ **ESTIMATED,** based on facts or knowledge of pay before promotion or of others in similar job.

☐ **ATTRIBUTED**, based on what other party could and should be earning (see Guidelines 5e).

	FATHER		MOTHER
Gross Income (Pre-Tax Income. Before deductions.)	$ _____	(9)	$ _____
Spousal Maintenance Paid	$ - _____	(10)	$ - _____
Spousal Maintenance Received	$ + _____	(11)	$ + _____
Child Support Paid/Contributed	$ - _____	(12)	$ - _____
Other Support of Children Paid	$ - _____	(13)	$ - _____
Adjusted Gross Income	$ _____	(14)	$ _____

Combined Adjusted Gross Income (15) $ _____

Basic Child Support Obligation (16) $ _____

Plus Costs for:

Medical/Dental/Vision Insurance	$ _____	(17)	$ _____
Childcare	$ _____	(18)	$ _____
Education Expenses	$ _____	(19)	$ _____
Extraordinary/Special Needs Child Expenses	$ _____	(20)	$ _____

No. of Children Age 12 or Over _____ Adjustment _____ % (21) $ _____

Total Adjustments for Costs (22) _____

Total Child Support Obligation (23) $ _____

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Case No._____

	FATHER		MOTHER
Each Parent's % of Combined Income	_____ **%**	(24)	_____ **%**
Each Parent's Share of Tot. Support Obligation	**$** _____	(25)	**$** _____

Adjustment for Non Custodial Parent's Costs Associated with Parenting Time

Using Table A ☐ **Table B** ☐ (26)

No. of Days _____ **=** _____**% Adjustment** (from table)
x Line **(16) $**_____ (Basic Child Support Obligation) **$** _____ (27) **$** _____

Less Noncustodial Parent's Costs for:

Medical/Dental/Vision Insurance*	**$** _____	(28)	**$** _____
Childcare*	**$** _____	(29)	**$** _____
Education Expenses*	**$** _____	(30)	**$** _____
Extraordinary/Special Needs Child Expenses*	**$** _____	(31)	**$** _____

***Subtract here ONLY if ADDED-IN items 17-20 above

Adjustments Subtotal	**$** _____	(32)	**$** _____
Preliminary Child Support Amount	**$** _____	(33)	**$** _____

Self Support Reserve Test for Parent Who Will Pay

Amount from Line (14) _____ (Adj. Gross Inc.)

Minus Reserve Amount **- $903.00**

Total **=** **$** _____ (34) **$** _____

Child Support to be Paid by: Father ☐ **Mother** ☐ **$** _____ (35) **$** _____

Share of Travel Expenses Related to Parenting Time* _____ **%** (36) _____ **%**

***Only** for expenses related to travel over 100 miles, one way.

Share of Medical/Dental/Vision Costs Not Paid by Insurance _____ **%** (37) _____ **%**

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:_____ _____
Date **Signature of Parent**

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