

DEFINITION OF CUSTODY TERMS USED IN ARIZONA

LEGAL CUSTODY

LEGAL CUSTODY = DECISION MAKING

This includes health, education, welfare decisions regarding your minor child(ren):

- Education—access to report cards, right to attend teacher conferences
- Medical Care—arranging doctor and dentist visits, signing for treatment
- Religion—deciding in what religion the minor child will be raised
- Residency
- Day Care—choosing the provider
- Other Long Term Decisions—driver's license, birth control, marriage before age 18, being held back in school, dropping out of school, etc.

Joint Legal Custody = the parties share the decision making authority on health, education and welfare issues for the minor child(ren).

Sole Legal Custody = one parent makes these decisions without input from the other.

PHYSICAL CUSTODY

PHYSICAL CUSTODY = DAY TO DAY CARE

Joint Physical Custody = the parties share the day-to-day care usually under a time-share agreement, both spend a substantial amount of time with the minor child and parenting responsibilities for the minor child. (Does not have to be a 50/50 timeshare.)

Sole Physical Custody = one parent has the ongoing day-to-day care of the minor child with parenting time assured to the other parent.
(Primary Residence= who the child lives more than 50% of the time.)

SUPERIOR COURT MARICOPA COUNTY
CONCILIATION SERVICES INFORMATION SHEET

PARENTING TIME

What kind of parenting time?

Generally, the non-custodial parent is entitled to reasonable parenting time.

Reasonable parenting time is determined by a number of factors such as:

- Age of the minor children, relationship with the minor child(ren)
- Parents' work schedules
- Transportation, driving time for visits, location of child's school
- Distance between parent's residence
- Non-custodial parents' residence
- Other factors relevant to the individual case

Restricted or supervised visitation - visitation may be supervised or restricted if there are issues of drug or alcohol abuse or domestic violence.

How do parents get orders regarding custody/visitation ?

Parties may:

1. Make a written agreement between themselves and have a judge order it.
2. Make an agreement through court Conciliation mediation.
3. No agreement – file a motion with the court.

If you come to an agreement, the terms of the agreement should be put in writing and submitted to the court for approval. If approved by the court, your agreement would then become an order of the court. Both parents must follow a court order until it is changed by a judge. Custody and visitation orders can be changed when circumstances change.

What is mediation?

Conciliation/Mediation Court Services offers free mediation assistance on the issue of custody and parenting time. Trained mediators confidentially assist parents in making a parenting plan for their minor child(ren). If an agreement is made during mediation, parents then have a short rescission period during which to be sure they wish to have a judge make that agreement an order of the court.

Contact an attorney or the Family Court Navigator for further details. Information from the Family Court Navigator is free and available by phone or e-mail.

What should the agreement or order cover?

Generally, the visitation agreement or order should contain details regarding regular (weekly), holiday, and summer vacation parenting times. Other details may include phone calls and transportation.

PIP, parenting education 4 hour program completion required.

Note: There are special rules and considerations if there is significant domestic violence, child abuse, etc. with a parent(s). Be sure to notify the Court of any domestic violence/harassment restraining order(s), any history of intimidation or child abuse, criminal cases, drug addiction, etc. that might currently make it unsafe for a child to be with a parent or another person.