

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-16-0028
RULES 2, 5, 10, 14, 24, 27, 28,)
41, 42, 44, 45, 49, 66, 67, 68,)
73, 76, 91, 95, and 97,)
ARIZONA RULES OF FAMILY LAW)
PROCEDURE)
)
)
) **FILED 9/2/2016**
)
_____)

ORDER

AMENDING RULES 2, 5, 10, 14, 24, 27, 28, 41, 42, 44, 45, 49, 66, 67, 68, 73, 76, 91, 95, AND 97, ARIZONA RULES OF FAMILY LAW PROCEDURE

A petition having been filed proposing to amend Rules 2, 5, 10, 14, 24, 27, 28, 41, 42, 44, 45, 49, 66, 67, 68, 73, 76, 91, 95, and 97, Arizona Rules of Family Law Procedure, and no comments having been received, upon consideration,

IT IS ORDERED that Rules 2, 5, 10, 14, 24, 27, 28, 41, 42, 44, 45, 49, 66, 67, 68, 73, 76, 91, 95, and 97, Arizona Rules of Family Law Procedure, be amended in accordance with the attachment hereto, effective January 1, 2017.

DATED this 2nd day of September, 2016.

_____/s/_____
SCOTT BALES
Chief Justice

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Arizona Supreme Court No. R-16-0028

TO:

Rule 28 Distribution

John A Furlong

ATTACHMENT¹

Arizona Rules of Family Law Procedure

Prefatory Comment to 2013 Amendments

~~SB 1127 (Laws 2012, Chapter 309) changed basic terminology used in Title 25, chapter 4, article 1. It did not change the same terminology used in other chapters of Title 25 to which these rules apply. Until this legislation can be clarified and any needed detailed conforming changes to these rules can be made, the term *legal custody* used in these rules shall be given the same meaning as *legal decision-making*, as defined by A.R.S. § 25-401 (3) and the terms *physical custody* and *parental visitation* used in these rules shall be given the same meaning as *parenting time* as defined by A.R.S. § 25-401 (5).~~

Rule 2. Applicability of Other Rules

A. –C. [No change to text.]

Committee Comment Rule 2(B)(4) allows the court to consider as evidence at any stage of the proceedings any report or document ordered or required by the court to be submitted to the court. This allows the court to consider drug testing results and reports from court-appointed attorneys, ~~custody~~ legal decision-making or parenting time evaluators, conciliation services, family law masters, Parenting Coordinators, and other court-appointed experts. The determination of the evidentiary value of the report or document for any proceeding other than the particular trial, hearing or conference for which it was prepared shall be left to the discretion of the court.

Rule 5. Consolidation

5.1 Simultaneous Dependency and ~~Custody~~ Legal Decision-Making/Parenting Time Proceedings

A. When a pending family law proceeding and a pending dependency proceeding concern the same parties, any party may file a motion to consolidate the proceedings. The court may on its own motion consolidate the proceedings. The motion shall be filed in the juvenile division and a copy shall be provided to the assigned family law division. The assigned juvenile division shall rule on the motion to consolidate. ~~Custody~~ Legal decision-making and parenting time issues will be litigated in the juvenile division unless the juvenile division defers jurisdiction to the assigned family law division.

¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by strikeouts.

B. If the assigned juvenile division determines that a change of ~~e custody~~ legal decision-making or parenting time may result in a dismissal of an adjudicated dependency case, the assigned juvenile division may refer the dependency matter to the assigned family law division for change of ~~e custody~~ legal decision-making or parenting time proceedings or retain the cases in the juvenile division.

C. If the juvenile division denies a motion to consolidate and defers jurisdiction of an adjudicated dependency matter to the assigned family law division in a change of ~~e custody~~ legal decision-making or parenting time proceeding, a hearing may be set pursuant to A.R.S. § 25-411(E). The referral to the assigned family law division shall include an order that the assigned family law division has jurisdiction to resolve the ~~e custody~~ legal decision-making or parenting time matter. If the change of ~~e custody~~ legal decision-making or parenting time is granted, the assigned family law division may enter an order dismissing the dependency.

D. [No change in text.]

E. During any dependency/guardianship proceeding in the juvenile division, the assigned juvenile division may suspend, modify, or terminate a child support order for current support if the parent entitled to receive the child support no longer has legal ~~or physical~~ ~~e custody~~ decision making or parenting time of the child such that they should receive child support, and, except in Title IV-D cases may make appropriate orders regarding any past due support or child support arrears. The assigned juvenile division may direct that the wage assignment be quashed or modified.

Rule 10. Representation of Children; Minors and Incompetent Persons

A. - E. [No change in text.]

F. Fees and Expenses in ~~C~~ Custody Legal Decision-Making or Parenting Time Proceeding. The court may allocate fees and expenses between the parties as the court deems appropriate.

Rule 14. Sworn Written Verification; Unsworn Declarations Under Penalty of Perjury

A. Sworn Written Verification. A sworn written verification is required for: (1) an acceptance or waiver of service under Rule 40(F), (2) a stipulation or agreement that substantially changes the terms of a ~~e custody~~ legal decision-making or parenting time order, unless entered into in open court or conciliation services, (3) an affidavit submitted

pursuant to Rule 44(B)(1)(b), or (4) a consent decree submitted to the court under Rule 45.

B. [No change in text.]

Rule 24. Pleadings Allowed

A. Petition. A party shall commence the following actions by filing a verified petition with the clerk of the superior court: Annulment (A.R.S. § 25-301), Dissolution (A.R.S. § 25-312), Legal Separation (A.R.S. § 25-313), Third Party Rights (A.R.S. § 25-409), Dissolution of Covenant Marriage (A.R.S. § 25-903), Legal Separation in Covenant Marriage (A.R.S. § 25-904), Paternity or Maternity (A.R.S. § 25-806), establish, enforce, register, or modify ~~e custody~~ legal decision-making or parenting time (A.R.S. §§ 25-403, -411, -803(C)) and -1055), or to establish, enforce, register or modify support (A.R.S. §§ 25-320, -503, -1031 and -1033).

B. - F. [No change in text.]

Rule 27. Service on the Opposing Party or Additional Parties

A. [No change in text.]

B. Summons and Petition. In an action for paternity, maternity, ~~child e custody~~ legal decision-making or parenting time by a parent, the petitioner shall serve upon all parties entitled to service a copy of the petition and the summons and any notices, forms and orders required under Rule 26(D).

C. [No change in text.]

Rule 28. Mandatory Responsive Filings

The opposing party in an action for annulment, dissolution, legal separation, ~~child e custody~~ legal decision-making or parenting time by parent, dissolution of covenant marriage, legal separation in covenant marriage, paternity or maternity who has been served with a petition and summons shall respond by filing a response to the petition. In the event the opposing party in one of these proceedings does not file a response, the party who filed the action will have the right to file for a default and receive a default judgment under Rule 44. All mandatory responsive filings shall be verified.

Rule 41. Service of Process within Arizona

A. - L. [No change in text.]

M. Service by Publication; Return. Service by publication is not sufficient to confer jurisdiction upon the court to determine issues of paternity, child support, spousal maintenance, division of marital property, or any other issue requiring personal jurisdiction over a party. In actions involving dissolution of a marriage, eustody legal decision-making, or any other issue not requiring personal jurisdiction over a party, and where the person to be served is one whose residence is unknown to the party seeking service but whose last known residence address was within the state, or has avoided service of process, and service by publication is the best means practicable under the circumstances for providing notice of the institution of the action, then service may be made by publication in accordance with the requirements of this subpart. Such service shall be made by publication of the summons, and of a statement as to the manner in which a copy of the pleading being served may be obtained, at least once a week for four successive weeks (1) in a newspaper published in the county where the action is pending, and (2) in a newspaper published in the county of the last known residence of the person to be served, if different from the county where the action is pending. If no newspaper is published in any such county, then the required publications shall be made in a newspaper published in an adjoining county. The service shall be complete thirty days after the first publication. When the residence of the person to be served is known, the party or officer making service shall also, on or before the date of the first publication, mail the summons and a copy of the pleading and other documents being served, postage prepaid, to that person at that person's place of residence. Service by publication and the return thereof may be made by the party procuring service or that party's attorney in the same manner as though made by an officer. The party or officer making service shall file an affidavit showing the manner and dates of the publication and mailing, and the circumstances warranting the utilization of the procedure authorized by this subpart, which shall be *prima facie* evidence of compliance herewith. A printed copy of the publication shall accompany the affidavit. If the residence of the party being served is unknown, and for that reason no mailing was made, the affidavit shall so state.

Rule 42. Service of Process Outside of State

A. - C. [No change in text.]

D. Service by Publication; Return. Service by publication is not sufficient to confer jurisdiction upon the court to determine issues of paternity, child support, spousal maintenance, division of marital property, or any other issue requiring personal jurisdiction over a party. In actions involving dissolution of a marriage, eustody legal decision-making or parenting time or any other issue not requiring personal jurisdiction over a party, and where the person to be served is one whose present residence is unknown but whose last known residence was outside the state or has avoided service of process, and service by publication is the best means practicable under the circumstances

for providing notice of institution of the action, then service may be made by publication in accordance with the requirements of this subpart. Such service shall be made by publication of the summons and of a statement as to the manner in which a copy of the pleading and other documents being served may be obtained at least once per week for four successive weeks in a newspaper published in the county where the action is pending. If no newspaper is published in any such county, then the required publications shall be made in a newspaper published in an adjoining county. The service shall be complete thirty days after the first publication. When the residence of the person to be served is known, the party or officer making service shall also, on or before the date of the first publication, mail the summons, a copy of the pleading and other documents being served, postage prepaid, directed to that person at that person's place of residence.

Rule 44. Default Decree

A. - B. [No change in text.]

(1)(a) - (1)(b) [No change in text.]

(1)(c) Judgment by Default. When a petition to establish maternity or paternity has been filed and ~~an~~ a legal decision-making order of custody or parenting time order is not requested, a judgment may be entered upon motion supported by an affidavit or affidavits of the state or the mother or the father. In cases where the default judgment is requested by the state, the factual basis for the finding of paternity shall be established by the affidavit of a parent. The supporting affidavit(s) shall set forth facts showing that jurisdictional requirements have been met and that a default order is appropriate pursuant to A.R.S. § 25-813. If entry of an order for current and past support is requested, the motion shall be accompanied by a child support worksheet to support the amounts requested and the supporting affidavit shall state the basis for the determination of the gross income of the defaulting parent. The affidavit shall also set forth facts supporting any other relief requested.

(2) - (4) [No change in text.]

C. - G. [No change in text.]

Rule 45. Consent Decree, Order, or Judgment Without Hearing

A. - B. [No change in text.]

C. When Children Are Involved. When there are children common to the parties, the parties shall include the following:

- (1.) provision for ~~e custody~~ legal decision-making and parenting time by a separate parenting plan or within the Consent Decree, Order, or Judgment;
- (2.) a separate or incorporated Child Support Order supported by a separate incorporated Child Support Worksheet (if any deviation in the child support amount is requested, the Consent Decree, Judgment or Child Support Order shall include a statement of the basis for deviation, as set forth in the Child Support Guidelines);
- (3.) copies of each parent's Parent Information Program Certification of Completion;
- (4.) a completed Order of Assignment, including current employer information sheet;
- (5.) a completed Judgment Data Sheet, if required;
- (6.) if the parties are requesting joint ~~e custody~~ legal decision-making, a statement as to whether domestic violence has occurred, and the extent of any such violence; and
- (7.) for a paternity or maternity action, the identity of the natural mother and father, and anyone who has lawful status as a parent or custodian of a child, including the court case conferring such authority if not the instant case.

Rule 49. Disclosure

A. [No change in text.]

B. Motions for Post-Decree or Post-Judgment Temporary ~~Custody~~ Legal Decision-Making Orders. A party seeking a temporary ~~e custody~~ legal decision-making, or parenting time, ~~or visitation~~ order following a previous ~~e custody~~ determination, shall do so by filing a separate verified motion setting forth the legal and jurisdictional basis for the motion and the specific relief requested. The motion shall be filed after or concurrently with a post-decree or post-judgment petition authorized by statute, shall incorporate the relevant allegations of the pending post-decree or post-judgment petition by reference and not separately repeat them, and shall set forth the relief requested, including a proposed parenting plan stating the ~~e custody~~ legal decision-making and parenting time requested for all parties to the action. Upon receiving a post-decree or post-judgment motion for temporary ~~e custody~~ legal decision-making, or parenting time, ~~or visitation~~ orders, the court shall schedule a post-decree or post-judgment management conference, or an evidentiary hearing at an appropriate time determined by the court.

C. - J. [No change in text.]

Rule 66. Alternative Dispute Resolution; Purpose, Definitions, Initiation, and Duty

A. [No change in text.]

B. Definitions [No change in text.]

(1.) [No change in text.]

(2.) “*Parenting Coordinator*” is a person appointed by the court to assist with implementation of court orders by making recommendations to the court regarding implementation, clarification, modification, and enforcement of ~~eustody~~ legal decision-making and parenting time orders.

(3. – 7.) [No change in text.]

C. – F. [No change in text.]

Rule 67. Mediation, Arbitration, Settlement Conferences, and Other Dispute Resolution Processes Outside of Conciliation Court Services

A. [No change in text.]

B. [No change in text.]

(1.) – (2.) [No change in text.]

(3.) *Domestic Violence.*

(a.) a. In a proceeding concerning ~~eustody~~ legal decision-making or parenting time of a child, if an order of protection is in effect involving the parties or there is a finding by the court of any conduct that would form the basis for an order of protection, the court may order mediation or refer the parties to mediation only if there are policies and procedures in place that protect the victim from harm, harassment, or intimidation.

(b. – c.) [No change in text.]

(4. – 9.) [No change in text.]

C. – E. [No change in text.]

Rule 68. Conciliation Court Services; Counseling, Mandatory Mediation, Assessment or Evaluation and other Services

A. [No change in text.]

B. Mediation/ADR. All family law cases that involve a controversy over ~~child-custody~~ legal decision-making or parenting time shall be subject to mediation or other alternative dispute resolution or process provided for in local rules. Unless the parties agree to mediation by a private mediator, the court or conciliation services shall determine whether mediation or ADR services are appropriate in a particular case. The court or conciliation services may deem mediation inappropriate for reasons such as parental unfitness, substance abuse, mental incapacity, domestic violence, or other good cause. The mediator may not conduct any subsequent family assessment or evaluation in the same case.

(1.) *Commencement.* If there is a disagreement between the parties concerning ~~child-custody~~ legal decision-making or parenting time, either or both parties may file a motion or request for mediation or ADR services with the clerk of the court. The requesting party shall provide a copy of the request to the assigned judge and the conciliation court. An order for mediation or ADR services may also be made on the court's own motion.

(2.) *Domestic Violence.*

(a.) In a proceeding concerning ~~custody~~ legal decision-making or parenting time of a child, if an order of protection is in effect involving the parties or there is a finding by the court of any conduct that would form the basis for an order of protection, the court may order mediation or ADR services or refer the parties to mediation only if there are policies and procedures in place that protect the victim from harm, harassment, or intimidation.

(b. – c.) [No changes in text.]

(3. – 6.) [No changes in text.]

C. Assessment or Evaluation

(1.) *Referral by the Court.* The court may refer cases to conciliation services for assessment or evaluation regarding ~~child-custody~~ legal decision-making or parenting time when the court believes it would be in the children's best interests.

(2. – 3.) [No changes in text.]

(4.) *Report to the Court.* Upon completion of the assessment or evaluation, or upon the parties reaching an agreement regarding the ~~child-e custody~~ legal decision-making and parenting time issues in dispute, conciliation services will notify the court of completion of the assessment or evaluation and will provide the court with a written report. All evaluative reports generated by conciliation services shall be maintained as confidential but remain available for appellate purposes. The parties or their counsel, if any, will be provided a copy of the report. The report may include recommendations to the court regarding ~~child-e custody~~ legal decision-making, parenting time or therapeutic interventions consistent with applicable law. Upon direction from the court, an evaluator may provide an oral report in open court in lieu of a written report.

(5.) [No changes in text.]

D. – F. [No changes in text.]

Rule 73. Family Law Conference Officer

A. Definitions

(1.) *Conference.* An alternative dispute resolution proceeding conducted by a conference officer to obtain information or agreements related to support (including spousal maintenance), ~~e custody~~ legal decision-making and parenting time, property and debt issues and, ultimately, to assist the parties to memorialize any agreements, and make recommendations to the court regarding contested issues.

(2. - 6.) [No change in text.]

(7.) *Parenting Time.* Determination of the time children spend with each parent (or others ordered to have control of a child or children under Arizona law) according to the best interests of the child(ren). This is also known as “visitation.”

(8. – 10.) [No change in text.]

B. Appointment. The presiding judge or his/her designee may appoint a conference officer to hold a conference and make recommendations and obtain agreements for disposition in both IV-D and private cases (non-IV-D) to establish, enforce, or modify support, or to enforce ~~e custody~~ legal decision-making or parenting time (visitation), to

affirm or divide property, and to determine and allocate responsibility for all debts. The conference officer is neutral and does not represent or advocate for either party. Except as provided in this rule, written qualifications for the position of conference officer, which at a minimum shall require a bachelor's degree and shall include an obligation to abide by the Code of Judicial Conduct, shall be established and on file with the administration office of the superior court. The conference officer shall also be required to attend forty (40) hours of basic mediation training within six (6) months of his or her hire date.

C. Powers and Duties.

(1.) [No change in text.]

(2.) *Enforcement of ~~e custody~~ legal decision-making or parenting time (~~visitation~~).* When enforcement of ~~e custody~~ legal decision-making or parenting time (~~visitation~~) are at issue, the conference officer may submit a written agreement signed by all parties or recommend any or all of the following: setting the case for evidentiary hearing; entering an order based on agreement of the parties; ordering specific relief; scheduling the case for a review hearing; referring the matter to case supervision, which may include counseling, substance abuse test monitoring, supervised parenting time or supervised exchange of the child(ren), or other appropriate programs; appointing a volunteer who is approved by all parties to supervise parenting time; referring the matter to a local social service agency to exercise continuing supervision of ~~e custody~~ legal decision-making or parenting time terms, pending an evidentiary hearing; or ordering any other relief as appropriate (i.e. parent/child alienation education).

(3. – 4.) [No change in text.]

D. Procedures.

(1. – 9.) [No changes in text.]

(10.) *Exceptions.* A conference officer may not conduct proceedings for which a hearing is required by statute, including denial of parenting time, license suspension, UCCJEA, or ~~e custody~~ legal decision-making or parenting time establishment or modifications, unless the hearing is waived.

E. – G. [No change in text.]

Rule 76. Pretrial Procedures

A. – B. [No change in text.]

C. Pretrial Statement, Inventory of Property, and Financial Affidavit; Preparation; Final Pretrial Conference.

(1.) [No change in text.]

(2.) [No change in text.]

(a.) [No change in text.]

(b.) if the case involves ~~custody~~ legal decision-making, parenting time or child support issues, a fully completed Parent's Worksheet for Child Support Amount; and

(c.) [No change in text.]

(3. – 6.) [No change in text.]

D. [No change in text.]

Rule 77. Trial Procedures

A. Setting of Cases for Trial. In every family law case, unless a trial has been set at a Resolution Management Conference or on the court's own motion, any party may file a Motion to Set requesting that the case be set for trial. The motion shall state:

(1. – 2.) [No change in text.]

(3.) whether the case is entitled to a preference for trial because ~~custody~~ legal decision-making or parenting time is at issue; and

(4.) [No change in text.]

B. – C. [No change in text.]

Rule 91. Post-Decree/Post-Judgment Proceedings

A. Modification or Enforcement of Prior Orders; General Provisions.

(1. – 3.) [No change in text.]

(4.) Except for petitions to Modify ~~Child-Custody~~ Legal Decision-Making filed pursuant to Rule 91(D) or 91(E)(2), and unless a different procedure is established by local rule, the applicant shall submit to the assigned judicial officer the original and three (3) copies of an Order to Appear, three (3) copies of the Petition showing evidence of being filed with the clerk of the court, and by the applicable provision of this rule. The clerk of the court shall file the original Order to Appear when signed by the assigned judicial officer.

(5.) [No change in text.]

B. – C. [No change in text.]

D. Petition to Modify ~~Child-Custody~~ Legal Decision-Making. No hearing for modification of a ~~child-custody~~ legal decision-making order or decree shall be set unless there is compliance with A.R.S. § 25-411 and the requirements set forth in this paragraph.

(1.) Any party seeking a modification of ~~child-custody~~ legal decision-making shall file with the clerk of the court, and provide a copy to the assigned division of, the following:

(a.) a Petition for Modification of ~~Child-Custody~~ Legal Decision-Making, either verified by the moving party or supported by the requisite affidavit(s) pursuant to A.R.S. § 25-411, in compliance with paragraph A, and including a certification whether the underlying ~~custody~~ legal decision-making order or agreement contains a provision requiring the parties to pursue mediation or other alternate dispute resolution process prior to requesting court relief for modification, and, if so, what efforts have been made to comply with that provision;

(b.) a Notice of Filing Petition for Modification of ~~Child-Custody~~ Legal Decision-Making directed to all persons entitled to notice pursuant to A.R.S. § 25-1035; and

(c.) in actions in which the ~~custody~~ legal decision-making order or decree was not entered by an Arizona court, an affidavit required by A.R.S. § 25-1039.

(2.) The clerk of the superior court shall issue the Notice of Filing Petition for Modification of ~~Child-Custody~~ Legal Decision-Making.

(3.) The verified petition or affidavits and the issued Notice of Filing Petition for Modification of ~~Child-Custody~~ Legal Decision-Making shall be served on all persons entitled to notice, pursuant to the appropriate provisions of Rule 41, 42, or 43, whichever is applicable.

(4.) [No change in text.]

(5.) No sooner than five (5) days after expiration of the time permitted for the filing of the response or the controverting affidavits, either party or attorney shall provide the Request for Order Granting or Denying ~~Custody~~ Hearing to the assigned division.

(6.) Whether or not a response is filed, the court, in accordance with A.R.S. § 25-411 and without argument or hearing unless set by the court on its own motion, shall determine whether a ~~custody~~ hearing should be granted. A copy of the court's determination shall be mailed by the court to all persons entitled to notice. If the court determines that a ~~custody~~ legal decision-making hearing is warranted, the court shall schedule a Resolution Management Conference or evidentiary hearing.

(7.) Unless otherwise ordered by the court, a post-decree or post-judgment petition that seeks to modify a ~~child-custody~~ legal decision-making order and also seeks to modify or enforce other court orders, whether requested in one or more contemporaneous petitions, shall be required to comply with the provisions of this rule application to all relief requested, but shall proceed under the procedures provided in this paragraph to allow all issues to be scheduled for hearing at the same time.

E. Petition to Relocate or Prevent Relocation.

(1.) [No change in text.]

(2.) If a petition to relocate or to prevent the relocation of a minor child requests a change of legal ~~custody~~ decision-making, the parties shall comply with the provisions of paragraph D.

F. Petition for Modification or Clarification of Parenting Time or Visitation.

(1.) Any party seeking a modification or clarification of parenting time or visitation that does not involve a change of ~~joint-custody, joint legal-custody, joint physical-custody or sole-custody~~, legal decision-making shall file with the clerk of the court, and provide a copy to the assigned division of, the following:

(2.) [No change in text.]

The Court shall have the authority to summarily deny a Petition to Modify parenting time if sufficient allegations are not present pursuant to A.R.S. § 25-411.

G. Petition for Enforcement of ~~Custody~~ Legal Decision-Making or Parenting Time; Warrant to Take Physical Custody.

(1.) Any party seeking to enforce an existing ~~custody~~ legal decision-making, parenting time, or visitation order, shall file with the clerk of the court, and provide a copy to the assigned division of, the following:

(a.) a Petition for Enforcement of ~~Custody~~ Legal Decision-Making, Parenting Time, or Visitation Order in compliance with paragraph A and all legal requirements, including any applicable provisions of A.R.S. § 25-1058, that includes detailed facts supporting a violation of the order or enforcement action and the specific remedy or remedies sought;

(b.) [No change in text.]

H. – N. [No change in text.]

O. Mediation. The court may require, by local rule, or on the court's own initiative, that the parties submit to mediation before any issues of ~~custody~~ legal decision-making, parenting time or visitation may be heard.

P. Disclosure.

(1.) In any proceeding for modification of ~~child-custody~~ legal decision-making or parenting time, each party shall provide to the other party or parties, the information and documentation set forth in Rule 49(B).

Rule 95. Other Family Law Services and Resources

In addition to services prescribed elsewhere in these rules, the court may consider the services set forth in this rule, if available in a family law case.

A. Private Mental Health Services. In addition to conciliation services, the court may order parties to engage in private mental health services, including, but not limited to, counseling, ~~custody~~ legal decision-making or parenting time evaluations, mental health

evaluations, Parenting Coordinator services, therapeutic supervision of parenting time, and other therapeutic interventions.

B. Substance Abuse Screening and Testing in Cases Where ~~Custody~~ Legal Decision-Making or Parenting Time Are at Issue. Upon an allegation or showing that a party has abused drugs or alcohol, including prescription medication, the court may order substance abuse screening and random testing of that party. The court shall designate the frequency of testing and apportion responsibility for payment of screening and testing.

Form 1. Notice of Limited Scope Representation

Name:
Mailing Address:
City, State, Zip Code:
Daytime Phone Number:
Evening Phone Number:
Representing: Self Petitioner Respondent
State Bar Number:

ARIZONA SUPERIOR COURT, COUNTY OF _____

Case No.

Petitioner ATLAS No. _____

Respondent
NOTICE OF LIMITED SCOPE
REPRESENTATION

The undersigned attorney enters a Notice of Limited Appearance for
 Petitioner Respondent _____, pursuant to Rule
9(B).

1. Counsel's appearance in this matter shall be limited in scope to the following
matter(s): (Select all that are applicable, and provide detailed description of
services, including any scheduled appearances, as needed.)

- Protective Orders
 - Order of Protection
 - Injunction Against Harassment
 - Injunction Against Workplace Harassment
- Voluntary acknowledgment of paternity
- Establishment of Child Support (IV-D)
- Rule 32 motion (specify)
- U.C.C.J.E.A. Hearing
- Temporary Orders (Pre-Decree) (specify any limitations)
- Accelerated or Expedited Petition (Pre-Decree)

- Resolution Management Conference
- Arbitration
- Mediation
- Other ADR Process (specify)
- Settlement Conference
- Expedited Services Conference (specify type, e.g. child support establishment, enforcement, or modifications; ~~custody~~ legal decision-making or parenting time enforcement or modification; or other)

- Enforcement of Decree or Order (specify, as follows):
 - Child support
 - ~~Custody~~ Legal decision-making & parenting time
 - Spousal maintenance
 - Property/debt issues
 - Other:

- Modification of Decree or Order (specify as follows):
 - Child support
 - ~~Custody~~ Legal decision-making and/or parenting time
 - Spousal maintenance
 - Other:

- Emergency Petition (Post-Decree)
- Qualified Domestic Relations Order _
- Filing of Foreign Decree
- Warrant to take Physical Custody
- ~~Child-Custody~~ Legal decision-making or Visitation by a Non-parent
- Other motion and hearing thereon, specifically:
 - Attend Deposition(s) of (names)
 - Conduct the following discovery:
 - Other:

2. [No change in text.]
3. [No change in text.]
4. [No change in text.]
5. [No change in text.]

Form 4: Proposed Dissolution Resolution Statement

Name:
Mailing Address:
City, State, Zip Code:
Daytime Phone Number:
Evening Phone Number:
Representing: Self Petitioner Respondent
State Bar Number:

ARIZONA SUPERIOR COURT, COUNTY OF _____

Petitioner

Case No. _

Respondent

ATLAS No.

RESOLUTION STATEMENT

PROPOSED

OF:

HUSBAND

WIFE

Date of Marriage:

The undersigned party provides the following position on each of the issues in this case.
BE SPECIFIC.

1. [No change in text.]
2. ~~Custody~~ Legal Decision-Making and Parenting Time: The parties have the following natural or adopted child(ren) in common. (If there are no minor or disabled child(ren) common to the parties, skip to paragraph 3)

Child(ren)'s Name(s)	Date(s) of Birth
Age(s)	

The child(ren) should live primarily with Mother Father and have parenting time with Mother Father as follows (check all that apply):

- Generally in accordance with _____ County Guidelines for reasonable parenting time.
- Model Parenting Time Plans (describe plan)
- Every other weekend from _____ at _____ a.m./p.m. to _____ at _____ a.m./p.m.
- One-half of the holidays on an alternating basis.
- For _____ weeks in the summer from _____ to _____ (inclusive).
- Spring Break from school.
- Other: _____

Mother or Father should have sole legal ~~custody~~ decision-making authority,
OR
 Mother and Father should have joint legal ~~custody~~ decision-making authority.

- 3. [No change in text.]
- 4. [No change in text.]
- 5. [No change in text.]
- 6. [No change in text.]
- 7. [No change in text.]
- 8. [No change in text.]

9. [No change in text.]

10. [No change in text.]

11. [No change in text.]

12. [No change in text.]

13. [No change in text.]

14. [No change in text.]

Form 5: Proposed Paternity Resolution Statement

Name:
Mailing Address:
City, State, Zip Code:
Daytime Phone Number:
Evening Phone Number:
Representing: Self Petitioner Respondent
State Bar Number:

ARIZONA SUPERIOR COURT, COUNTY OF _____

Case No. _

Petitioner

ATLAS No.

Respondent
PATERNITY RESOLUTION

PROPOSED
STATEMENT

OF:

FATHER
 MOTHER

The undersigned party provides the following position on each of the issues in this case.
BE SPECIFIC.

- [No changes in text.]
- Custody Legal Decision-Making and Parenting Time: The other parent and I have the following natural or adopted children in common:

Child(ren)'s Name(s) Age(s)	Date(s) of Birth
--------------------------------	------------------

_____	_____
_____	_____
_____	_____

The child(ren) should live primarily with Mother Father and have parenting time with Mother Father as follows (check all that apply):

- In accordance with _____ County Guidelines for reasonable parenting time.
- Model Parenting Time Plans (describe plan)_____.
- Every other weekend from:_____ at _____ a.m./p.m. to _____ at _____ a.m./p.m.
- One-half of the holidays on an alternating basis.
- For ___ weeks in the summer from _____ to _____ (inclusive).
- Spring Break from school.
- Other: _____

- Mother or Father should have sole legal ~~custody~~ decision-making authority,
OR
- Mother and Father should have joint legal ~~custody~~ decision-making authority.

- 3. [No change in text.]
- 4. [No change in text.]
- 5. [No change in text.]
- 6. [No change in text.]
- 7. [No change in text.]

Form. 7: Uniform Family Law Interrogatories
UNIFORM FAMILY LAW INTERROGATORIES

BACKGROUND AND PERSONAL HISTORY

1. - 8 [No change in text.]

9. ~~CHILD CUSTODY~~ LEGAL DECISION-MAKING AND PARENTING TIME

- a. Do you believe that you and your spouse can reach an agreement concerning ~~custody~~ legal decision-making and parenting time without the intervention of the court or conciliation services? (Y/N) _____.
- b. How do you want to share parenting time between parents?
 1. How do you want to divide the week?
 2. How do you want to divide holidays?
 3. How do you want to divide summer or other school recesses?
- c. How do you propose making the following decisions regarding your child(ren)?
 1. Physical/ medical matters.
 2. Psychological/ psychiatric matters.
 3. Legal matters.
 4. Religious matters.
 5. Educational matters.
 6. Activities and/or sports.
- d. Is there a child of the marital relationship with special needs, disabilities, psychological, psychiatric or other developmental handicaps? (Y/N) _____. If yes, state:
 1. What are the child's special needs?
 2. What are the extraordinary expenses associated with caring for this child?
 3. Is this child over the age of 18?
- e. What, if any, concerns do you have about the other parent's parenting skills?
- f. For each answer you provided above, list each and every fact supporting your position.

10. – 26 [No change in text.]

Form 8: Consent Decree of Dissolution of Marriage (Divorce) With Children

Name:
Mailing Address:
City, State, Zip Code:
Daytime Phone Number:
Evening Phone Number:
Representing: [] Self [] Petitioner [] Respondent
State Bar Number:

ARIZONA SUPERIOR COURT, COUNTY OF _____

_____ Case
No. _____
Petitioner

ATLAS No. _____

CONSENT DECREE OF

Respondent

DISSOLUTION
OF MARRIAGE (DIVORCE) WITH
CHILDREN

THE COURT FINDS:

1. [No change in text.]
2. This court has jurisdiction over the parties under the law, the provisions of this Decree are fair and reasonable under the circumstances and in the best interests of the minor child(ren) as to ~~eustody~~ legal decision-making, parenting time (~~visitation~~) and support, and the division of property and debt is fair and equitable.

THE COURT FURTHER FINDS THAT:

3. **90 Day Requirement.** [No change in text.]
4. **Conciliation Court.** [No change in text.]
5. **Irretrievably Broken.** [No change in text.]

6. **Custody Legal Decision-Making, Parenting Time, Support, Spousal Maintenance/Support, 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 ~~child custody~~ legal decision-making, parenting time (~~visitation~~), child support, spousal maintenance/support (alimony), and the division of property and/or debts.
7. **Protective Orders.** [No change in text.]
8. **Community Property and Debt.** [No change in text.]
9. **Pregnancy.** [No change in text.]
10. **Spousal Maintenance/Support.** [No change in text.]
11. **Parent Information Program.**
 - a. Petitioner has attended the Parent Information Program class as evidenced by the “Certificate of Completion” in the court file. **OR**
 Petitioner has not attended the Parent Information Program class and shall be denied any requested relief to enforce or modify the provisions of this decree which address ~~eustody~~ legal decision-making or parenting time until Petitioner has completed the class.
 - b. Respondent has attended the Parent Information Program class as evidenced by the “Certificate of Completion” in the court file. **OR**
 Respondent has not attended the Parent Information Program class and shall be denied any requested relief to enforce or modify the provisions of this decree which address ~~eustody~~ legal decision-making or parenting time until Respondent has completed the class.
12. **Child Support.** [No change in text.]
13. **Custody Legal Decision-Making and Parenting Time of Minor Child(ren).** (Select any that apply.)
 - a. Joint ~~Custody~~ legal decision-making. If joint ~~eustody~~ legal decision-making is awarded the court makes the following findings:
The ~~eustody~~ joint legal decision-making order or agreement is in the best interests of the child(ren) for the following reasons: (List the reasons.)

Domestic Violence.

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

- b. Supervised or No Parenting Time. (Check and complete only if supervised ~~visitation~~ parenting time or no ~~visitation~~ parenting time is ordered.)

- Supervised Parenting Time between the children and Petitioner **OR** Respondent, is in the best interests of the child(ren), for the following reasons: (Explain the reasons) OR

- No Parenting Time by Petitioner **OR** Respondent, is in the best interests of the child(ren), for the following reasons: (Explain the reasons).

THE COURT ORDERS:

1. **MARRIAGE IS DISSOLVED:** [No change in text.]
2. **NAMES:** [No change in text.]
3. **ENFORCEMENT OF TEMPORARY ORDERS:** [No change in text.]
4. **~~CHILD CUSTODY~~ LEGAL DECISION-MAKING, PARENTING TIME, AND CHILD SUPPORT:**
 - a. **PREGNANCY** (Complete this section only if Wife is pregnant; otherwise go to section 4(b)):

- A child who is common to the parties is expected to be born this date:

- All orders below as to ~~eustody~~ legal decision-making, parenting time, support, and medical insurance/expenses include this child and all other children named below. **OR**
- The orders below as to ~~eustody~~ legal decision-making, parenting time, support, and medical insurance/expenses do not include this child; the court reserves jurisdiction to address these issues regarding this child when the child is born.

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

NAME(S) OF CHILD(REN) Security Number(s)	Date of Birth	Last four digits of Social
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- c. **~~CHILD CUSTODY~~ SOLE LEGAL DECISION-MAKING:** (Select one.)
- (1) **~~SOLE CUSTODY~~ LEGAL DECISION-MAKING:** Sole ~~eustody~~ legal decision-making of the minor child(ren) is awarded to:
- Petitioner, **OR** Respondent, subject to parenting time as follows:
 - Parenting time to the parent ~~not having custody~~ without legal decision-making authority, according to the terms of the Parenting Plan attached as Exhibit B and made a part of this Decree. **OR,**
 - Supervised parenting time to Petitioner **OR** Respondent according to the terms of the Parenting Plan attached as Exhibit B. Parenting Time may only take place in the presence of another person, named below or otherwise approved by the court.

Name of supervisor: _____

Restrictions on parenting time: _____

The cost of supervised ~~visitation~~ parenting time will be paid by _____

- Petitioner
- Respondent
- Shared equally by the parties. OR
- No parenting time rights to Petitioner **OR** Respondent. OR,

(2) ~~JOINT CUSTODY~~ LEGAL DECISION-MAKING: Petitioner and Respondent agree to act as joint ~~eustodians~~ legal decision-makers of the child(ren), as set forth in the Joint ~~Custody~~ legal decision-making Agreement/Parenting Plan by the parties, signed by both parties and attached to this Decree as “Exhibit B.” The court adopts the terms of the Joint ~~Custody~~ legal decision-making Agreement/Parenting Plan describing the ~~eustody~~ legal decision-making and parenting time agreement between the parties. By attaching the Joint ~~Custody~~ legal decision-making Agreement/Parenting Plan to the Decree, the Agreement becomes part of the Decree and carries the same legal weight as the Decree.

d. **CHILD SUPPORT:** [No change in text.]

e. **MEDICAL AND DENTAL INSURANCE, PAYMENTS, AND EXPENSES:**
 [No change in text.]

5. **SPOUSAL MAINTENANCE/SUPPORT:** [No change in text.]

6. **PROPERTY, DEBTS AND TAX RETURNS:** [No change in text.]

7. **FINANCIAL INFORMATION EXCHANGES:** [No change in text.]

8. **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 (a) 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:~~

Parent entitled to claim	Name of child
Tax year	
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____
_____	_____
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____
_____	_____
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____
_____	_____

Petitioner Respondent _____

Petitioner Respondent may claim the allocated tax exemptions only if all child support and arrears ordered for the year have been paid by December 31 of that year.

Petitioner Respondent may unconditionally claim the tax exemptions allocated to [him
her for income tax purposes.

9. **CHILDREN TO WHOM THIS DECREE DOES NOT APPLY:** [No change in text.]
10. **QUALIFIED DOMESTIC RELATIONS ORDER (QDRO).** [No change in text.]
11. **FINAL APPEALABLE ORDER.** [No change in text.]
12. **OTHER ORDERS.** [No change in text.]

Form 11: Parent Information Regarding the Use of Parenting Coordinators

PARENT INFORMATION REGARDING THE USE OF PARENTING COORDINATORS

Using a Parenting Coordinator to help make recommendations to the court about your children can be a useful alternative to repeatedly going to court.

A Parenting Coordinator is a professional appointed by the court to assist parents in resolving disputes about parenting their children and to make recommendations to the court for orders if the parents are unable reach a resolution.

Parents may want to hire a Parenting Coordinator when other avenues of problem resolution have not resulted in an ability to make recommendations to the court about their children and there are continued disagreements about such issues as schedules, overnight parenting time, choice of schools, extracurricular activities, exchanging the children, holiday scheduling, the handling of the children's behavior, religious training, health issues, and problematic behaviors on the part of one or both parents. Many times, the family has already participated in a ~~custody~~ legal decision-making/access evaluation.

Parents may agree to use a Parenting Coordinator and agree to a specific person or the Court may appoint a Parenting Coordinator and appoint a specific person to be Parenting Coordinator of the Court's own choosing.

The amount of time required with the Parenting Coordinator or the number of meetings with the Parenting Coordinator will be determined by the conduct of the parties. The Parenting Coordinator will determine the actual number of meetings that are necessary for any specific issue/issues.

When a dispute is presented to the Parenting Coordinator, the coordinator may try to assist parents in reaching a resolution. The Parenting Coordinator might want to get other information such as the children's opinion, information from doctors, therapists, schools or other caretakers. If the parties cannot come to an agreement, the Parenting Coordinator then makes a recommendation to the court for an order.

If one parent is opposed to the recommendation, he or she can file an objection within 10 days and the court can review the recommendations. The Court may accept, modify or reject the recommendations of the Parenting Coordinator. The Court may also set the matter for hearing. In a time-sensitive situation, a recommendation of the Parenting Coordinator may be effective immediately pending approval by the court and without prejudice to the parties.

Hiring a Parenting Coordinator is a serious matter. A parenting coordinator is especially helpful for families who continue to have disagreements. Parenting Coordinators are also useful for families where parents have concerns about drugs, alcohol, abuse or the stability of the other parent. A Parenting Coordinator may be appointed for a specific term. If the Parenting Coordinator feels that he or she cannot be helpful to the family, the Parenting Coordinator can resign. If one parent is unhappy with the Parenting Coordinator, that parent cannot alone discharge the Parenting Coordinator. If the Parenting Coordinator acts in a manner that seems unprofessional, the parent should first talk with the Parenting Coordinator about that parent's concerns. If the parent is still unsatisfied, that parent should submit a written statement of that parent's concern to the two attorneys (if represented), the Parenting Coordinator, the child's attorney (if there is one) and to the other parent. A conference may be set to resolve the concerns. If the concern is still not resolved after that meeting, the parent can ask the court to have the Parenting Coordinator removed. The judge will then review the complaint and make a decision. If the Coordinator is removed, a new Parenting Coordinator may be appointed.

The Parenting Coordinator's goals are somewhat different than those of a judge. A judge's job is to make orders that are based on the law, including the best interests of the children. A Parenting Coordinator's job is to assist parents in making parenting decisions in the best interests of the children and in accordance with the parenting plan, as set forth in their decree or the current court order. Whenever possible, a major goal is to help families develop their skills so they do not need a Parenting Coordinator. If this can be accomplished, the power to make decisions about their children is back in the hands of the parents.

The parents pay the fees for the services of a Parenting Coordinator as ordered by the court. Many Parenting Coordinators request a retainer before they begin their work with a family. Before a Parenting Coordinator is appointed, the judge will decide what portion of the fee each parent will pay.

Using a Parenting Coordinator will usually reduce the need to go to court, and, therefore, should be cost effective. In addition, the family will usually be seen sooner by the Parenting Coordinator than the Court, resulting in quicker decisions.

Form 16: Pretrial Statement

Name of Attorney or Party, if se
represented
Mailing Address (unless protected)
City, State, Zip Code
Telephone
State Bar of Arizona No.
Representing

ARIZONA SUPERIOR COURT, _____ COUNTY

Regarding the Matter of:

Petitioner
and

Respondent

CASE NO. _____

_____**JOINT PRETRIAL STATEMENT**
_____**PETITIONER'S PRETRIAL**
STATEMENT
_____**RESPONDENT'S PRETRIAL**
STATEMENT

The parties to this action submit:

1. ___ This joint Pretrial Statement pursuant to Rule 76(C), Arizona Rules of Family Law Procedure

OR

2. This is an action for:

___ Dissolution of Marriage
___ Annulment of Marriage
___ Grandparent Visitation
___ Paternity or Maternity

___ Legal Separation of Marriage
___ Legal Decision-Making and/or Parenting time of Minor Children
___ Modification of ~~Custody~~ Legal Decision-Making and/or Parenting Time of Minor Children
___ Support ___ Other _____

- 3. [No change in text.]
- 4. [No change in text.]
- 5. [No change in text.]
- 6. [No change in text.]

7. [No change in text.]
8. [No change in text.]
9. [No change in text.]
10. [No change in text.]
11. [No change in text.]
12. [No change in text.]
13. [No change in text.]
14. [No change in text.]
15. [No change in text.]
16. [No change in text.]
17. [No change in text.]
18. [No change in text.]
19. [No change in text.]
20. [No change in text.]