

# **CONSENT DECREE**

**FOR DIVORCE or LEGAL SEPARATION  
for a NON-COVENANT MARRIAGE  
WITH CHILDREN**

**4**

**To get the Decree when both parties agree**

**Forms and Instructions**

LAW LIBRARY RESOURCE CENTER

CONSENT DECREE

FOR DIVORCE OR LEGAL SEPARATION IN A NON-COVENANT  
MARRIAGE  
WITH MINOR CHILDREN

CHECKLIST

*You may use these forms if . . .*

- ✓ You or your spouse filed a “*Petition for Divorce or for Legal Separation in a Non-Covenant Marriage with Minor Children*”, AND
- ✓ You and your spouse agree to the divorce or legal separation **and** you agree **on all** terms of the divorce or legal separation, including:
  - Division of property and debt,
  - Spousal Maintenance (If applicable),
  - Legal Decision-making, Parenting and Support of minor children (if applicable).**AND**
- ✓ You and your spouse will provide your notarized signatures on the “*Consent Decree*” to indicate your agreement on all terms.

✗ **DO NOT USE THESE FORMS IF:**

- ✗ You disagree on **any** terms of the divorce or legal separation,
- ✗ The filing fee for a Response has not paid by either party, and you prefer to proceed with a Default Decree in order to not pay the Response fee.

**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 Law Library Resource Center website.

## Consent Decree for divorce or legal separation

This packet contains court forms and instructions to file a consent decree for divorce or legal separation for a non-covenant marriage. Items in **bold** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

Order	Title	# Pages
1	Checklist: You may use these forms if . . .	1
2	Table of Contents (this page)	1
3	How to fill out the consent decree for divorce or legal separation in a non-covenant marriage with children	3
4	<b>Sensitive Data Sheet</b> (for the Respondent if he or she has not already filed this document) * DO NOT COPY or FILE	1
5	<b>Consent Decree</b> (including “Exhibit A” on property & debt)	21
6	Procedures: Completing your papers and what to do next	4

**IF your case involves CHILDREN you will need items 7, 8, and 9.**

7	Parenting Plan Information	2
8	<b>Parenting Plan</b>	10
<p>You will need to use the FREE Online Child Support Calculator to produce the <b>Child Support Worksheet, Child Support Order</b> and <b>Employer Information Sheet</b> that <u>must</u> accompany this Decree.*</p> <p>* For more information, refer to the “Instructions” document in the packet.</p>		

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

## How to fill out the consent decree for divorce or legal separation in a non-covenant marriage with children

You may use these instructions only if you and the other party:

- do not have a “covenant” marriage; and
- have agreed on all terms of the divorce/legal separation; and
- have agreed to file and sign a Consent Decree.

Instructions for filling out the Consent Decree:

1. Top left: On the first page, fill in the information requested at top left for the person filing the Consent Decree and Respondent/Party B. Use the spaces marked “representing” and “state bar number” only if an attorney is preparing this form.
2. Names: Fill in the names of the persons shown as “Petitioner/Party A” and “Respondent/Party B” and the case number as on the Petition.
3. ATLAS Number: Write the ATLAS number if one has been assigned to your case.
4. Complete: Fill out the remaining parts of this Consent Decree according to you and your spouse’s agreements.
  - Title IV-D program or Temporary Assistance for Needy Families (TANF) recipients: If you or your spouse are involved in the Arizona Title IV-D or TANF programs, you must obtain the written approval and signature of the Attorney General or County Attorney who has assisted with your case. You must attach or include the signature to the Consent Decree.
5. Meaning of signatures: When you and your spouse sign this Consent Decree, you state to the Court:
  - You have read, understand and agree with the contents of the Consent Decree.
  - You agree to all the terms stated in the Decree.
  - You are requesting the Court to make this document a Court Order that governs your divorce or legal separation.
6. Signatures:

- Be prepared to show photo identification before signing this document.
- Do not sign this Consent Decree until you are in front of a Clerk of Superior Court or a Notary Public.
- Read carefully before you sign this Consent Decree.
- You and your spouse may sign this Consent Decree only if you understand and agree to all the terms of the Decree.
- Lawyer Signatures: If you or your spouse is represented by an attorney, the attorney must also sign.
- If either party is involved in the Arizona Title IV-D or TANF program, you must also obtain the signature of the Attorney General or County Attorney.

If you have minor children, you must also complete the following forms.

## 1. Parenting Plan

Fill out the Parenting Plan to let the Court know details about what you want for legal decision-making authority and parenting time. It is important to be specific when filling out the Parenting Plan. You may refer to the “Planning for Parenting Time: Arizona’s Guide for Parents Living Apart” to help make your parenting plan.

The Guide is available for purchase at all Superior Court Law Library Resource Center locations or may be viewed online and downloaded for free from the State Courts’ webpage.

After completing the Parenting Plan, include it with your Decree.

## 2. Child Support Worksheet

This form is not in the packet. You must use the free online child support calculator at the following link to complete a child support worksheet.

AzCourts <https://www.azcourts.gov/familylaw/2018-child-support-calculator>

To complete the Child Support Worksheet, you will need to know:

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

After completing the child support calculator interview, print out the Child Support Worksheet, Current Employer Information sheet, and Child Support Order and include them with your Decree.

### 3. Child Support Order

This form is not in the packet. When you complete the free online child support calculator, it will create the Child Support Order too.

### 4. Current Employer Information sheet: (Rule 45(c)(5)).

This form is not in the packet. When you complete the free online child support calculator, it will create the Current Employer Information sheet too.

#### Helpful Tips:

1. Be sure to attach “EXHIBIT A” about property and debts to your decree.
2. Be sure to attach a quit claim deed, if a quit claim deed has been signed.
3. Other Attachments to the Consent Decree, if children are involved:
  - Parent Information Program Certificate (if it is not yet on file with the Clerk of Superior Court)
  - Parenting Plan
  - Child Support Worksheet
  - Child Support Order
  - Current Employer Information
4. For TANF or IV-D Recipients: get the Arizona Attorney General to approve and sign the Child Support Approval at the end of the Consent Decree before you file these papers.

Wait: You must wait at least 60 days from the date the responding party was served or signed an “Acceptance of Service” for the divorce or legal separation papers before you file the Consent Decree. The judge cannot sign your decree until 60 days after the date of service or the date of acceptance of service (A.R.S. § 25-329. Waiting Period).

## How to complete a Spousal Maintenance Worksheet (Applies only to cases in which the original petition for dissolution or legal separation was filed on or after September 24, 2022)

In a dissolution of marriage (divorce) or legal separation, one party may request that the court order the other party to pay “spousal maintenance.” This is financial support paid by one party to the other party. The court considers certain statutory factors to decide whether a party is eligible for spousal maintenance. In these cases, either party may request that the other pay spousal maintenance.

### Spousal Maintenance Guidelines:

For a case filed on or after September 24, 2022, if a person is eligible for spousal maintenance, then the court uses the Arizona Spousal Maintenance Guidelines to determine the amount and duration of the award for spousal maintenance.

The Guidelines can be found here:

<https://www.azcourts.gov/familylaw/Child-Support-Family-Law-Information/Spousal-Maintenance-Guidelines>.

### Spousal Maintenance Calculator:

In any dissolution of marriage or legal separation case that was originally filed on or after September 24, 2022, when a party requests spousal maintenance, or requests to change a past spousal maintenance court order, a completed Spousal Maintenance Worksheet **must** be included under the following situations.

- When filing an Application for Entry of a Default Decree and the party seeking default proceeds by motion without a hearing (Rule 44.1, ARFLP)
- When the parties agree to spousal maintenance and are submitting either a Summary Consent Decree or Consent Decree for Court approval (Rules 45 and 45.1, ARFLP).

The worksheet is created using the FREE online Spousal Maintenance Calculator. Access to the internet is required. The online Spousal Maintenance Calculator can be found here:

<https://www.superiorcourt.maricopa.gov/app/selfsuffcalc/>.

If you do not have access to the internet and/or a printer, you may use the computers at any Law Library Resource Center location. There is a small, per-page charge for printing.

### Next Steps:

After completing the Spousal Maintenance Calculator, print out the Spousal Maintenance Worksheet in order to file it with your other paperwork.

When you have completed all necessary forms, go to the “Procedures” page and follow the steps.

Person Filing: \_\_\_\_\_  
Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
ATLAS Number: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

For Clerk's Use Only

## SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

Case No. \_\_\_\_\_

Petitioner / Party A

ATLAS No. \_\_\_\_\_

Respondent / Party B

**FAMILY DEPARTMENT SENSITIVE DATA  
COVERSHEET WITH CHILDREN  
(CONFIDENTIAL RECORD)**

Fill out. File with Clerk of Superior Court. Social Security Numbers should appear on this form only and should be omitted from other court forms. Access Confidential pursuant to ARFLP 43.1(f).

**A. Personal Information:**

**Petitioner / Party A**

**Respondent / Party B**

Name

Gender

Date of Birth (Month/Day/Year)

Social Security Number

☐ Male or ☐ Female

☐ Male or ☐ Female

**Warning: DO NOT INCLUDE MAILING ADDRESS ON THIS FORM IF REQUESTING ADDRESS PROTECTION**

Mailing Address

City, State, Zip Code

Contact Phone

Receive texts from Court to  
contact phone number above?

☐ Yes ☐ No texts

☐ Yes ☐ No texts

Email Address

Current Employer Name

Employer Address

Employer City, State, Zip Code

Employer Telephone Number

Employer Fax Number

**B. Child(ren) Information:**

Child Name

Gender

Child Social Security Number

Child Date of Birth

**C. Type of Case being filed:** Mark only one (1) category below. (\*) Mark this box only if no other case type applies.

☐ Dissolution (Divorce)

☐ Paternity

☐ Order of Protection

☐ Legal Separation

☐ \*Legal Decision-Making  
/ Parenting Time

☐ Register Foreign Order

☐ Annulment

☐ \*Child Support

☐ Other

**D. Do you need an interpreter?** ☐ Yes or ☐ No. If Yes, what language? \_\_\_\_\_

**DO NOT COPY this document. DO NOT SERVE THIS DOCUMENT to the other party.**



Person Filing:\_\_\_\_\_

Address (if not protected):\_\_\_\_\_

City, State, Zip Code:\_\_\_\_\_

Telephone:\_\_\_\_\_

Email Address:\_\_\_\_\_

ATLAS Number:\_\_\_\_\_

Lawyer's Bar Number:\_\_\_\_\_

Representing ☐ Self, without a Lawyer OR ☐ Attorney for ☐ Petitioner OR ☐ Respondent

Respondent/Party B's Name or Lawyer's Name: \_\_\_\_\_

Address (if not protected):\_\_\_\_\_

City, State, Zip Code:\_\_\_\_\_

Telephone:\_\_\_\_\_

Email Address:\_\_\_\_\_

ATLAS Number:\_\_\_\_\_

Lawyer's Bar Number:\_\_\_\_\_

Representing ☐ Self, without a Lawyer OR ☐ Attorney for ☐ Petitioner OR ☐ Respondent

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA  
IN YUMA COUNTY

\_\_\_\_\_  
Name of Petitioner/Party A

Case Number: \_\_\_\_\_

CONSENT DECREE OF

☐ DISSOLUTION OF MARRIAGE  
(DIVORCE)

☐ LEGAL SEPARATION

☐ with minor children

☐ without minor children

in a Non-Covenant Marriage

\_\_\_\_\_  
Name of Respondent/Party B

THE COURT FINDS:

1. This case has come before this court for a final Decree of Dissolution of Marriage or Legal Separation. The Court has taken all testimony needed to enter a Decree, or the Court has determined testimony is not needed to enter the Decree. This Consent Decree states the terms of the Parties' agreement.

2. This Court has jurisdiction over the parties under the law.
3. This Court has jurisdiction under A.R.S. § 25-1031 over the child(ren), if any, in this matter.
4. 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 spousal maintenance (alimony), the division of property and/or debts, legal decision-making, parenting time, and support of any minor children.
5. The Parties agree to proceed by consent.
6. The provisions of this Decree are fair and reasonable under the circumstances and in the best interests of the minor children, if any, and the division of property and debt is fair and equitable.
7. At least 60 days have passed between the time Party B was served and the time the Parties filed for this Decree.
8. Arizona Residency: The requirements of A.R.S. § 25-312 for dissolution of marriage, or A.R.S. § 25-313 for legal separation have been met: If this is an action for legal separation, at the time this action was filed, Party A and/or Party B was domiciled in Arizona or was stationed in Arizona while a member of the United States Armed Forces. If this is an action for dissolution of marriage (divorce), Party A and/or Party B was domiciled or stationed in Arizona for more than 90 days.
9. Conciliation Court. The provisions relating to the Conciliation Court either do not apply or have been met.
10. Pregnancy and Paternity:
  - ☐ Party A is not pregnant.
  - ☐ Party A is pregnant and Party B ☐ is ☐ is not a parent of the child.
  - ☐ Party B is not pregnant.
  - ☐ Party B is pregnant and Party A ☐ is ☐ is not a parent of the child.
11. Irretrievably Broken or Separate and Apart. The marriage is irretrievably broken or the parties desire to live separate and apart.
12. Covenant Marriage. This is a non-covenant marriage.
13. Protective Orders: Following is the effect, if any, of this Consent Decree on any existing protective orders: \_\_\_\_\_

14. Community Property and Debt: (Select one.)

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

OR

☐ The parties have agreed to a division of community property and/or debt as evidenced by their signatures on “Exhibit A” attached to and incorporated into this Decree. All community property and debt is divided pursuant to this Decree.

15. Separate Property and Debt:

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

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

16. Spousal Maintenance/Support: (Select one.)

☐ Neither party is entitled to an award of Spousal Maintenance/Support, OR

☐ A party is entitled to an award of Spousal Maintenance/Support for the reason that:

☐ Party A, OR ☐ Party B

☐ Lacks sufficient property, including property apportioned to the spouse, to provide for that spouse’s reasonable needs.

☐ Lacks earning ability in the labor market that is adequate to be self-sufficient.

☐ Is the parent of a child whose age or condition is such that the parent should not be required to seek employment outside the home.

☐ Has made a significant financial or other contribution to the education, training, vocational skills, career, or earning ability of the other spouse or has significantly reduced that spouse’s income or career opportunities for the benefit of the other spouse.

☐ Had a marriage of long duration and is of an age that may preclude the possibility of gaining employment adequate to be self-sufficient.

If spousal maintenance is to be awarded, the parties further agree: (Select one.)

☐ Spousal maintenance award shall be modifiable in accordance with Arizona law,

OR

- ☐ That the circumstances of their futures are unknown, but each desires that the spousal maintenance awarded by their agreement, not be modifiable in the future for any reason. The parties understand that if there is a change in their economic circumstances in the future during the term of the spousal maintenance award, neither party shall have the right to seek nor shall the court have the authority to modify the amount or duration of the award.

If there are no minor children, check the box below and skip to “The Court Orders” section on page 7.

17. ☐ There are no minor children in this marriage, therefore statements numbered 18 through 26 below do not apply.

18. ☐ THIS DECREE APPLIES TO THE FOLLOWING MINOR CHILD(REN):

Name	Date of Birth
_____	_____
_____	_____
_____	_____
_____	_____

- ☐ Same information for additional children listed on attached page made part of this document by reference.

19. PATERNITY:

- ☐ Party A and Party B are the parents of these children born to the parties before the marriage:

Name	Date of Birth
_____	_____
_____	_____
_____	_____

20. Parent Information Program:

- A. Party A ☐ has attended the Parent Information Program class as evidenced by the Certificate of Completion in the court file or attached. (Rule 45(c)(4))

OR

Party A ☐ has not attended the Parent Information Program class and shall be denied any requested relief to enforce or modify this decree until Party A has completed the class.

- B. Party B ☐ has attended the Parent Information Program class as evidenced by the Certificate of Completion in the court file or attached. (Rule 45(c)(4))

OR

Party B ☐ has not attended the Parent Information Program class and shall be denied any requested relief to enforce or modify this decree until Party B has completed the class.

21. Child Support: The court finds that Party A and Party B owe a duty to support the child(ren) listed above. The required financial factors and any discretionary adjustment pursuant to the Arizona Child Support Guidelines are as set forth in the Child Support Worksheet and is attached hereto and incorporated herein by reference.

22. ☐ Written Approval: Title IV-D program or Temporary Assistance for Needy Families (TANF)

If either party is receiving TANF or services from the Title IV-D program, the parties have secured (on the last page of this Consent Decree), the written approval of the Attorney General or county attorney.

23. Domestic Violence:

If there has been domestic violence between the parties and legal decision-making is to be shared with or awarded to a parent who has committed domestic violence, check appropriate box and explain. (A.R.S. § 25-403.03)

- A. Domestic Violence has not occurred between the parties;

OR

- B. Domestic Violence has occurred between the parties, but:

1. ☐ It was mutual (committed by both parties), (see A.R.S. § 25-403.03 (D))

OR

2. ☐ It is otherwise still in the best interests of the minor child(ren) to grant joint or sole legal decision-making to a parent who has committed domestic violence because: (Explain)

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24. Drug or Alcohol Conviction within Last Twelve Months:

- ☐ Party A has been convicted of driving under the influence of alcohol or drugs, or was convicted of any drug offense within 12 months of filing the request for legal decision-making.
- ☐ Party B has been convicted of driving under the influence of alcohol or drugs, or was convicted of any drug offense within 12 months of filing the request for legal decision-making.
- ☐ The legal decision-making and/or parenting time arrangement ordered by this Court appropriately protects the minor child(ren).

25. Legal Decision-making Authority for Minor Child(ren): (Check/complete only if joint legal decision-making is ordered.)

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

Reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ Provisions for legal decision-making and parenting time, if not described in this Decree, are attached as the Parenting Plan, and incorporated into this Decree. (Rule 45(c)(3))

26. Supervised or No Parenting Time:

(Check and complete only if supervised or no parenting time is ordered.)

- ☐ NO Parenting Time or ☐ Supervised Parenting Time with ☐ Party A ☐ Party B, is in the best interests of the minor child(ren), for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(IF supervised) Name of supervisor: \_\_\_\_\_

\_\_\_\_\_

The cost of supervised parenting time will be paid by the:

- ☐ Party A,  
☐ Party B, OR  
☐ Shared equally by the parties

Restrictions on parenting time (if applicable): \_\_\_\_\_

\_\_\_\_\_

THE COURT ORDERS:

1. LEGAL SEPARATION OR DISSOLUTION OF MARRIAGE (“Divorce”):

- ☐ The parties are legally separated.
- ☐ Marriage is dissolved: The marriage of the parties is dissolved and the parties are restored to the legal status of single persons.

2. NAME RESTORATION: (In a divorce case if one or both parties changed their last names as a result of the marriage, either spouse may (optionally) have his/her name legally restored to a pre-marital last name.)

- ☐ Party A’s name is restored to \_\_\_\_\_. (Put only the last name here.)
- ☐ Party B’s name is restored to \_\_\_\_\_. (Put only the last name here.)

3. ENFORCEMENT OF TEMPORARY ORDERS:

- ☐ Not applicable.

A. 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 \$ \_\_\_\_\_.

B. Protective Orders: This Consent Decree has the following effect on any existing protective orders (See # 13 above): \_\_\_\_\_

4. CHILDREN.

☐ Does not apply. There are no minor children in this marriage. (Skip to number “9” below),

OR

☐ Yes, there are minor children in this marriage, and the following issues apply.

5. PREGNANCY AND PATERNITY:

A. Pregnancy:

☐ A child who is common to the parties is expected to be born \_\_\_\_\_ (date).

☐ The orders below as to legal decision-making, parenting time, child 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.

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/Maternity:

Minor children to whom this decree does not apply: It is ordered that:

☐ Party A, OR ☐ Party B has no legal obligation or right to the minor child(ren) born during the marriage but not common to the marriage. This decree does not include the minor children common to the parties as follows:



NAME(S) OF MINOR CHILD(REN)

Date(s) of Birth

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Child expected to be born this date: \_\_\_\_\_

☐ Birth Certificate(s): for any above-named minor child(ren) born in the State of Arizona, the Clerk of Superior Court shall forward a copy of this order to the State Office of Vital Records, which is ordered to amend the birth certificate(s) as follows: (List full name of the party as appears on the party's 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 a parent on the above-named minor child(ren)'s birth certificate(s) if no name is already listed.
2. Name Change: (Optional) The name(s) of the minor child(ren) for whom paternity/maternity has been established above shall be changed as follows:

Current Legal Name

New Name (optional)

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6. LEGAL DECISION-MAKING:

Award legal decision-making concerning the child(ren) as follows:

☐ Sole Legal Decision-making to: ☐ Party A ☐ Party B

OR

☐ Joint Legal Decision-making to both parents.

Both Party A and Party B agree to act as joint legal decision-makers of the minor children, pursuant to A.R.S. § 25-403, as set forth in the Parenting Plan attached. There have been no significant acts of domestic violence, as defined by Arizona law, A.R.S. § 13-3601, by either parent or it is in the best interests of the minor child(ren) to award joint legal decision-making despite any violence that occurred.

The Court adopts the terms of the Joint Legal Decision-making Agreement/Parenting Plan describing the legal decision-making and parenting time agreement between the parties. By attaching the Joint 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.

7. PRIMARY RESIDENCE and PARENTING TIME:

A. Primary Residence:

☐ Neither parent's home is designated as the primary residence,

OR

☐ Party A's home as primary residence for following named child(ren):

\_\_\_\_\_

☐ Party B's home as primary residence for following named child(ren):

\_\_\_\_\_

B. Subject to Parenting Time as Follows:

☐ Reasonable parenting time rights as described in the Parenting Plan attached as Exhibit B and made a part of this decree,

OR

☐ No parenting time rights to ☐ Party A OR ☐ Party B,

OR

- ☐ Supervised parenting time to ☐ Party A OR ☐ Party B 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.

(IF supervised) Name of supervisor: \_\_\_\_\_

The cost of supervised parenting time (if applicable) shall be paid by the

- ☐ paid by Party A  
☐ paid by Party B  
☐ shared equally by the parties.

Parenting time shall be restricted as follows: (is applicable):

\_\_\_\_\_  
\_\_\_\_\_

8. CHILD SUPPORT:

- ☐ The Child Support Order, \_\_\_\_\_, is attached hereto and incorporated by reference. (date of order)

- ☐ Party A OR ☐ Party B shall pay child support to the other party in the amount of \$\_\_\_\_\_ per month, payable the first day of the month following the date this Decree is signed by the judge until further order of the court.

9. SPOUSAL MAINTENANCE/SUPPORT:

- A. ☐ Neither party shall pay spousal maintenance/support (alimony) to the other party,

OR

- ☐ Party A OR ☐ Party B is ordered to pay to the other party the sum of \$\_\_\_\_\_ per month in 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, PO Box 52107, Phoenix, Arizona 85072-7107 by Income Withholding Order, until all required payments have been made under this Decree. All spousal maintenance payments are governed by the applicable federal and state tax laws. It shall terminate upon the death of either party or remarriage of receiving party.

B. In accordance with the parties' agreements,

☐ The spousal maintenance award shall be modifiable in accordance with Arizona law,  
OR

☐ The spousal maintenance award shall NOT be modifiable for any reason.

10. PROPERTY AND DEBTS: (Select any that apply)

A. ☐ Party A is ordered to pay all community debts unknown to Party B, AND

☐ Party B is ordered to pay all community debts unknown to Party A, AND

☐ Each party is ordered to pay his or her community debts from the following date:  
\_\_\_\_\_.

B. ☐ Each party is assigned his or her separate property and Party A must pay his/her separate debt, and Party B must pay his/her separate debt.

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

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 financial institution 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 Superior Court commanding the sheriff to put him or her in possession of the property.

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

11. TAX RETURNS:

☐ Each party shall give the other party all necessary documentation to file all tax returns.

For previous calendar years, pursuant to IRS rules and regulations, the parties will file:

☐ Joint federal and state income tax returns and hold each other harmless from half of all additional income taxes if any and other costs, 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.

12. FINANCIAL INFORMATION EXCHANGES: In cases in which child support or spousal maintenance are ordered, then until such time as those would end under the orders in this Consent Decree, the parties shall exchange financial information (tax returns, spousal affidavits, earning statements and/or other related financial statements) every 24 months or as follows: \_\_\_\_\_

\_\_\_\_\_

13. QUALIFIED DOMESTIC RELATIONS ORDER (QDRO):

☐ A QDRO is not necessary;

☐ A QDRO is submitted herewith, OR

☐ A QDRO will be submitted to the Court as soon as practicable as or not later than \_\_\_\_\_ (date).

The Court shall retain jurisdiction over the subject matter of the QDRO.

14. OTHER ORDERS: (List any other orders.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15. FINAL APPEALABLE ORDER: There are no further matters that remain pending before the court and this judgment is a final order under Rule 78(c) of the Arizona Rules of Family Law Procedure.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judicial Officer

SIGNATURES OF BOTH PARTIES UNDER OATH OR AFFIRMATION

By signing below, in the presence of a Deputy Clerk of Superior Court or Notary Public, I swear or affirm that everything in this document is true and correct to the best of my knowledge, information and belief, including the following:

1. Non-Covenant Marriage. We do not have a covenant marriage.
2. Right to trial is waived. I understand that by signing this Consent Decree, I am waiving my right to a trial before a judge.
3. No duress or coercion. Complete agreement. I am not under any force, threats, duress, coercion, or undue influence from anyone, including the other party, to sign this Consent Decree. This Decree with any attachments that I have signed is our full agreement. I have not agreed to something different from what is stated in writing in the Decree.
4. Legal advice. I understand that even if I am representing myself without an attorney, I have the right to be represented by an attorney. I have the right to call an attorney and get legal advice before I sign this Consent Decree.
5. Irretrievably broken marriage. I agree that our marriage is irretrievably broken. There is no reasonable prospect of reconciliation [or we desire to live separate and apart if this is a Legal Separation case].

6. Division of property. The agreement about division of property and debt attached as “Exhibit A,” signed by both parties and made part of this document by reference, is fair and equitable.

Signatures

Petitioner/Party A:

Respondent/Party B:

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Subscribed and sworn to or affirmed before  
me this: \_\_\_\_\_ (date)  
by \_\_\_\_\_.

Subscribed and sworn to or affirmed before  
me this: \_\_\_\_\_ (date)  
by \_\_\_\_\_.

\_\_\_\_\_  
Notarial Officer

\_\_\_\_\_  
Notarial Officer

(Notarial Officer’s Stamp or Seal)

(Notarial Officer’s Stamp or Seal)

If either party is represented by an attorney, the attorney must sign.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved by Party A’s Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved by Party B’s Attorney

If the Arizona Division of Child Support Services (DCSS) is involved in your case, a representative of the Attorney General’s Office must approve the child support amount and sign below.

\_\_\_\_\_  
Signature of DCSS Representative

\_\_\_\_\_  
Date

EXHIBIT A: PROPERTY AND DEBTS

1. Division of Community Property: (property acquired during the marriage)

- ☐ Award each party the furniture, furnishings, artwork, collectibles, appliances, cookware, and related items of personalty 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:	
	Party A	Party B
<input type="checkbox"/> Household Furniture and Appliances: (Be specific.)		
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Video: TV /DVD / DVR/ VCR, etc: (Be specific)		
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Audio: Stereo/ Radio (Household or Portable): (Be specific)		
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>



AWARD TO:  
Party A    Party B

☐ Computers and Related Equipment: (Be specific)

_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

☐ Motor Vehicles: (Be specific)

1. Year, Make, Model: \_\_\_\_\_ ☐ ☐

Last 4 digits of VIN # \_\_\_\_\_

2. Year, Make, Model: \_\_\_\_\_ ☐ ☐

Last 4 digits of VIN # \_\_\_\_\_

3. Year, Make, Model: \_\_\_\_\_ ☐ ☐

Last 4 digits of VIN # \_\_\_\_\_

☐ Cash, bonds of \$ \_\_\_\_\_ ☐ ☐

☐ Other: \_\_\_\_\_ ☐ ☐

☐ Other: \_\_\_\_\_ ☐ ☐

☐ Other: \_\_\_\_\_ ☐ ☐

☐ Other: \_\_\_\_\_ ☐ ☐

☐ Other: \_\_\_\_\_ ☐ ☐

☐ Continued 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:

☐ Party A or ☐ Party B

OR

☐ Shall be sold and the proceeds divided as follows:

\_\_\_\_\_ % or \$ \_\_\_\_\_ to Party A

\_\_\_\_\_ % or \$ \_\_\_\_\_ to Party B

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:

☐ Party A or ☐ Party B

OR

☐ Shall be sold and the proceeds divided as follows:

\_\_\_\_\_ % or \$ \_\_\_\_\_ to Party A

\_\_\_\_\_ % or \$ \_\_\_\_\_ to Party B

☐ Continued on attached page(s).

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 Party A	Amount to be paid by Party B
a.		\$	\$	\$
b.		\$	\$	\$
c.		\$	\$	\$
d.		\$	\$	\$
e.		\$	\$	\$
f.		\$	\$	\$
g.		\$	\$	\$
h.		\$	\$	\$
i.		\$	\$	\$

☐ Continued 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.
7. Separate Property: (Property acquired before the marriage or by gift or bequest to one party.)

Property recognized as the separate property of Party A or Party B, is assigned below:

Description	Value	To Party A	To Party B
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continued on attached page.

8. Separate Debt: (Debt acquired before the marriage.)

Debt recognized as the separate debt of Party A or Party B, is assigned below:

Creditor Name	Debt Amount	Party A Pays	Party B Pays
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continued on attached page.

Signature of Both Parties (for Consent Decree)

This “Exhibit A” represents the agreement of the parties as to the division of property and debt. The terms of the agreement are fair and equitable and have been reached free of coercion, duress, or threat of force.

By signing below, each of us states to the court under penalty of perjury that we have read and understand this document, and that the information contained in the document is true and correct to the best of our individual knowledge and belief.

\_\_\_\_\_  
Party A’s Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Party B’s Signature

\_\_\_\_\_  
Date

If either party is represented by an attorney, the attorney(s) must sign:

\_\_\_\_\_  
Party A’s Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Party B’s Attorney

\_\_\_\_\_  
Date

## Procedures: Completing your papers and what to do next

(For Divorce or Legal Separation Decree by Consent, in a Non-Covenant Marriage with Children)

### I. Requirements

- **Paperwork and Signatures:** Both Party A and Party B must sign the Consent Decree before a Clerk of Superior Court or a Notary Public to show that both spouses have read, approved, and agreed to the items in the Decree. If either party is represented by a lawyer, the lawyer(s) must also sign the Decree. Both Party A and Party B and their lawyers, if any, must also sign the last page of the “Exhibit A” attached to the decree to separately indicate agreement with the terms of division of property and debt as contained in that document. You must also file all other required paperwork.
- **Parent Information Program:** Both Party A and Party B must attend the Parent Information Program (PIP) and file a Certificate of Completion with the Clerk of Superior Court.
- **Fees:** Both Party A and Party B must pay the court fees. Currently, that includes the filing fee paid by the party at the beginning of the case, and the other party’s Response or Answer fee, in order for the Consent Decree to be accepted. Both parties must attach a receipt to prove payment or attach a copy of the Order for initial deferral of fees.

A list of current fees is available from the Law Library Resource Center and from the Clerk of Superior Court’s website.

- If you cannot afford the filing fees or the fee for having the papers served by the Sheriff or by publication, you may request a fee waiver/deferral (payment plan) when you file your papers with the Clerk of Superior Court. Fee Waiver/Deferral Applications are available at no charge from the Law Library Resource Center.
- **Time Frame:** If you filed for divorce or legal separation, the parties must wait at least 60 days after the date the Petition was personally served before the parties can file the Consent Decree.

### II. Procedures

Step 1: Complete all forms in the packet. assemble the papers into a set of originals:

- **Consent Decree**
  - Add to the last page of the Decree, the completed Exhibit A about the division of property and debt, if it is not a part of the Decree already.

- Add to the last page of the Decree, the fee receipt or a copy of the Order for Initial Deferral to show the “Paid” status of your case.
- If you are a recipient of the Arizona TANF or IV-D Program, have the Arizona Attorney General sign in the space provided.
- Parenting Plan, signed by you and your spouse
- Child Support Order

Step 2: Complete the Child Support Worksheet and Current Employer Information online using AzCourts: <https://www.azcourts.gov/familylaw/2018-child-support-calculator>

Print out 1 copy of the completed Child Support Worksheet and Current Employer Information Sheet.

Step 3: Photocopy: Make two (2) photocopies of the set of original forms listed above; 3 copies if you or your spouse participates in the Arizona TANF or IV-D Programs.

Step 4: Separate your documents into three (3) sets:

<p>Set 1 - Originals for Judge:</p> <ul style="list-style-type: none"> <li>• Consent Decree</li> <li>• + “Exhibit A” about the division of property and debt, if it is not part of the decree</li> <li>• +Fee Receipt, or a copy of the Order for initial fee deferral</li> <li>• Parenting Plan</li> <li>• Child Support Worksheet</li> <li>• Child Support Order</li> <li>• Current Employer Information</li> </ul>	<p>Set 3 – Your copies</p> <ul style="list-style-type: none"> <li>• Consent Decree</li> <li>• + “Exhibit A” about the division of property and debt, if it is not part of the decree</li> <li>• +Fee Receipt, or a copy of the Order for initial fee deferral</li> <li>• Parenting Plan</li> <li>• Child Support Worksheet</li> <li>• Child Support Order</li> <li>• Current Employer Information</li> </ul>
<p>Set 2 - Copies for spouse:</p> <ul style="list-style-type: none"> <li>• Consent Decree</li> <li>• + “Exhibit A” about the division of property and debt, if it is not part of the decree</li> <li>• +Fee Receipt, or a copy of the Order for initial fee deferral</li> <li>• Parenting Plan</li> <li>• Child Support Worksheet</li> <li>• Child Support Order</li> <li>• Current Employer Information</li> </ul>	<p>Set 4 – Copies for AZ Attorney General</p> <ul style="list-style-type: none"> <li>• Consent Decree</li> <li>• + “Exhibit A” about the division of property and debt, if it is not part of the decree</li> <li>• +Fee Receipt, or a copy of the Order for initial fee deferral</li> <li>• Parenting Plan</li> <li>• Child Support Worksheet</li> <li>• Child Support Order</li> <li>• Current Employer Information - Only If TANF or IV-D –</li> </ul>

Step 5: Large Envelopes

Address Two 9"x12" envelopes: 1) to you, or your attorney, and 2) to the other Party or his or her attorney. If you or your spouse participates in the Arizona TANF or IV-D Programs, address a 3<sup>rd</sup> 9"x12" envelope to the Arizona Attorney General.

1. Place into each 9" x 12" envelopes Set 2 and Set 3 (and Set 4, if necessary) of the papers described above.

\*\*\* Do not seal the envelopes. The court will seal the envelopes prior to mailing. \*\*\*

2. Postage: Be sure you put enough postage on the 9" x 12" envelopes.
3. Set aside the Originals.

Note: If the Decree must deal with the division of retirement funds, pensions or annuities, etc., you may also need a complex document called a "QDRO," which will require the services of a specialized legal professional. The Law Library Resource does not have a Property Settlement Agreement or a QDRO. See a lawyer if you need these documents.

Step 6: Deliver to the Information Desk:

1. The original set plus two (or three) envelopes containing copies as compiled above.
2. Hand-deliver to Information Desk your documents as indicated below. Court hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

Clerk of Superior Court  
250 West Second Street  
Yuma, Arizona 85364

What happens next? It is within the Judge's/Commissioner's discretion whether to accept or reject the Decree, or to schedule a court hearing.



1. If your consent decree is accepted:

The Judge/Commissioner will sign the original Decree and have it filed with the Clerk of Superior Court. The Court will send a copy of the signed Decree to each party using the envelopes you provided. This is your notification that your divorce/legal separation is now final. You are not divorced or legally separated until the Judge/Commissioner signs the Decree.

2. If your consent decree is rejected:

The Court will send you a Correction Notice informing you of the mistakes with the documents. Follow the instructions on the Correction Notice. If the mistakes cannot be corrected, see a lawyer for help.

3. If the Judge/Commissioner schedules a hearing:

The Court will send notice of a scheduled date, time and location for a hearing which both parties must attend to answer any questions the Judge/Commissioner may have.

\* All forms referenced in these procedures may be purchased from the Law Library Resource Center or obtained for free via Internet.

## LAW LIBRARY RESOURCE CENTER

### PARENTING PLAN INFORMATION

#### **A.R.S. § 25-401 defines legal decision-making and parenting time as follows:**

1. **"Legal Decision-Making"** means the legal right and responsibility to make all nonemergency legal decisions for a child including those regarding education, health care, religious training and personal care decisions.
2. **"Joint Legal Decision-Making"** means both parents share decision-making and neither parent's rights nor responsibilities are superior except with respect to specified decisions as set forth by the Court or the parents in the final judgment or order.

**PARENTS PLEASE NOTE:** Per A.R.S. § 25-403.09, an award of joint legal decision-making or a substantially equal parenting time plan does not diminish the responsibility of either parent to provide for the support of the child. Also note that joint legal decision-making does not necessarily mean equal parenting time. A.R.S. § 25-403.02(E)

3. **"Sole Legal Decision-Making"** means one parent has the legal right and responsibility to make major decisions for a child.
4. **"Parenting Time"** means the schedule of time during which each parent has access to a child at specified times. Each parent during their scheduled parenting time is responsible for providing the child with food, clothing and shelter and may make routine decisions concerning the child's care.

You may view the "Parenting Time Guidelines" online at the Arizona Supreme Court's website.

#### **Drafting a Parenting Plan:**

The written parenting plan pays attention to how the parents will make decisions pertaining to the child(ren)'s education, health care, religious training, and personal care; it is a blend of specific information with generalized plans of action. It should reflect what the parents are currently doing or what they actually plan to do. It should reflect a commitment to the minor child(ren)'s needs as predominant.

If the parents cannot agree on a plan for legal decision-making or parenting time, each parent must submit a proposed parenting plan. A.R.S. § 25-403.02(A)

**In order for the Court to approve a parenting plan, A.R.S. § 25-403.02 requires the Court to make the following findings:**

- a. The best interests of the minor child(ren) are served;
- b. The plan designates legal decision-making as joint or sole;
- c. The plan sets forth each parent's rights and responsibilities for the personal care of the minor child(ren) and for decisions in areas such as education, health care, and religious training;
- d. The plan provides a practical schedule of parenting time for the child, including holidays and school vacations;

- e. The plan includes a procedure for exchanges of the child, including location and responsibility for transportation;
- f. The plan includes a procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved, which may include the use of Conciliation Services or private counseling;
- g. The plan includes a procedure for periodic review (e.g., parents agree to review the terms of the agreement every 12 months.);
- h. The plan includes a procedure for communicating with each other about the child, including methods and frequency;
- i. The plan includes a statement that each party has read, understands, and will abide by the notification requirements of A.R.S. § 25-403.05(B). (A parent must immediately notify the other parent if the parent knows that a convicted/registered sex offender or a person who has been convicted of a dangerous crime against children may have access to the child. Notice must be provided (i) by first class mail, return receipt requested, (ii) by electronic means to an e-mail address the recipient provided to the parent for notification purposes, or (iii) by other communication accepted by the Court.)

The following questions may be used as a starting place when drafting a parenting plan:

1. **The geographical location of the parents:** Where do parents live relative to one another? What are their addresses? Permanent or temporary?
2. **Arrangements regarding the residential requirements of the minor child(ren):** How much time will the minor child(ren) spend with each parent? Be as specific as possible, including days and times.
3. **Arrangements for holidays and vacations:** What are your plans for summer vacation and school breaks? List specific details including dates and times.
4. **Arrangements for education:** How will decisions be made for educational matters? For example, if preschool age, what school will the minor child(ren) attend? If private school, who pays what?
5. **Additional transportation arrangements:** Will any additional transportation arrangements be needed? If so, what will be the responsibilities of each parent?
6. **Determinations regarding minor child(ren)'s health care:** For example, how will medical decisions be made? Who will provide insurance? How are non-insured expenses paid? Who decides on seeking non-emergency treatment? Is there a dental plan? If not, who will pay what?
7. **Arrangements regarding extraordinary expenses:** For example, what financial arrangements are made for the minor child(ren) (such as each sharing extraordinary expenditures and the parent with whom the minor child(ren) resides bearing the ordinary ones during the minor child(ren)'s residency)? A fixed amount per month?
8. **Arrangements for minor child(ren)'s religious training, if any:** For example, how will decisions be made for religious training? What, if any, are the plans for religious training?
9. **Any other factors:** What other arrangements (such as music lessons, sports/activity fees, camp or Scouts) are needed?

Person Filing: \_\_\_\_\_  
Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
ATLAS Number: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_

For Clerk's Use Only

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

## SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

\_\_\_\_\_  
Name of Petitioner / Party A

Case Number: \_\_\_\_\_

AND

\_\_\_\_\_  
Name of Respondent / Party B

### PARENTING PLAN FOR:

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

OR

☐ SOLE LEGAL DECISION-MAKING  
(SOLE LEGAL CUSTODY)

☐ to Party A

☐ to Party B

## INSTRUCTIONS

**This document has 4 parts:** PART 1) General Information; PART 2) Legal Decision-Making (Legal Custody) and Parenting Time; PART 3) Danger to Children Notification Statement; and PART 4) Joint Legal Decision-Making (Joint Legal 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 (legal custody) and parenting time arrangements *but not to joint legal decision-making (legal custody)*: Both parents must sign the Plan at the *but* end of PART 2 and 3, and the Affidavits under Section 5.
- c. If both parents agree to joint legal decision-making (joint legal 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, and the Affidavits under Section 5.

**PART 1: GENERAL INFORMATION:**

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

_____	_____
_____	_____
_____	_____

- B. THE FOLLOWING LEGAL DECISION-MAKING (LEGAL 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 (SOLE LEGAL CUSTODY) BY AGREEMENT.**

The parents agree that sole legal decision-making authority (sole legal custody) should be granted to

☐ Party A      ☐ Party B.

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 (SOLE LEGAL CUSTODY) REQUESTED BY THE PARENT SUBMITTING THIS PLAN.** The parents cannot agree to the terms of legal decision-making (legal 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 Response.

**OR**

- ☐ **3. JOINT LEGAL DECISION-MAKING (JOINT LEGAL CUSTODY) BY AGREEMENT.** The parents agree to joint legal decision-making (joint legal custody) and request the Court to approve the joint legal decision-making arrangement as described in this Plan.

**OR**

- ☐ **4. JOINT LEGAL DECISION-MAKING AUTHORITY (JOINT LEGAL 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 Party A as follows: (Explain). \_\_\_\_\_
- ☐ The minor children will be in the care of Party B as follows: (Explain). \_\_\_\_\_
- ☐ Other physical custody arrangements are as follows: (Explain). \_\_\_\_\_
- ☐ Transportation will be provided as follows:
- ☐ **Party A** or ☐ **Party B** will pick the minor children up at \_\_\_\_\_ o'clock.
- ☐ **Party A** or ☐ **Party B** will drop the minor children off at \_\_\_\_\_ o'clock.

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

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

- ☐ During summer months or school breaks that last longer than 4 days, no changes shall be made. **OR,**
- ☐ During summer months or school breaks that last longer than 4 days, the minor children will be in \_\_\_\_\_ the care of Party A: (Explain) \_\_\_\_\_
- ☐ During summer months or school breaks that last longer than 4 days, the minor children will be in \_\_\_\_\_ the care of Party B: (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.

<u>Holiday</u>	<u>Even Years</u>		<u>Odd Years</u>	
<input type="checkbox"/> New Year's Eve	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> New Year's Day	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Spring Vacation	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Easter	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> 4th of July	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Halloween	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Veteran's Day	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Thanksgiving	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Hanukkah	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Christmas Eve	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Christmas Day	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Winter Break	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Child's Birthday	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Mother's Day	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Father's Day	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B

☐ **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) : \_\_\_\_\_

**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 ☐ Party A ☐ Party B 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 ☐ Party A ☐ Party B 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 Yuma metropolitan area without prior written consent of the other parent, or a court ordered Parenting Plan. **A.R.S. 25-408 (B)**
- ☐ **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 Law Library Resource Center packets ***“To Make Someone Obey a Court Order”*** for help.

**PART 2: SIGNATURE OF ONE OR BOTH PARENTS** (as instructed on page 1)

Signature of Party A: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Party B: \_\_\_\_\_ Date: \_\_\_\_\_

**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.

**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.**

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.

### **PART 3: SIGNATURE OF ONE OR BOTH PARENTS** (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 Party A:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Signature of Party B:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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

- A. DOMESTIC VIOLENCE:** Arizona Law (A.R.S. § 25-403.03) states that joint legal decision-making authority (joint legal 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: (A.R.S. § 25-403.04)**

- ☐ 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 (Legal 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 (Legal Custody) is still in the best interest of the children.**

- C. JOINT LEGAL DECISION-MAKING (JOINT LEGAL CUSTODY) AGREEMENT:** If the parents have agreed to joint legal decision-making (legal 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 \_\_\_\_\_ month(s) from the date of this document.
2. **CRITERIA.** Our joint legal decision-making (joint legal 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 (LEGAL CUSTODY)** (as instructed on page 1)

Signature of Party A: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Party B: \_\_\_\_\_ Date: \_\_\_\_\_

**PART 5: AFFIDAVITS**

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

**SIGNATURES**

\_\_\_\_\_  
Petitioner's / Party A's Signature Date

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Subscribed and sworn to or affirmed before me this: \_\_\_\_\_ by  
(Date)

\_\_\_\_\_.

(Notary seal)

\_\_\_\_\_  
Deputy Clerk or Notary Public

\_\_\_\_\_  
Respondent's / Party B's Signature Date

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Subscribed and sworn to or affirmed before me this: \_\_\_\_\_ by  
(Date)

\_\_\_\_\_.

(Notary seal)

\_\_\_\_\_  
Deputy Clerk or Notary Public

Name of person filing: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Daytime Phone Number: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
ATLAS Number (if applicable) \_\_\_\_\_  
If attorney, Bar Number: \_\_\_\_\_  
Representing: ☐ Self (no attorney) ☐ Petitioner ☐ Respondent

Clerk's use only

IN THE SUPERIOR COURT OF ARIZONA  
IN YUMA COUNTY

\_\_\_\_\_  
Petitioner Case No. \_\_\_\_\_

\_\_\_\_\_  
Respondent **JOINT LEGAL DECISION-MAKING  
EDUCATION ORDER**

**Instructions:**

**This Legal Decision-Making Order is required.** You must complete this Order to match your **Parenting Time Plan** and, **after it's signed by the Judge**, provide a copy to the minor child(ren)'s school(s).

If **both parents agree**, both parents must sign this Order on page 8, before submitting it to the Judge.

If **the Order is being submitted by one parent**, that parent must sign this Order on page 8, before submitting it to the Judge.

If **either parent is represented**, that Parent's Counsel or Paraprofessional must also sign this Order on page 8, before it's submitted to the Judge.

THIS SECTION LEFT INTENTIONALLY BLANK

## THE COURT FINDS AS FOLLOWS:

1. The parties have the following minor child(ren) (hereinafter the “minor child(ren)”):

Name: _____	Born: _____
Name: _____	Born: _____
Name: _____	Born: _____
Name: _____	Born: _____
Name: _____	Born: _____
Name: _____	Born: _____
Name: _____	Born: _____

2. An order regarding legal decision-making and/or parenting time in the best interests of the minor child(ren) (also referred to as a “Parenting Plan”) was entered by this Court on (insert date)

\_\_\_\_\_

3. A.R.S. §25-401 defines two different types of legal decision-making. “Joint legal decision-making” means both parents share decision-making and neither parent's rights or responsibilities are superior except with respect to specified decisions as set forth by the court or the parents in the final judgment or order. “Sole legal decision-making” means one parent has the legal right and responsibility to make major decisions for a child. In this case, the Court has awarded **joint legal decision-making** to the parents.

4. It furthers the best interests of the minor child(ren) for this Court to enter the following school-specific order that reflects relevant provisions under the Parenting Plan. This order serves to supplement, but not modify or replace, the provisions set forth in the Parenting Plan. If there is a conflict between this order and the current Parenting Plan, the Parenting Plan controls. For purposes of this order, the terms apply equally to schools, pre-schools, and institutional childcare providers.

5. This order is binding upon the parents, who are responsible for complying with its terms and the terms in the parenting plan. It is not binding on a school but is provided as guidance for the child(ren)’s schools.

Based thereon,

## IT IS HEREBY ORDERED AS FOLLOWS:

### 1. **Delivery to School.**

The parents are required to provide a copy of this order to the minor child(ren)’s school(s).

### 2. **Joint Legal Decision-Making.**

The parents have been awarded joint legal decision-making. As it relates to this Education Order, legal decisions include school selection, enrollment/withdrawal, and special services (IEP/504 Plans). In the event the parents cannot agree (select appropriate box):

- ☐ **Joint Decision-Making:** Neither parent is entitled to any greater decision-making authority. No change can be made, nor any action taken, unless the parties agree or a court order resolves the issue.

☐ **Joint Decision-Making with a party having “Final” Authority:** Subject to the terms set forth in the Parenting Plan, decisions will be made by (indicate which parent has “presumptive” or “final” authority):

☐ Petitioner

☐ Respondent

### **3. School Selection.**

Enrollment of the minor child(ren) in a particular school is subject to the school’s policies or rules, space availability, enrollment restrictions set by the school or school district or its authorizer (if a charter school), and state law. A parent may submit enrollment documentation to the school of choice solely for the purpose of reserving the minor child(ren)’s place at the school. Neither parent is restricted from selecting their preference of school for open enrollment purposes.

### **4. Special Services.**

If the minor child(ren) is/are eligible for or being considered for a 504 Plan, an Individualized Education Program (IEP), an Individualized Service Plan (ISP), or other special services:

- An evaluation as to the minor child(ren)’s eligibility for special services shall proceed so long as at least one parent consents.
- Both parents are entitled to attend all meetings with school officials that parents are permitted to attend.
- Both parents are authorized to have access to all special services records and testing results.
- Upon completion of any evaluation or assessments, if there is no agreement between the parties regarding the provision of special education and related special services, the decision of how to proceed must be decided in accordance with the legal decision-making orders of the court.

### **5. Parenting Time and Child Pick-Up.**

The school should not use the parenting schedule as a basis to deny either parent access to their minor child(ren), nor may either parent instruct the school to limit contact, unless otherwise ordered. Each parent may pick up the minor child(ren) from school and each may authorize other individuals to pick up the minor child(ren), unless there are limitations under the terms of the current Parenting Plan or another court order.

### **6. Contact Information.**

Each parent’s home address, e-mail, cell phone and any other contact information must be provided to the school and listed by the school as the contact information for the minor child(ren). Additional emergency contacts may be listed, but in the event of a dispute between the parties, the school must list any person requested by either parent until the parents reach an agreement or secure a court order to the contrary. In the event of an emergency, either parent may make decisions for the minor child(ren)’s immediate care.

### **7. Access to School Grounds.**

Subject to the policies of the school, or any provisions set forth in the Parenting Plan or other order of the court, there are no restrictions on either parent’s right to participate in school activities or events, or engage in any parent volunteer activities, that parents are generally permitted to participate in.



**8. Access to School Records and Parent Portal.**

Both parents are entitled to equal access to the minor child(ren)'s school records. Neither parent may restrict the other parent's access to information. Further, each parent is individually responsible for contacting the school and requesting to be included on any mailing or distribution list.

Both parents are entitled to access the school's student information system or online parent portal(s) (e.g. ParentVUE, Google Classroom, Infinite Campus, etc.). Unless the school allows each parent to have an individual login account, the parents must create a joint login ID and password, which will not be changed or modified without the consent of the other parent.

**9. Parent-Teacher Conferences.**

Each of the parents has equal right to confer with teachers and counselors concerning the minor child(ren)'s education and other activities. The parents may request joint or separate parent-teacher conferences, and the school may or may not accommodate the request.

**10. Curriculum and Instruction Disputes.**

In the event there is a disagreement between the parties as to the child(ren)'s involvement in any specific curricular activities, the subject matter being taught by the school (including books associated with the school curriculum), or the method of instruction, the issue shall be decided consistent with the legal decision-making authority assigned by court order. If neither parent has superior decision-making authority, the school shall implement its standard curriculum and method of instruction until such time that the parties reach an agreement or secure a court order.

**11. Extra-Curricular Activities.**

Each parent is authorized to sign consent forms for the child(ren) to participate in extra-curricular activities. In the event the parents disagree about the child(ren)'s involvement in such activities, the issue shall be addressed in accordance with the legal decision-making authority determined by the court. If neither parent has superior decision-making authority, the burden shall be on the parents, and not the schools, to resolve the issue through agreement or order of the court consistent with the legal decision-making orders entered by the court.

**12. Future Litigation.**

The parties must make best efforts to agree upon the admission of school records or communications without the need for foundational testimony or agree upon the submission of an affidavit from the custodian of records to authenticate the records in lieu of testimony, whenever possible. If a teacher or school official is required for substantive testimony, the scheduling of such testimony will, when possible, be set at a time that is least disruptive to the school, its other students, and its operations. Presumptively, accommodations will be made to allow virtual appearances by the teacher or school official.

**13. Additional Education-Related Orders**

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Signed this date: \_\_\_\_\_

By: \_\_\_\_\_  
Judicial Officer  
Superior Court of Yuma County

**If both parties agree to this Order, signatures of BOTH parties:**

Petitioner: \_\_\_\_\_

Respondent: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**If either party is represented by an attorney, their attorney must also sign.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved by Petitioner's Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved by Respondent's Attorney

Name of person filing: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Daytime Phone Number: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
ATLAS Number (if applicable) \_\_\_\_\_  
If attorney, Bar Number: \_\_\_\_\_  
Representing: ☐ Self (no attorney) ☐ Petitioner ☐ Respondent

Clerk's use only

IN THE SUPERIOR COURT OF ARIZONA  
IN YUMA COUNTY

\_\_\_\_\_  
Petitioner

Case No. \_\_\_\_\_

\_\_\_\_\_  
Respondent

**SOLE LEGAL DECISION-MAKING  
EDUCATION ORDER**

**Instructions:**

**This Legal Decision-Making Order is required.** You must complete this Order to match your **Parenting Time Plan** and, **after it's signed by the Judge**, provide a copy to the minor child(ren)'s school(s).

If **both parents agree**, both parents must sign this Order on page 6, before submitting it to the Judge.

If the Order is being submitted by one parent, that parent must sign this Order on page 6, before submitting it to the Judge.

If either parent is represented, that Parent's Counsel or Paraprofessional must also sign this Order on page 7, before it's submitted to the Judge.

THIS SECTION LEFT INTENTIONALLY BLANK

**THE COURT FINDS AS FOLLOWS:**

1. The parties have the following minor child(ren) (hereinafter the “minor child(ren)”):

Name: _____	Born: _____
Name: _____	Born: _____
Name: _____	Born: _____
Name: _____	Born: _____
Name: _____	Born: _____
Name: _____	Born: _____
Name: _____	Born: _____

2. An order regarding legal decision-making and/or parenting time in the best interests of the minor child(ren) (also referred to as a “Parenting Plan”) was entered by this Court on (insert date)

3. A.R.S. §25-401 defines two different types of legal decision-making. “Joint legal decision-making” means both parents share decision-making and neither parent's rights or responsibilities are superior except with respect to specified decisions as set forth by the court or the parents in the final judgment or order. “Sole legal decision-making” means one parent has the legal right and responsibility to make major decisions for a child. In this case, the Court has awarded **sole legal decision-making** to one parent.

4. It furthers the best interests of the minor child(ren) for this Court to enter the following school-specific order that reflects relevant provisions under the Parenting Plan. This order serves to supplement, but not modify or replace, the provisions set forth in the Parenting Plan. If there is a conflict between this order and the current Parenting Plan, the Parenting Plan controls. For purposes of this order, the terms apply equally to schools, pre-schools, and institutional childcare providers.

5. This order is binding upon the parents, who are responsible for complying with its terms and the terms in the parenting plan. It is not binding on a school but is provided as guidance for the child(ren)’s schools.

Based thereon,

**IT IS HEREBY ORDERED AS FOLLOWS:**

**1. Delivery to School.**

The parents are required to provide a copy of this order to the minor child(ren)’s school(s).

**2. Sole Legal Decision-Making.**

Sole legal decision-making authority has been awarded to (indicate which parent has sole legal decision-making): ☐ Petitioner ☐ Respondent

As it relates to this Education Order, legal decisions include school selection, enrollment/ withdrawal, and special services (IEP/504 Plans).

**3. School Selection.**

Only the parent with sole legal decision-making authority has the authority to select the minor child(ren)'s school. However, enrollment of the minor child(ren) in a particular school is subject to the school's policies or rules, space availability, enrollment restrictions set by the school or school district or its authorizer (if a charter school), and state law.

**4. Special Services.**

If the minor child(ren) is/are eligible for or being considered for a 504 Plan, an Individualized Education Program (IEP), an Individualized Service Plan (ISP), or other special services, only the parent with sole legal decision-making has the authority to consent to evaluation and/or the child(ren)'s participation in special education and related special services.

Both parents are entitled to attend all meetings with school officials that parents are permitted to attend. Both parents are authorized to have access to all special services records and testing results.

**5. Parenting Time and Child Pick-Up.**

The school should not use the parenting schedule as a basis to deny either parent access to their minor child(ren), nor may either parent instruct the school to limit contact, unless otherwise ordered. Each parent may pick up the minor child(ren) from school and each may authorize other individuals to pick up the minor child(ren), unless there are limitations under the terms of the current Parenting Plan or other court order.

**6. Contact Information.**

Each parent's home address, e-mail, cell phone and any other contact information must be provided to the school and listed by the school as the contact information for the minor child(ren). Additional emergency contacts may be listed, but in the event of a dispute between the parties, the school must list any person requested by either parent until the parents reach an agreement or secure a court order to the contrary. In the event of an emergency, either parent may make decisions for the minor child(ren)'s immediate care.

**7. Access to School Grounds.**

Subject to the policies of the school, or any provisions set forth in the Parenting Plan or other order of the court, there are no restrictions on either parent's right to participate in school activities or events, or engage in any parent volunteer activities, that parents are generally permitted to participate in.

**8. Access to School Records and Parent Portal.**

Both parents are entitled to equal access to the minor child(ren)'s school records. Neither parent may restrict the other parent's access to information. Further, each parent is individually responsible for contacting the school and requesting to be included on any mailing or distribution list.

Both parents are entitled to access the school's student information system or online parent portal(s) (e.g. ParentVUE, Google Classroom, Infinite Campus, etc.). Unless the school allows each parent to have an individual login account, the parents must create a joint login ID and password, which will not be changed or modified without the consent of the other parent.

**9. Parent-Teacher Conferences.**

Each of the parents has the equal right to confer with teachers and counselors concerning the minor child(ren)'s education and other activities. The parents may request joint or separate parent-teacher conferences, and the school may or may not accommodate the request.

**10. Curriculum and Instruction Disputes.**

In the event there is a disagreement between the parties as to the child(ren)'s involvement in any specific curricular activities, the subject matter being taught by the school (including books associated with the school curriculum), or the method of instruction, the issue shall be decided by the parent with sole legal decision-making authority.

**11. Extra-Curricular Activities.**

It is anticipated that the child(ren) will participate in extra-curricular activities. If there is a disagreement between the parties, only the parent with sole legal decision-making authority has the authority to sign any permission slip or authorization.

**12. Future Litigation.**

The parties must make best efforts to agree upon the admission of school records or communications without the need for foundational testimony or agree upon the submission of an affidavit from the custodian of records to authenticate the records in lieu of testimony, whenever possible. If a teacher or school official is required for substantive testimony, the scheduling of such testimony will, when possible, be set at a time that is least disruptive to the school, its other students, and its operations. Presumptively, accommodations will be made to allow virtual appearances by the teacher or school official.

**13. Additional Education-Related Orders**

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Signed this date: \_\_\_\_\_

By: \_\_\_\_\_  
Judicial Officer  
Superior Court of Yuma County

**If both parties agree to this Order, signatures of BOTH parties:**

Petitioner: \_\_\_\_\_

Respondent: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**If either party is represented by an attorney, their attorney must also sign.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved by Petitioner's Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved by Respondent's Attorney