

Name of Person filing: _____
Address: _____
Daytime Telephone Number: _____
Representing Self

ARIZONA SUPERIOR COURT, PIMA COUNTY

Regarding: **CASE NO.** _____

Petitioner

PETITION TO MODIFY PARENTING TIME

and

Si necesita un intérprete de español, indique aquí: _____

Respondent

Assigned to: _____

1. I am the Petitioner Respondent in the above matter.
2. I am the Mother Father of the following minor children:
3. Name of Child: _____ Age: _____ Name of Child: _____ Age: _____
Name of Child: _____ Age: _____ Name of Child: _____ Age: _____
(attach additional page if necessary)
4. The child/children is/are now in the primary physical or legal custody of:
 Petitioner Respondent Other: _____
(State name of legal/physical custodian)
5. A Decree of Dissolution of Marriage An Order of Paternity was entered on: _____
The last parenting time order was entered/modified on: _____
The name and location of the Court that entered the order is: _____
6. Petitioner has has not attended the Course in Domestic Relations Course on Children's Issues.
 Respondent has has not attended the Course in Domestic Relations Course on Children's Issues.
7. Mediation pursuant to Pima County Local Rule 8.7:
 Has been completed No agreement was reached
 Does not apply because one party resides outside Pima County
8. I believe that the current parenting time schedule should be modified because: (Give specific reasons)

9. I believe that the proposed parenting time schedule attached is in the best interests of the minor children.
OR
 I believe that the current parenting time should be modified as follows: _____

THEREFORE, I request:

- 1. That the Petitioner Respondent or Other _____
be ordered to appear for a hearing regarding the above request to modify parenting time.
- 2. That the current parenting time be modified as set out in the proposed parenting time plan, **OR**
- 3. Other: _____

- 4. For such other orders as may be appropriate.

Dated: _____
 Petitioner Respondent

STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)

Subscribed and sworn before me on _____.

Notary Public/Deputy Clerk

My Commission expires: _____

PROPOSED PARENTING PLAN OF

PETITIONER
 RESPONDENT

Residential Plan:

1. **Weekdays:**

With Mother: _____

With Father: _____

2. **Weekends:**

With Mother: _____

With Father: _____

3. **National (legal) Holidays:**

With Mother:

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> New Years Day | <input type="checkbox"/> Odd numbered years | <input type="checkbox"/> Even numbered years | <input type="checkbox"/> On regular weekend schedule |
| <input type="checkbox"/> President's Day | <input type="checkbox"/> Odd numbered years | <input type="checkbox"/> Even numbered years | <input type="checkbox"/> On regular weekend schedule |
| <input type="checkbox"/> Memorial Day | <input type="checkbox"/> Odd numbered years | <input type="checkbox"/> Even numbered years | <input type="checkbox"/> On regular weekend schedule |
| <input type="checkbox"/> July 4 th | <input type="checkbox"/> Odd numbered years | <input type="checkbox"/> Even numbered years | <input type="checkbox"/> On regular parenting time schedule |
| <input type="checkbox"/> Labor Day | <input type="checkbox"/> Odd numbered years | <input type="checkbox"/> Even numbered years | <input type="checkbox"/> On regular weekend schedule |
| <input type="checkbox"/> Columbus Day | <input type="checkbox"/> Odd numbered years | <input type="checkbox"/> Even numbered years | <input type="checkbox"/> On regular parenting time schedule |
| <input type="checkbox"/> Veteran's Day | <input type="checkbox"/> Odd numbered years | <input type="checkbox"/> Even numbered years | <input type="checkbox"/> On regular weekend schedule |
| <input type="checkbox"/> Thanksgiving Day | <input type="checkbox"/> Odd numbered years | <input type="checkbox"/> Even numbered years | <input type="checkbox"/> Per Holiday schedule, below |
| <input type="checkbox"/> Christmas Eve | <input type="checkbox"/> Odd numbered years | <input type="checkbox"/> Even numbered years | <input type="checkbox"/> Per Holiday schedule, below |
| <input type="checkbox"/> Christmas Day | <input type="checkbox"/> Odd numbered years | <input type="checkbox"/> Even numbered years | <input type="checkbox"/> Per Holiday schedule, below |

With Father:

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> New Years Day | <input type="checkbox"/> Odd numbered years | <input type="checkbox"/> Even numbered years | <input type="checkbox"/> On regular weekend schedule |
| <input type="checkbox"/> President's Day | <input type="checkbox"/> Odd numbered years | <input type="checkbox"/> Even numbered years | <input type="checkbox"/> On regular weekend schedule |
| <input type="checkbox"/> Memorial Day | <input type="checkbox"/> Odd numbered years | <input type="checkbox"/> Even numbered years | <input type="checkbox"/> On regular weekend schedule |
| <input type="checkbox"/> July 4 th | <input type="checkbox"/> Odd numbered years | <input type="checkbox"/> Even numbered years | <input type="checkbox"/> On regular parenting time schedule |
| <input type="checkbox"/> Labor Day | <input type="checkbox"/> Odd numbered years | <input type="checkbox"/> Even numbered years | <input type="checkbox"/> On regular weekend schedule |
| <input type="checkbox"/> Columbus Day | <input type="checkbox"/> Odd numbered years | <input type="checkbox"/> Even numbered years | <input type="checkbox"/> On regular parenting time schedule |
| <input type="checkbox"/> Veteran's Day | <input type="checkbox"/> Odd numbered years | <input type="checkbox"/> Even numbered years | <input type="checkbox"/> On regular weekend schedule |
| <input type="checkbox"/> Thanksgiving Day | <input type="checkbox"/> Odd numbered years | <input type="checkbox"/> Even numbered years | <input type="checkbox"/> Per Holiday schedule, below |
| <input type="checkbox"/> Christmas Eve | <input type="checkbox"/> Odd numbered years | <input type="checkbox"/> Even numbered years | <input type="checkbox"/> Per Holiday schedule, below |
| <input type="checkbox"/> Christmas Day | <input type="checkbox"/> Odd numbered years | <input type="checkbox"/> Even numbered years | <input type="checkbox"/> Per Holiday schedule, below |

4. **School Holidays:**

With Mother:

- Rodeo Vacation _____
- Spring Break _____
- Fall Break (if any) _____
- Thanksgiving Break _____
- Winter Break _____
- Other _____

With Father:

- Rodeo Vacation _____
- Spring Break _____
- Fall Break (if any) _____
- Thanksgiving Break _____
- Winter Break _____
- Other _____

5. **Summer:**

With Mother: _____

With Father: _____

6. **Other:**

- Easter: _____
- Halloween: _____
- Christmas Eve: _____
- New Years Eve: _____

Child's Birthday: **With Mother:** _____

With Father: _____

Mother's Birthday: From: _____ To: _____

Father's Birthday: From: _____ To: _____

Mother's Day: From: _____ To: _____

Father's Day: From: _____ To: _____

Other: _____
(Specify)

Other: _____
(Specify)

Other: _____
(Specify)

Other: _____
(Specify)

INSTRUCTIONS FOR COMPLETING PETITION TO MODIFY PARENTING TIME

Note: Before you file a Petition to Modify Parenting Time, you may wish to consider using the **free** services of the Court of Conciliation to resolve any differences you and the other parent have. Petition for Mediation forms are available at the Pima County Law Library or online at www.sc.pima.gov

COMPLETE THIS FORM IF:

You have an Arizona Decree of Dissolution of Marriage or Arizona Order of Paternity and Custody and you believe that the parenting time in the Decree of Dissolution of Marriage or Order of Paternity or the last parenting time order should be modified. **DO NOT** use this form to modify custody.

NOTE: If your Decree of Dissolution of Marriage or Order of Paternity was not entered in Arizona you should contact an attorney for assistance in obtaining custody and/or parenting time.

WHAT YOU WILL NEED TO COMPLETE THIS PROCESS:

1. The Court case number and the date the Decree of Dissolution of Marriage or Order of paternity was entered.
2. The Petition To Modify Parenting Time Form.
3. The Order to Appear Form.
4. If you have not previously paid an appearance fee or attended the Course In Domestic Relations Education on Children's Issues you must pay the appearance fee and attend the course before the Judge enters an order for parenting time. The Clerk of the Court will provide you with information regarding payment of Court fees and attendance in this course in the Domestic Relations Education on Children's Issues course.

HOW TO COMPLETE THIS FORM:

TYPE OR PRINT NEATLY USING **BLACK** INK.

1. Type or print the name, mailing address, daytime and evening telephone numbers of the person submitting this form.
2. Type or print the name of the person shown as the Petitioner and Respondent in the same order as is shown on the last Court Order. (**Note:** the order that the parties are listed does not change from the original documents, regardless as to which party is filing this form.)
3. Type or print the case number.
4. Check the box of the party who is requesting the modification
5. Check the box to indicate if you are the Mother or Father of the child/children.
6. Fill in the name, age and address of each child for whom the custody order or parenting time order is requested. Attach a separate page if more than four children.
7. Check the box as to the current physical and/or legal custodian of the child/children. If not the Petitioner or Respondent fill in the name of the physical/legal custodian.
8. At paragraph 8, state specific reasons why you believe that the current parenting time order should be changed. Attach an additional page, if necessary.
9. At paragraph 9, check the box to indicate that you want the attached parenting time schedule to be adopted by the Court, and prepare the proposed parenting time schedule, OR check the box to indicate a limited change to the current parenting time schedule which you want the Court to order. (Example: only a change of time or place for exchanges)
10. On page 2, paragraph 1, check the box to indicate which party should be ordered to appear for a hearing.
11. On page 2, paragraph 3, fill in what you want the Court to order, if a limited change to the current parenting time schedule is requested.
15. Make two copies of the Petition to Modify Parenting Plan. Date and sign the Petition before a Notary Public or a Clerk of the Superior Court.
16. Complete the Order to Appear form, following the instructions for that form and make two copies.

WHAT TO DO WHEN YOU HAVE COMPLETED THE ABOVE FORMS:

1. Take the original Petition to Modify Parenting Time, and the Order to Appear and the copies of these forms to the Clerk of the Court for filing. There is a fee for filing this form. The Clerk will tell you the amount of the fee. The fee may be paid by cash, credit card or money order. No personal checks are accepted.

If you believe that you are entitled to a waiver or deferral of this fee, you may request the forms to waive or defer your filing fee, cost for process server and/or cost of the required Course in Domestic Relations Education on Children's Issues. These forms are available at the Pima County Library Self Service Center, packet #12, or on line at: www.sc.pima.gov in the Family Law Self Service Forms section.

2. The Clerk of the Court will provide you with an Order to attend the Course In Domestic Relations Education on Children's Issues, if one has not already been filed with the Court, and information about enrolling in the Course.
3. After you have filed the original forms with the Clerk of the Court, the Clerk will process the Order to Appear to the assigned Judicial Officer and a hearing date will be assigned for the Petition to Modify Parenting Time. The Clerk of the Court will return two copies of the Order to Appear to you. One copy is for your records. The other copy of the Order to Appear and the copy of the Petition to Modify Parenting Time must be served on the other parent.
4. **YOU** are responsible to have all of the documents served on the other parent. Service of process information is available at the Pima County Library Self Service Center, packet #10, or on line at: www.sc.pima.gov in the Family Law Self Service Forms section.

WHAT TO DO AFTER THE DOCUMENTS HAVE BEEN SERVED:

1. Be sure to write down the date, time and place of the court hearing, and come to the hearing on time. Plan ahead to find parking in the downtown area and bring money to pay for parking.
2. Dress neatly. Do not wear shorts, flip-flops, halter/strapless tops, sleeveless t-shirts, "suggestive" clothing or hats to court.
3. **DO NOT BRING CHILDREN TO COURT.**
4. Be prepared to present testimony and/or evidence about why the Judge should order what you requested. Tell the Judge about the case, and why the custody/parenting time orders are necessary. Bring all paperwork with you that you think applies to the situation regarding your children. **NOTE:** The Court is not able to consider letters or "affidavits" from persons who are not in Court. If you believe that witnesses are necessary, they must attend the hearing in order to present testimony.

ARIZONA SUPERIOR COURT, PIMA COUNTY

Regarding:

CASE NO. _____

Petitioner

and

ORDER TO APPEAR

Respondent

Assigned to: _____

NOTICE: This is an important Court Order that may affect your rights. If you do not understand this order, contact a lawyer for help.
All parties, whether represented by an attorney or not, must be present. If you do not appear, a Judicial Officer may enter orders granting the relief requested by the other party.

IT IS ORDERED THAT _____ appear as follows:

DATE AND TIME OF HEARING: _____ at _____ a.m. p.m.

PLACE OF HEARING: Arizona Superior Court, Pima County Courthouse
110 W. Congress Avenue, Tucson, AZ
Courtroom to be assigned

NAME OF JUDICIAL OFFICER: _____

Time allotted for hearing: _____

TYPE OF HEARING:

- Resolution Management Conference
- Evidentiary Hearing: Evidence will be presented
- Other: _____

IT IS FURTHER ORDERED that a true copy of this Order to Appear and a true copy of the documents filed with the Petition shall be served on the party required to appear in accordance with the Arizona Rules of Family Law Procedure, Rule 43, not less than 10 days prior to the above hearing date.

IT IS FURTHER ORDERED that both parties shall comply with Rule 8.5, Pima County Local Rules of Practice.

Requests for reasonable accommodation for persons with disabilities or a request for an interpreter for other than spoken English language must be made to the office of the assigned judicial officer 5 days before the scheduled Court date by calling _____.

Dated: _____

Judicial Officer

Flow Chart

A Decree of Dissolution of Marriage or Order of Paternity is entered **without** provision for a specific parenting time with minor children, and the parents do not agree as to a parenting time schedule, **or** if you believe the current order should be changed because of a change in the parents' or child(children's) circumstances.



Prepare a Petition to Modify Parenting Time, and the Order to Appear according to the instructions provided.



Take the Petition to Modify and other documents to the Clerk of the Court.



The Clerk of the Court accepts the documents for filing and processes the documents to the assigned Judicial Officer to obtain a Court hearing date. Note: The assigned Judicial Officer may return the documents if they are not properly prepared.



After a Court date is obtained from the assigned Judicial Officer, the Clerk of the Court will return the documents to you for service of the documents on the other party.



YOU are responsible for service of a copy of the documents on the other party. For rules concerning service of process, refer to the Service of Process information provided to you by the Clerk of the Court.



Prepare for your Court date:

- Not less than 5 days prior to the hearing, request any accommodation needed due to a disability **and/or** request an interpreter for any language other than spoken English.
- Bring with you all the documents you believe are necessary to show the Judicial Officer.
- Bring with you any person you believe should be a witness regarding custody and/or parenting time.
- Do not bring children of any age to Court, unless ordered to do so by the Judicial Officer.
- Allow time for parking and bring money for parking lots.
- Dress appropriately—See Instructions.
- Be on time.



Attend the scheduled Court hearing. **NOTE:** Court hearings cannot be continued by phone call. If you cannot attend the scheduled Court date, you must file a written request to change the Court date.



At the Court hearing, the Judicial Officer may enter orders at the hearing, may order the parties to attend mediation, or may take the matter "under advisement" and you and the other party will be notified by mail of the Judicial Officer's decision.



If you do not agree with the Judicial Officer's decision, you may file an appeal. **NOTE:** You must file a notice of appeal not later than 30 days after the date of the Order or your appeal rights will be lost.

INSTRUCTIONS FOR COMPLETING ORDER TO APPEAR

COMPLETE THIS FORM IF:

You are filing a Petition to Modify Parenting Time.

WHAT YOU WILL NEED TO COMPLETE THIS PROCESS:

1. The Court case number
2. The Order to Appear Form

HOW TO COMPLETE THIS FORM:

TYPE OR PRINT NEATLY USING **BLACK INK**.

1. Type or print the name, mailing address, daytime telephone number of the person submitting this form.
2. Type or print the name of the person shown as the Petitioner and Respondent in the same order as is shown on the last Court Order. (**Note:** the order that the parties are listed does not change from the original documents, regardless which party is filing this form.)
3. Type or print the case number.
4. Do not fill in any other information. The Clerk of the Court and the Judicial Officer's Judicial Administrative Assistant will fill in the rest of this form.
5. Make two copies.
6. Take the original and two copies to the Clerk of the Court with your other documents.