Petition For Modification Of Legal Decision-Making and Parenting Time

Packet # 23

These forms must not be used to engage in the unauthorized practice of law. The court is not responsible for (1) actions taken by the users of these forms or (2) their reliance upon the instructions or information provided.

Updated June 2015

GENERAL INFORMATION &
Frequently Asked Questions

This packet contains general information, instructions, and court forms for you to complete and file with the court.

What is a Petition?

A petition is a written, legal request to modify your Legal Decision-Making and Parenting Time Order.

What do "Petitioner" and "Respondent" mean?

On all documents filed with the court beginning with the first document, if you were initially the Respondent, then you will always be the Respondent. Or, if you were initially the Petitioner, then you will always be the Petitioner

This packet will give you an overview of how to properly complete and file the necessary forms to request a Modification of your Legal Decision-Making and Parenting Time Order. While the process may seem overwhelming and intimidating, please know that this packet is written with your needs in mind, and is intended to make this process as easy for you as possible. We recommend that you do not fill out every form in this packet right away. Work on the forms with the instructions one at a time.

Other important forms and instructions for Family Court cases can be found online at **http://www.sc.pima.gov/?tabid=119**.

Who are Mediators?

Mediators are professionals who can help you solve past or present problems, as well as anticipate future problems. Mediators work with both parties in a dispute to help resolve the areas of disagreement or trouble. Mediation is mandatory before you can have a hearing to change legal decision-making and parenting time. Free mediation services are available through the Conciliation Court. For more information, see Packet #15, *Mediation*.

How much will all this cost?

FEES IN GENERAL

As of July 2014, the cost to file:

- Packet # 23, *Petition for Modification of Legal Decision-Making and Parenting time— $84*

OTHER EXPENSES INCLUDE:

- Copies of legal records through the Clerk of the Court, per page: $0.50
- General use copies made in the library, per page: $0.15

NOTE: You have to pay fees to file documents for your Modification of Legal Decision-Making and Parenting Time Order. If you can't afford the court fees or other costs for the modification, you may be able to get a deferral or waiver.

WHAT IS A DEFERRAL OR WAIVER?

- A **deferral** means that you do not have to pay any fees at the beginning of your case, but you will be expected to pay on a predetermined schedule once the case is finished.
- A **waiver** means that you do not have to pay the fees at all.
- Not everybody who requests a deferral or waiver receives one.
- You file for a deferral or waiver at the same time you file your petition.

For more information, see Packet # 12, *Deferral-Waiver of Fees & Costs.*

Volunteer Lawyers Program
Domestic Relations Clinic

Pima County Superior Court has a program through which free assistance is given to people representing themselves in a family law matter.

At the clinic, someone will review your Legal Decision-Making and Parenting Time Agreements, Child Support Orders, and Income Withholding Orders to help ensure these documents are complete and legally correct.

Making use of the Clinic is in your best interest. The judicial officer will not sign any documents that are incorrect or incomplete. In such cases, you will have to leave, correct your documents, and then schedule another hearing.

To schedule an appointment, call the Pima County Law Library at **520-724-8456**, or go in person to the library located on the second floor of the Pima County Superior Court.

There are lawyers who will help you help yourself

This means that they will only charge for the help you need, and you can complete the court papers on your own.

Court cases can be quite complicated, and talking to a lawyer can help you avoid serious mistakes and save you time, money, and trips to the court.

For more information, call the Self-Service Center at **520-724-8456** and ask how to find an attorney. You can also contact the Pima County Bar Lawyer Referral Service by calling **520-623-4625**. You can have one-half hour with a family lawyer for a small fee or you may be directed to an attorney who will represent you for a reduced fee.

We encourage you to make use of the resources located on page 11 of this packet for more information on finding a lawyer.

This symbol is a warning. It can mean a few different things:

- The topic can be confusing and you may need to ask a lawyer for help.
- You may need to make sure that something is done.

Whenever you see this symbol, ***make sure*** you read the information carefully and understand it fully.

Are you the victim of domestic violence?

Important! Read this first…

Unfortunately, domestic violence may occur in any relationship, and may be directed against you personally or against your children.

You are a domestic violence victim if you or your children have experienced:

- Physical acts such as hitting, slapping, pushing, or kicking
- Threats of physical violence by phone or in person
- Abusive words and/or behavior used to control you or put you in any kind of danger
- Being followed around throughout the day or having your interactions with others monitored
- Being forbidden to leave your house, or being taken against your will and kept at any other location
- Having someone enter the house against your will, behave in a disorderly manner, and/or damage property
- Conduct that involves disobeying court orders, including interfering with your parenting time

- You **DO NOT** need to have been seen at a hospital or at a doctor's office.
- The other person **DOES NOT** need to have been convicted of domestic violence or assault.

You can get an IMMEDIATE Order of Protection to keep him or her away from you and your children by obtaining a Petition for Order of Protection from the Clerk of the Court on the first floor of the Pima County Superior Court, Room 131A. You may submit the Petition to any of the following court locations between the hours of 8:00 a.m. and 4:30 p.m.

Tucson City Court
103 E. Alameda St.
(520) 791-4971

Pima County Juvenile Court Center
2225 E. Ajo Way
(520) 724-2045

Pima County Consolidated Justice Court
240 N. Stone Avenue
(520) 724-3171

Pima Superior Court Clerk's Office
110 W. Congress, 1st floor
(520) 724-3210

To get an Order of Protection after hours or on weekends or holidays, call:

Tucson Police Department
(520) 741-4444

Pima County Sheriff's Department
(520) 351-4900

In case of emergency, call 911.

If you are in a protected location or shelter,
DO NOT put your address or phone number on the court documents!

If possible, get a P.O. Box or use another valid mailing address on these papers, and tell the Clerk of the Court about your existing Order of Protection and case number.

You can ask for a Protected Address with the ***Request for a Protected Address*** form. Both the ***Request for a Protected Address*** and ***Order for a Protected Address*** are included at the end of this packet.

You can find more information about Orders of Protection at the Clerk of Court located on the first floor of Pima County Superior Court (110 West Congress Street, Tucson Arizona 85701). They are open from 8:00 am to 5:00 pm Monday through Friday (except holidays). For more information, call (520) 724-3210.

What is Legal Decision-Making?

Legal decision-making is the legal right and responsibility to make all non-emergency legal decisions for a child. This includes decisions about education, health care, religious training, and personal care. The court can order either sole legal decision-making or joint legal decision-making.

Sole Legal Decision-Making

Sole legal decision-making means only one parent has the legal right to make major decisions for the child. This does not mean that a parent with sole legal decision-making may change a court-ordered parenting plan. If one parent is the sole legal decision-maker, the other parent may still have parenting time.

Joint Legal Decision-Making

Joint legal decision-making means both parents share decision-making, and neither parent's rights or responsibilities are greater than the other parent's. Parents can agree or the court can order that one parent can make certain decisions in a specific area. Joint legal decision-making does not require that the parents have equal parenting time.

What is parenting time?

Parenting Time is the specific time that each parent physically has with the child. During this time, the parent may make routine decisions concerning the child and is responsible for providing the child with food, clothing, and shelter. The amount of parenting time that a court orders will vary for different parents in different situations.

How is parenting time different from visitation?

The word visitation is used to describe a schedule of set time a third party, such as a grandparent, spends with a child. It is not the same as parenting time, which is only used to describe a schedule of set time a parent spends with a child. If visitation is what you wish to modify, do not use this packet. Instead, please use the packet titled *Modification of Third Party and Grandparent Visitation*.

When Can I Request a Modification of Legal Decision-Making and Parenting Time?

In order to modify legal decision-making and parenting time you must first be able to show changed circumstances that are both substantial and continuing. This means that a major change has happened since the court last determined legal decision-making and parenting time and the change is long lasting. Second, one of the following must apply:

1. At least **one year** has passed since last making changes to the Legal Decision-Making and Parenting Time Order.
2. Less than a year has passed, but the other parent threatens you or your child's safety, either through physical or mental abuse.
3. Six months have passed and one parent has not followed the Legal Decision-Making and Parenting Time Order that was entered.

DOMESTIC VIOLENCE

Joint legal decision-making is usually not ordered when one parent has been convicted of domestic violence, or if there is evidence of domestic violence. If one or both parents have a history of domestic violence, you should get advice from an attorney.

CRIMINAL OFFENSES

If a parent has been convicted of a drug charge or a DUI, then the court may consider that placing a child with that parent is not in the best interest of the child.

Military Members Only

Military deployment for either parent raises special circumstances and may be a basis for temporarily modifying a Legal Decision-Making and Parenting Time Order.

People who are members of the military often have to move or leave on deployments because of government issued orders. This statute was written to protect the military parent's existing parenting plan from changes because the military parent is not moving or leaving by choice. This statute requires the Court approach requests for changes to legal decision-making or parenting time differently when the parent is serving as an active duty military member.

1. **Temporary Orders**

   A military parent who has recently received orders to deploy may ask the court to grant a short- term change to the existing parenting plan for the duration of the deployment.

2. **Priority Status**

   Courts will make an effort to hear motions changing an existing parenting plan because of a deployment as soon as possible.

3. **Delegation of Parenting Time**

   In the circumstance where the military parent will be moving a substantial distance away and will be unable to exercise parenting time, the military parent may ask the court to delegate all or some of the parenting time to a child's family member. This may include a step parent or some other person who has a substantial relationship to that child. It cannot be a person who would be subject to parenting time limitations such as supervised visits. The delegation must also be in the child's best interests. The parents will be expected to resolve any disagreements over a proposed delegation using the dispute resolution process specified in the existing parenting plan. This delegation does not create separate rights to parenting time and is limited to the length of the deployment.

4. **Return to Pre-deployment Plan**

   Any change to an existing plan because of a deployment must include a specific transition schedule for reinstating the former plan. The parents are given ten (10) days to reinstate the pre-deployment parenting plan, however, the child's best interests may justify a longer transition if needed.

5. **90 Day Waiting Period**

If the pre-deployment parenting plan designated the military parent as the parent with whom the child lived the majority of the time, this plan will not be modified until the military parent has been back from deployment at least 90 days. The expectation is that once the deployment is over, the former plan will be reinstated and the child will return to the military parent's home as agreed to in the plan existing before the deployment. This waiting period only applies if the deployed parent does not agree to the changes.

6. **Change in Circumstances**

A request to change either legal decision-making or parenting time can be based on a substantial and unanticipated change in circumstances. A military parent's absence caused by a deployment does not qualify as an unanticipated change and cannot be the sole basis for a proposed change to an existing parenting plan.

7. **Electronic Testimony**

A military parent will be allowed to participate in a hearing about parenting time or parent-child contact by telephone or teleconference if the parent is unable to attend because of a deployment. All that is required is advance notice to the court and deployment orders showing why the parent will be unable to attend in person.

How do I use this packet?

This packet has instructions for modifying existing court orders for legal decision-making and parenting time. You may choose to modify **only** parenting time or **only** legal decision-making, or you may **modify both**.

If you want to modify **only legal decision-making** or **both legal decision-making and parenting time**, follow the instructions and complete the forms found on **pages 12-25** of this packet.

If you want to modify **only parenting time**, you can skip the legal decision-making instructions and forms. Instead follow the instructions and complete the forms found on **pages 24-28** of this packet.

What decisions will the Judge make based on the papers I file?

1. The Judge may decide that making changes to the current parenting arrangement and legal decision-making is not necessary based on the paperwork filed. If the Judge denies your request, there will be no hearing.
2. The Judge may decide that changes are needed based on the paperwork filed. If the Judge grants the request, the court will set a hearing in order to set a trial date. Mediation will also be ordered, if appropriate.

The judge will notify you of the decision by mail.

Additional Resources Available to You

Trying to change your Legal Decision-Making and Parenting Time Order can be confusing and scary. If you feel you need help with parts of the modification process, you can consult a "limited-scope attorney" who will only charge for giving the help you need. The Self-Service Center and the Domestic Relations Clinic will help you review your documents if you prefer to complete them on your own. You may also wish to contact the Pima County Bar Association's QUILT program for information about attorneys with reduced fees.

To Find a Lawyer:

Pima County Bar Association Lawyer Referral Service and QUILT program: 520-623-4625

Family Law Self-Service Center: 520-724-8456

Southern Arizona Legal Aid: 520-623-9465

Mediation Services and Parent Education:

Pima County Conciliation Court: 520-724-5590

- Provides free mediation services to residents of Pima County
- Administers Parent Education Classes

Model Parenting Time Plans:
http://www.azcourts.gov/portals/31/parentingTime/PPWguidelines.pdf
See Packet #9, *Parenting Plan*.

Child Support Help:
Arizona DES Child Support Enforcement Division website:
https://www.azdes.gov/az_child_support

Child Support Calculator:
http://www.azcourts.gov/familylaw/2011ChildSupportCalculator.aspx

Other resources you may find helpful:
Arizona Revised Statutes (A.R.S.):
http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=25

Pima County Bar Association Public Resource Page:
http://www.pimacountybar.org/legal-resources

State Bar of Arizona:
http://www.azbar.org/Public

Law Library website:
http://www.sc.pima.gov/Default.aspx?tabid=60

Steps in the Process for Modification of Legal Decision-Making and Parenting Time

Step 1. File the following documents with the court using the instructions and forms in this packet:

- Verified Petition for Modification of Legal Decision-Making And Parenting Time
- Affidavit in Support of Petition for Modification of Legal Decision- Making And Parenting Time
- Affidavit re: Minor Children
- Notice of Filing Petition For Modification Of Legal Decision-Making And Parenting Time

Step 2. Serve the other parent

A copy of your Petition and the other required documents (in Step 1) must be "served" on the other parent. This tells the other parent that you are asking for a change in the current Legal Decision-Making and Parenting Time Order. There are very specific instructions for how to serve the other parent. Forms and instructions are in Packet #10, *Service of Papers*.

Step 3. Wait for a response from the other parent

Once the forms have been filed with the court and have been served on the other parent, you must wait **20 days**. This waiting period gives the other parent the opportunity to respond to the changes you have requested in the Petition. You must wait **30 days** if the other parent lives outside of Arizona.

Step 4. Request an *Order Granting or Denying the Hearing*

If the other parent does or does not respond to the Petition you served after the 20 days have passed (or 30 days outside of Arizona), your next step will be the same, which is to file a Request for Order Granting or Denying a Hearing. (Located in this packet).

Step 5. Wait for judge's decision

The Judge will decide from the paperwork that you filed whether there should be a hearing to make changes to your current Legal Decision-Making and Parenting Time Order. For more information on Parenting Plans, see packet # 9, *Parenting Plan.*

Step 6. If granted a hearing, schedule and attend mediation prior to the hearing date.

As mentioned above, mediators work with both parties in a dispute to help resolve the areas of disagreement or trouble. Free mediation services are available through the Conciliation Court. You and the other parent are not required to reach an agreement, but you are required to attend the mediation before the hearing. For more information, see Packet #15, *Mediation*.

General Instructions for Completing This Packet to Modify Legal-Decision Making and Parenting Time

You may type or write on the forms, but you must use black ink. This packet contains the following forms. The first 6 forms **must** be filled out and filed with the court (The Request and Order for Protected Address and Affidavit forms are not required to be filled out). The last two forms are used if you are only requesting a modification of parenting time.

1. Verified Petition for Modification of Legal Decision-Making And Parenting Time
2. Affidavit in Support of Petition for Modification of Legal Decision-Making
3. Affidavit re: Minor Children
4. Notice of Filing Petition For Modification Of Legal Decision-Making
5. Request For Order Granting Or Denying Legal Decision-Making Modification Hearing
6. Order Granting or Denying Hearing
7. Request for Protected Address (if necessary)
8. Order for Protected Address (if necessary)
9. Petition to Modify Parenting Time
10. Order to Appear

At the end of the instructions, there are directions on how to file these forms with the court once they have been completed. If you need a deferral or waiver of fees, you must file the request for a deferral or waiver with this packet. For more information, see Packet #12, *Deferral/Waiver of Fees & Costs.*

Instructions For *Verified Petition For Modification Of Legal Decision-Making and Parenting Time*

You may type on the forms or write on them using black ink.

These instructions are for parents who want to modify legal decision-making and parenting time. If you want to modify legal decision-making only, check the legal decision-making box and follow the instructions. If you want to modify parenting time only, ***do not use this form****. Instead fill out the Petition To Modify Parenting Time starting on page 26. If you want to modify* ***BOTH*** *parenting time and legal decision-making, mark both boxes and follow the instructions for both.*

Note*: If you want to modify legal decision-making, you need to follow the "Request for Order Granting or Denying Legal Decision-Making Modification Hearing" instructions on page 22 of this packet.*

The Caption

The Caption is the information in the upper left hand side of the first page of each form.

- **Personal information –** Fill in your name, street address, city, state, ZIP code, and telephone number.

If you are a domestic violence victim, do not write your address on this form. Instead, write "Protected Address" and complete the *Request for Protected Address* form included in this packet.

- **Case No. –** Enter your Superior Court Number, as found on your current Legal Decision- Making and Parenting Time Order.
- **Petitioner –** Enter the Petitioner's name as found on your current Legal Decision- Making and Parenting Time Order.
- **Respondent –** Enter the Respondent's name, as found on the original Petition

Questions 1-6

1. **Information:**
   - **Petitioner's information:** Name and Address
   - **Respondent's information:** Name and Address
2. **Children of this relationship**
   - Write the names and ages of the children.
   - Check whether the children are living with the Petitioner, Respondent, or both.

3. **Name of Court**
   - Write the name of the court and the state in which your current Legal Decision-Making and Parenting Time Order was first entered, or if the Order was entered by the Superior Court in Pima County, write the name of the Judge who made the order.
4. **Date**
   - Write the date your current Legal Decision-Making and Parenting Time Order was first entered.
5. **Check all that apply to you**
   - Check this box if it has been at least one year since your current Legal Decision-Making and Parenting Time Order was entered.
   - Check this box if it has been less than one year since your current Legal Decision-Making and Parenting Time Order was issued and the children's present environment may seriously endanger the children's physical, mental, moral or emotional health.
   - Check this box if it has been less than one year since your current Order was entered and domestic violence occurred pursuant to the criminal statutes listed on the form.
   - Check this box if an Order was issued six months ago and the other parent is not following the Order.
   - Check this box if there is or is not a written agreement between you and the other parent regarding legal decision-making and parenting time. Attach the written agreement if there is one.
6. **Current Legal Decision-Making and Parenting Time Order**
   - Describe your current Legal Decision-Making and Parenting Time Order.
7. **What circumstances have changed since the current Legal Decision-Making and Parenting Time Order**
   - Describe in detail the circumstances that have changed which are substantial and continuing and how they affect the children.
   - Give specific examples, and attach additional pages if necessary, keeping in mind that the judge will consider these claims when determining whether or not a hearing will be granted.
     - **A.** If it has been at least one year since the last Legal Decision-Making and Parenting Time Order was issued, fill out 7A.
     - **B.** If it has been less than one year since the last Legal Decision-Making and Parenting Time Order was issued, fill out 7B. Describe the children's present environment and why it seriously endangers the children's physical, mental, moral, or emotional health.

Attach affidavits that demonstrate in detail the specific dangers.

8. Attach the proposed Parenting Plan

- See Packet #9, *Parenting Plan*, for more information.
- Attach sworn affidavits, if any. For example, these can be notarized statements from a family member, neighbor or teacher.

Therefore, I Request:

A. Write the date of the current Legal Decision-Making Order

B. Check whether you want the Petitioner or Respondent to have either **sole legal decision-making and parenting time** or **joint legal decision-making and parenting time** of the children (see page 7 for definitions).

C. Check either the Petitioner or the Respondent box indicating that you want to change the parenting arrangement.

D. You do not need to do anything for D.

E. Check whether you want the Petitioner or the Respondent to pay your reasonable court fees.

F. You do not need to do anything for F.

Write the date. Check either the Petitioner or Respondent box, and sign your name.

Read the Certification statement. Write the date, check either the Petitioner or Respondent box and sign your name.

The Certification Statement is a written verification that everything provided on the petition is true. Failing to provide true and correct information could result in sanctions against you. Sanctions can include the assignment of court costs and attorney fees and a charge of contempt.

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone_____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Case No._____

_____
Petitioner

and

_____
Respondent

VERIFIED PETITION FOR MODIFICATION OF
☐ LEGAL DECISION - MAKING
☐ PARENTING TIME

I am the ☐ Petitioner ☐ Respondent in this matter. I allege as follows:

1. Petitioner's Information

Name: _____
Address: _____
_____

Respondent's Information

Name: _____
Address:_____
_____

2. Children of this relationship

Name:_____Age:____ Currently residing with ☐Petitioner ☐ Respondent

Name:_____Age:____ Currently residing with ☐Petitioner ☐ Respondent

Name:_____Age:____ Currently residing with ☐Petitioner ☐ Respondent

Name:_____Age:____ Currently residing with ☐Petitioner ☐ Respondent

3. The name of the Court where the current Legal Decision-Making and Parenting Time (Custody) Order was entered is

Court_____County/State _____

OR

☐ Superior Court in Pima County signed by_____, Judicial Officer

4. Date the last Legal Decision-Making and Parenting Time Order was entered: _____

5. Check all that apply:

☐ A. It has been at least one year since the prior Legal Decision-Making and Parenting Time Order was issued.

☐ B. It has been less than one year and the children's present environment may seriously endanger the children's physical, mental, or emotional health.

☐ C. A joint Legal Decision-Making and Parenting Time Order was previously entered and domestic violence pursuant to A.R.S. § 13-1201 or A.R.S. 13-1204 spousal abuse or child abuse occurred less than one year after the entry of the joint Legal Decision-Making Order.

☐ D. A joint Legal Decision-Making and Parenting Time Order was entered six months ago and the other parent has failed to comply with the order.

☐ E. There ☐ are ☐ are not written agreements regarding Legal Decision-Making of our children. (Attach a copy of any written agreement.)

6. The current Legal Decision-Making and Parenting Time Order states:

_____
_____
_____
_____
_____

7. There has been a substantial and continuing change in the parent and/or the children's circumstances after the last Legal Decision-Making and Parenting Time Order. (If you checked 5A, fill out 7A. If you checked 5B, fill out 7B.)

A. It has been at least one year since the last Legal Decision-Making and Parenting Time Order was issued and it would be in the children's best interests to modify the current Legal Decision-Making and Parenting Time Order for the following reasons: (Give specific examples and if changing legal decision-making, attach affidavits and any additional pages as necessary.)

_____
_____
_____
_____
_____

B. It has been less than one year since the last Legal Decision-Making and Parenting Time Order was issued and the children's present environment may seriously endanger the children's physical, mental, moral, or emotional health: (Give specific examples and if changing legal decision-making, attach affidavits and any additional pages as necessary.)

_____
_____
_____
_____
_____

8. The new Legal Decision-Making and Parenting Time Order should be as described in the attached Parenting Plan (Packet #9, *Parenting Plan*).

Therefore, I request:

A. That the current Legal Decision-Making and Parenting Time Order dated_____be modified.

B. That the ☐ Petitioner ☐ Respondent be granted
☐ sole legal decision-making ☐ joint legal decision-making as set forth in the attached parenting plan.

C. That the ☐ Petitioner ☐ Respondent be granted parenting time with the children as set forth in the attached parenting plan.

D. That any child support order currently in effect be modified to conform with any change in parenting time.

E. That the ☐ Petitioner ☐ Respondent be ordered to pay my reasonable court fees.

F. For such other relief as may be appropriate.

Dated: _____

_____

☐ Petitioner ☐ Respondent

STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)

The ☐ Petitioner ☐ Respondent being first duly sworn, states:

I certify under penalty of perjury that everything stated by me in this document is true and correct.

Dated: _____

_____
Petitioner /Respondent

Instructions for *Affidavit In Support Of Petition For Modification Of Legal Decision-Making*

You may type on the forms or write on them in black ink

If you know a person, such as a teacher or close friend, who has personal knowledge of your parenting ability, have that person fill out this form.

Before giving that person the form, be sure to fill out the caption correctly using these instructions.

The Caption

The Caption is the information in the upper left hand side of the first page of each form.

- **Personal information –** Fill in your name, street address, city, state, ZIP code, and telephone number.

If you are a domestic violence victim, do not write your address on this form. Instead, write "Protected Address" and complete the *Request for Protected Address* form included in this packet.

- **Case No. –** Enter your Superior Court Number, as found on the original Petition.
- **Petitioner –** Enter the Petitioner's name, as found on the original Petition.
- **Respondent –** Enter the Respondent's name, as found on the original Petition.
- Write the name of your reference in the first blank after "ss."

Questions 1-4 apply to your reference.

Your reference will be filling out the Affidavit and will need to sign it in front of a notary.

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone_____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

_____
Petitioner

and

_____
Respondent

Case No. _____

AFFIDAVIT IN SUPPORT OF PETITION FOR MODIFICATION OF LEGAL DECISION-MAKING

STATE OF ARIZONA)
) ss_____being duly sworn, states as follows:
County of Pima)

1. My name is_____. I am related to the ☐ Petitioner ☐ Respondent or I am acquainted with the ☐ Petitioner ☐ Respondent and/or their minor children.

2. I am related to the ☐ Petitioner ☐ Respondent and/or ☐ their minor children in the following way:
_____
_____

3. I know the ☐ Petitioner ☐ Respondent and/or ☐ their minor children, in the following way:
_____
_____

4. I have the following information about the ☐ Petitioner ☐ Respondent and/or ☐ their minor children which I believe the court should consider when determining whether a hearing should be held to modify legal decision-making (attach additional pages if necessary).

_____
_____
_____
_____
_____
_____
_____
_____

CASE NO._____

I certify under penalty of perjury that everything stated by me in this document is true and correct.

Dated: _____ _____

Signature

STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)

Subscribed and sworn to before me on_____

_____
Notary Public/Deputy Clerk

My Commission Expires: _____

Instructions for *Affidavit Regarding Minor Children* Form

You may type on the forms or write on them in black ink

The Caption

The Caption is the information in the upper left hand side of the first page of each form.

- **Personal information –** Fill in your name, street address, city, state, ZIP code, and telephone number.

If you are a domestic violence victim, do not write your address on this form. Instead, write "Protected Address" and complete the *Request for Protected Address* form included in this packet.

- **Case No. –** Enter your Superior Court Number, as found on the original Petition.
- **Petitioner –** Enter the Petitioner's name, as found on the original Petition.
- **Respondent –** Enter the Respondent's name, as found on the original Petition.

Questions 1-6

1. **THE PARTIES' MAILING ADDRESSES ARE**
   - Write your address and the other parent's address.
2. **CHILDREN OF THE PARTIES WHO ARE UNDER AGE 18**
   - Write the name, and age(s) of all the children under 18 years that were born, or adopted during the marriage.
3. **INFORMATION REGARDING WHERE THE CHILDREN UNDER AGE 18 HAVE LIVED FOR THE LAST 5 YEARS**
   - Write the names and addresses of the children, and where the children have lived for the last five years (use additional forms if necessary).
4. **INFORMATION REGARDING COURT CASES INVOLVING LEGAL DECISION-MAKING AND PARENTING TIME WITH THE CHILDREN NAMED ABOVE IN WHICH I HAVE BEEN A PARTY, WITNESS OR APPEARED IN ANY OTHER CAPACITY**
   - Check **no** if you **do not** have information regarding court cases involving legal decision-making and parenting time with the named children when you were a party, witness, or appeared in another capacity. If no, go on to #5.

- Check **yes** if you have information regarding court cases involving legal decision-making and parenting time with the named children when you were a party, witness, or appeared in another capacity. If yes:
  - Write the names of each child involved.
  - Fill in the name of the court and the court's location.
  - Fill in the court case number, and current status.
  - Write how the child is involved.
  - Write any existing court orders.

5. INFORMATION REGARDING PENDING COURT CASES RELATED TO THE LEGAL DECISION-MAKING AND PARENTING TIME WITH THE CHILDREN

- Check **no** if you **do not** have information regarding a pending court case related to the legal decision-making and parenting time claims of either Petitioner or Respondent. If no, go on to #6.
- Check **yes** if you have information regarding a pending court case related to the legal decision-making and parenting time claims of either Petitioner or Respondent. If yes:
  - Write the name of the child involved.
  - Write the name of the court, and the court's location.
  - Fill in the court case number.
  - Fill in how the child is involved.
  - Write any existing court orders.

6. INFORMATION REGARDING LEGAL DECISION-MAKING AND PARENTING TIME CLAIMS OF ANY PERSON

- Check **no** if you **do not** have information regarding legal decision-making and parenting time claims of either the Petitioner or the Respondent. If no, go on to #7.
- Check **yes** if you have information regarding legal decision-making and parenting time claims of either the Petitioner or the Respondent. If yes:
  - Write the names of each child involved.
  - Write your name.
  - Write your address.
  - Write the claim being made.

Wait to sign and date the Affidavit until you are at the court (before a Notary).

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone_____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

_____ Petitioner

and

_____ Respondent

Case No. _____

AFFIDAVIT REGARDING MINOR CHILDREN

This Affidavit Regarding Minor Children must be filed in all cases. You must fill out this form completely and provide accurate information. Use additional paper if necessary. You must file this Affidavit with the court and serve copies of this and all other required documents on the other party or the other party's attorney.

1. **THE PARTIES' MAILING ADDRESSES ARE**:

Petitioner: _____

Respondent: _____

2. **CHILDREN OF THE PARTIES WHO ARE UNDER AGE 18.** The following children are under age 18 and were born to, or adopted by, the parties:

Name _____ Name _____
Age _____ Age _____

Name _____ Name _____
Age _____ Age _____

3. **INFORMATION REGARDING WHERE THE CHILDREN UNDER AGE 18 HAVE LIVED FOR THE LAST 5 YEARS. (State most recent address first)**

Child's Name_____ Dates: From_____to _____
Address_____ Lived with _____
_____ City, State_____
Relationship to child _____

Child's Name_____ Dates: From_____to _____
Address_____ Lived with _____
City, State_____ Relationship to child _____

CASE NO._____

Child's Name_____Dates: From_____to _____
Address_____Lived with _____
City, State_____Relationship to child _____

Child's Name_____Dates: From_____to _____
Address_____Lived with _____
City, State_____Relationship to child _____

4. INFORMATION REGARDING COURT CASES INVOLVING LEGAL DECISION-MAKING AND PARENTING TIME WITH THE CHILDREN NAMED ABOVE IN WHICH I HAVE BEEN A PARTY, WITNESS OR APPEARED IN ANY OTHER CAPACITY. (Check yes or no.)

I have been a party/witness in court in this state or in any other state that involved the legal decision-making and parenting time of the children named above.
☐ Yes ☐ No If yes, explain. If no, go on to next section.

Name of each child involved:_____
Name of Court_____ Court location _____
Court Case Number_____ Current status _____
How the child is involved _____
Summary of any Court Order _____

5. INFORMATION REGARDING <u>PENDING</u> COURT CASES RELATED TO THE LEGAL DECISION-MAKING AND PARENTING TIME WITH THE CHILDREN. (Check yes or no.)

I have information about a legal decision-making and parenting time court case relating to any of the children named above that is pending in this state or in any other state.
☐ Yes ☐ No If yes, explain. If no, go on to next section.

Name of each child involved:_____
Name of Court_____ Court location _____
Court Case Number_____ Current status _____
How the child is involved _____
Summary of any Court Order _____

6. INFORMATION REGARDING LEGAL DECISION-MAKING AND PARENTING TIME CLAIMS OF ANY PERSON.

(Check yes or no.)

I have information about a legal decision-making and parenting time case relating to any of the children named above that is pending in this state or in any other state.
☐ Yes ☐ No If yes, explain. If no, go on to next section.

Name of each child: _____
Name of person with the claim: _____
Address of person with the claim: _____
Nature of the claim: _____

Notarized Signatures on Page 3.

State of Arizona)
) ss:
Pima County)

I have read the above Affidavit Regarding Minor Children and know to my own knowledge that the information is true and correct and that any false information may constitute perjury.

_____
Petitioner / Respondent

Subscribed and sworn to before me on_____

_____
Notary Public/Deputy Clerk

My Commission Expires: _____

Instructions For *Notice Of Filing Petition for Modification of Legal Decision-Making* Form

You may type on the forms or write on them in black ink

The Caption

The Caption is the information in the upper left hand side of the first page of each form.

- **Personal information –** Fill in your name, street address, city, state, ZIP code, and telephone number.

If you are a domestic violence victim, do not write your address on this form. Instead, write "Protected Address" and complete the *Request for Protected Address* form included in this packet.

- **Case No. –** Enter your Superior Court Number, as found on the original Petition.
- **Petitioner –** Enter the Petitioner's name, as found on the original Petition.
- **Respondent –** Enter the Respondent's name, as found on the original Petition.

Bottom Section

- **Name of Opposing Party:** Write the other parent's name**.**
- **Name and Address of Where the Copies of your Opposing Affidavits Must be Sent:** Write in the other parent's name and address.
- **Signed and Sealed by**: The Clerk of the Court will fill in this section.

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone_____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

_____
Petitioner

and

_____
Respondent

Case No. _____

NOTICE OF FILING PETITION FOR MODIFICATION OF LEGAL DECISION-MAKING

WARNING: This is an official notice, which may affect your rights.
Read it carefully. If you do not understand this document, contact a lawyer for help.

TO: _____
Name of Opposing Party

NOTICE IS HEREBY GIVEN that a Petition for Modification of Legal Decision-Making and Parenting Time Order has been filed, a copy of which is attached.

YOU HAVE THE RIGHT TO FILE OPPOSING AFFIDAVITS SHOWING WHY LEGAL DECISION-MAKING SHOULD NOT BE MODIFIED. OPPOSING AFFIDAVITS MUST BE FILED WITHIN TWENTY (20) DAYS OF SERVICE OF THEPETITION TO MODIFY.

Send an original copy of your opposing affidavit to:

Clerk of Superior Court
Arizona Superior Court in Pima County
110 W. Congress
Tucson, AZ 85701

Copies of your Opposing Affidavits and Affidavit required by A.R.S. § 25-411 must also be sent to:
Name: _____
Address: _____
_____

20 days after service of this Notice on you, the court will review the court file, the Petition and all Affidavits filed and determine if a hearing should be held, or if the Petition for Modification should be denied. If the court determines that a hearing should be held, a hearing date and time will be set and you will be notified of the hearing date through your attorney of record, if any, or, if you do not have an attorney, you will be notified directly.

SIGNED AND SEALED on_____.

CLERK OF THE SUPERIOR COURT

By: _____
Deputy Clerk

Instructions for *Request For Order Granting Or Denying Legal Decision-Making Modification Hearing* Form

You may type on the forms or write on them in black ink

The Caption

The Caption is the information in the upper left hand side of the first page of each form.

- **Personal information –** Fill in your name, street address, city, state, ZIP code, and telephone number.

If you are a domestic violence victim, do not write your address on this form. Instead, write "Protected Address" and complete the *Request for Protected Address* form included in this packet.

- **Case No. –** Enter your Superior Court Number, as found on the original Petition.
- **Petitioner –** Enter the Petitioner's name, as found on the original Petition.
- **Respondent –** Enter the Respondent's name, as found on the original Petition.

The Petition and Notice of Filling were served: Check whether the *Notice of Filing* and *Petition for Modification of Legal Decision-Making and Parenting Time* documents were served on the Petitioner or Respondent, and write the date of service.

Affidavit: Check the box that indicates whether or not an opposing affidavit has been filed.

Check the box if: the parties already attended mediation regarding this *Petition for Modification of Legal Decision-Making and Parenting Time*, but no agreement was met at that time.

Therefore: Check the Petitioner or Respondent box, requesting the court to enter an Order Granting or Denying a Hearing on the *Petition for Modification of Legal Decision-Making and Parenting Time*.

Date Copy mailed/delivered to: Check whether you have mailed or delivered this Request for Order to the Petitioner or Respondent or the attorney.

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone_____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

_____
Petitioner

and

_____
Respondent

Case No. _____

REQUEST FOR ORDER GRANTING OR DENYING LEGAL DECISION-MAKING MODIFICATION HEARING

A Petition for Modification of Legal Decision-Making and Parenting Time was filed with the court.

The Petition and Notice of Filing were served on the ☐Petitioner ☐ Respondent on_____.
Twenty days have passed following service.

- ☐ No opposing affidavits have been filed.
- ☐ Opposing affidavits have been filed.

This matter is not subject to mandatory mediation pursuant to Pima County Local Rule 8.9 for the following reasons:

- ☐ The parties have attended mediation regarding this Petition and did not enter into an agreement.

THEREFORE,

☐ Petitioner ☐ Respondent requests that the court enter an Order granting or denying a hearing on the Petition for Modification of Legal Decision-Making.

Dated: _____

_____
☐Petitioner ☐ Respondent

The copy was mailed/delivered on_____(date)
to: ☐ Attorney for Petitioner ☐ Attorney for Respondent ☐ Petitioner ☐ Respondent

Instructions For *Order Granting Or Denying Hearing* Form

You may type on the forms or write on them in black ink

The Caption

The Caption is the information in the upper left hand side of the first page of each form.

- **Personal information –** Fill in your name, street address, city, state, ZIP code, and telephone number.

If you are a domestic violence victim, do not write your address on this form. Instead, write "Protected Address" and complete the *Request for Protected Address* form included in this packet.

- **Case No. –** Enter your Superior Court Number, as found on the original Petition.
- **Petitioner –** Enter the Petitioner's name, as found on the original Petition.
- **Respondent –** Enter the Respondent's name, as found on the original Petition.

The Judicial Administrative Assistant will fill out the rest of this form, so you will not need to fill out any other part of this form.

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone_____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Case No. _____

_____

Petitioner

and

_____

Respondent

ORDER

☐ **Grant Hearing**

☐ **Denying Hearing**

☐ The court has reviewed the Petition for Modification of Legal Decision-Making and considered the affidavits filed and finds that adequate cause to set the matter for hearing has been shown,

THEREFORE, IT IS ORDERED: This matter is set for a Resolution Management Conference as follows:

NAME OF JUDICIAL OFFICER:

_____

LOCATION: Arizona Superior Court, 110 W. Congress, Tucson, Arizona

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

Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case at least three judicial days in advance of a scheduled court proceeding. Call: _____to make a request. If you require an interpreter for a spoken language or for the deaf, call 520-740-3888 immediately, and arrangements will be made to provide an interpreter.

1. If no opposing affidavits were filed and no one appears in opposition, the court may take sufficient evidence in support of the Petition to Modify Legal Decision-Making and may enter an Order modifying legal decision-making and parenting time, and/or

2. The court will determine if mediation is required and make the appropriate orders, and/or

3. The court may order that a trial date be set.

OR

☐ The court has reviewed the Petition for Modification of Legal Decision-Making and considered the affidavits filed and finds that adequate cause to set the matter for hearing has NOT been shown,

THEREFORE, IT IS ORDERED: The Petition for Modification of Legal Decision-Making is DENIED.

Dated: _____ _____

Judicial Officer

Copy mailed to:

☐ Attorney for Petitioner ☐ Attorney for Respondent ☐ Petitioner ☐ Respondent

_____

_____

_____

_____

Instructions For A *Request For Protected Address*

You may type on the forms or write on them in black ink

The Caption

The Caption is the information in the upper left hand side of the first page of each form.

- **Personal information –** Fill in your name and telephone number.
- **Case No. –** Enter your Superior Court Number, as found on the original Petition.
- **Petitioner –** Enter the Petitioner's name, as found on the original Petition.
- **Respondent –** Enter the Respondent's name, as found on the original Petition.
    - **Check either the Respondent or the Petitioner box to show who is requesting the protected address**

Check all that apply to you to show why you believe a protected address would be in the best interest for you and your children.

- I have a valid Order of Protection against a party in this case issued by the following court.
    - Write the name of the court (attach a copy if available).
- I have a valid Order of Protection against a party in this case issued by this court.
    - Write the name of the judge if issued by the Superior Court in Pima County.
- I have a valid Order of Protection against a person not involved in this case issued by the following court.
    - Write the name of the court.
- I have a valid Order of Protection against a person not involved in this case issued by the following court.
    - Write the name of the court (attach a copy if available).
- I do not have a valid Order of Protection, but want my address protected for the following reasons.
    - List the reasons (attach additional pages if necessary).

Write in the date and check if you are either the Petitioner or the Respondent and sign the document.

Name: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

_____
Petitioner

and

_____
Respondent

Case No. _____

REQUEST FOR PROTECTED ADDRESS

☐ Petitioner **or** ☐ Respondent

I reasonably believe that physical or emotional harm may happen to me or my minor children if my address is not protected from disclosure, and I request that the court order that my address be protected from public disclosure, for the following reasons:

☐ I have a valid Order of Protection against a party in this case issued by the following court (a copy is attached if available):

_____

☐ I have a valid Order of Protection against a party in this case issued by this court:

_____

☐ I have a valid Order of Protection against a person not involved in this case issued by the following court (a copy is attached if available):

_____

☐ I do not have a valid Order of Protection, but want my address protected for the following reasons:

_____

My address is currently unknown to the other party. I have listed my address on a separate sheet of paper for court use.

I understand that I have a continuing duty to provide the clerk of the court with a current and correct mailing address where I can be served with process until one of the following events stated in Rule 7(D), Arizona Rules of Family Law Procedure, occurs.

_____ _____

Date ☐ Petitioner's **or** ☐ Respondent's Signature

[Request for Protected Address]

PERSON WHOSE ADDRESS IS PROTECTED:

_____

☐ Petitioner **or** ☐ Respondent

ADDRESS TO BE PROTECTED:

Street: _____

City: _____

State, Zip Code: _____

Telephone Number: _____

Instructions for *Order For Protected Address*

You may type on the forms or write on them in black ink

The Caption

The Caption is the information in the upper left hand side of the first page of each form.

- **Personal information –** Fill in your name and telephone number.
- **Case No. –** Enter your Superior Court Number, as found on the original Petition.
- **Petitioner –** Enter the Petitioner's name, as found on the original Petition.
- **Respondent –** Enter the Respondent's name, as found on the original Petition.
    - **Check either the Respondent or the Petitioner box to show who is requesting the protected address**

This is all you need to fill out on this form. The clerk will complete the rest for you.

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

_____ Case No. _____

Petitioner

And

_____

Respondent

ORDER FOR PROTECTED ADDRESS

☐ Petitioner **or** ☐ Respondent

Upon request of ☐ Petitioner **or** ☐ Respondent, and good cause appearing,

IT IS ORDERED that:

The address of ☐ Petitioner **or** ☐ Respondent shall be protected from public disclosure until further order of this court.

The Clerk of the Court shall protect the address of ☐ Petitioner **or** ☐ Respondent from public disclosure until further order of this court.

The Clerk and the parties hereto shall comply with the requirements of Rule 7, Arizona Rules of Family Law Procedure, as follows:

Any person required under these rules to serve a response or other document upon a person whose address is ordered protected from disclosure under this rule may serve the same response or other document by delivering true and correct copies of the documents to be served, together with the proper fee established by administrative order to cover the cost of service, to the clerk of the court. The clerk shall promptly mail the documents by regular first-class mail to the most recent protected address provided to the clerk, and service shall be deemed complete upon mailing. The clerk shall promptly file a written statement verifying the documents that were mailed and the date of mailing to the protected address signed by the clerk or deputy clerk who mailed the documents. All documents mailed to a protected address shall bear the clerk's return address, and a notation of any process returned as undeliverable shall be made in the court file.

_____ _____

Date Judicial Officer

Instructions for Completing *Petition To Modify Parenting Time*

***Y**ou may type on the forms or write in black ink*

You may type on the forms or write on them in black ink

Use this form if you are **only** modifying an existing Parenting Time Order and not requesting any changes to legal decision-making. If you are seeking to change both parenting time and Legal decision-making use the instructions and forms beginning on page 15-25 of this packet.

The Caption

The Caption is the information in the upper left hand side of the first page of each form.

- **Personal information –** Fill in your name, street address, city, state, ZIP code, and telephone number.

If you are a domestic violence victim, do not write your address on this form. Instead, write "Protected Address" and complete the *Request for Protected Address* form included in this packet.

- **Case No. –** Enter your Superior Court Number, as found on the original Petition.
- **Petitioner –** Enter the Petitioner's name, as found on the original Petition.
- **Respondent –** Enter the Respondent's name, as found on the original Petition.

Questions 1 - 9

1. **Party filling out form**

   Check the Petitioner or Respondent box to indicate who is filling out the forms.

2. **Parent filling out form**

   a. Check the box to indicate that you are either the mother or father of the minor children.

3. **Children of the parties who are under age 18**

   a. Fill in the name(s) and age(s) of each minor child. Use additional paper if needed.

4. **Information regarding where the children are living**

   a. Check either the petitioner or the respondent box to show where the minor children live most of the time. If the minor children are living with someone other than yourself or the other parent, fill in the name of that person.

5. **Information regarding court information**
    a. Check the box if there was a divorce between you and the other parent.
    b. Check the box and fill in the date if an Order of Paternity was entered.
    c. Fill in the date of the last modified Legal Decision-Making and Parenting Time Order.
    d. Fill in the name and address of the court that entered the order.
6. **Information regarding Domestic Relations Course on Children's Issues**
    a. Check the box if the petitioner has or has not attended the Domestic Relations Course on Children's Issues.
    b. Check the box if the respondent has or has not attended the Domestic Relations Course on Children's Issues.
7. **Information regarding Mediation**
    a. Check the box if you and the other parent attended mediation and an agreement was reached, or
    b. Check the box if you and the other parent attended mediation and an agreement **was not** reached, or
    c. Check the box stating whether one parent lives outside of Pima County.
8. **Information on why you want to make changes to the parenting time**
    a. Write down in detail why you want to make changes to the parenting time agreement. Use additional paper if needed.
9. **Information regarding the new Parenting Plan**
    a. Fill out *Packet* # 9, Parenting Plan (located in the self-service area of the Pima County Superior Court Library or online).
    b. Attach the Parenting Plan to the Petition.

Therefore, I Request

A. Check either the Respondent or Petitioner's box to indicate that he or she needs to attend the court hearing.

- Write the date. Check either the Petitioner or Respondent box, and sign your name.
- Read the Certification statement. Write the date, check either the Petitioner or Respondent box, and sign your name.

The Certification Statement is a written verification that everything written on the petition is true. Failing to provide true and correct information could result in sanctions against you. Sanctions can include the assignment of court costs and attorney fees and a charge of contempt.

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone_____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

_____ Petitioner

Case No. _____

and

_____ Respondent

PETITION TO MODIFY PARENTING TIME

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. ☐ Petitioner ☐ Respondent ☐ Other: _____ has primary parenting time of the children.

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 Domestic Relations Course on Children's Issues.

   ☐ Respondent ☐has ☐ has not attended the Domestic Relations Course on Children's Issues.

7. Mediation pursuant to Pima County Local Rule 8.7:

   ☐ Has been completed ☐ No agreement was reached

   ☐One party resides outside of 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.

THEREFORE, I request:

A. That the ☐Petitioner ☐ Respondent or ☐ Other _____ be ordered to appear for a hearing regarding the above request to modify parenting time.

B. That the current parenting time be modified as set out in the proposed parenting plan attached.

C. For such other orders as may be appropriate.

Dated: _____ _____

☐Petitioner ☐ Respondent

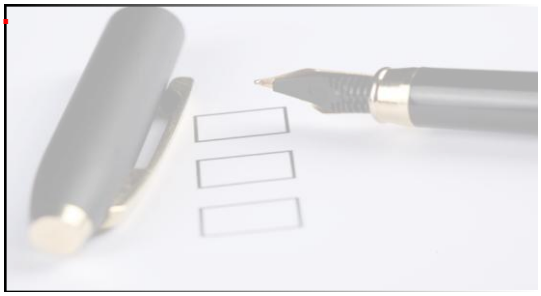
STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)

The ☐ Petitioner ☐ Respondent being first duly sworn, states:

I certify under penalty of perjury that everything stated by me in this document is true and correct.

Dated: _____ _____

Petitioner /Respondent



INSTRUCTIONS FOR COMPLETING *ORDER TO APPEAR*

You may type on the forms or write on them in black ink

The Caption

The Caption is the information in the upper left hand side of the first page of each form.

- **Personal information –** Fill in your name, street address, city, state, ZIP code, and telephone number.

If you are a domestic violence victim, do not write your address on this form. Instead, write "Protected Address" and complete the *Request for Protected Address* form included in this packet.

- **Case No. –** Enter your Superior Court Number, as found on the original Petition.
- **Petitioner –** Enter the Petitioner's name, as found on the original Petition.
- **Respondent –** Enter the Respondent's name, as found on the original Petition.

The Judicial Administrative Assistant will fill out the rest of this form, so you will not need to fill out any other part of this form.

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone_____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

_____

Petitioner

Case No. _____

and

ORDER TO APPEAR

_____

Respondent

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 _____

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 in accordance with the Arizona Rules of Family Law Procedure, Rules 43 and 91(L), 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 not less than 10 days prior to the above hearing date.

IT IS FURTHER ORDERED that both parties 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 made to the office of the assigned judicial officer 5 days before the scheduled Court date by calling 520-724-3200.

Dated: _____ _____

Judicial Officer

Updated June 2015

Checklist and Instructions for Filing the *Verified Petition for Modification of Legal Decision-Making and Parenting Time* and Serving the Other Parent

1. **Make copies of the following <u>completed</u> documents:**
   - You will need the original document plus **two** copies of the following documents:
     - Verified Petition for Modification of Legal Decision-Making and Parenting Time and Affidavit in Support of Petition for Modification of Legal Decision-Making (there may be more than one if multiple people filled this out for you)
     - Affidavit re: Minor Children
     - Notice of Filing Petition for Modification of Legal Decision-Making
   - You will need the original document plus **one** copy of the following documents:
     - Deferral/Waiver of Fees/Costs Form (if applicable)
     - Request and Order for Protected Address (if applicable)
2. **Separate the documents into 3 sets.**
   - **Set 1** (Original Documents) goes to the **Clerk of the Court**
     - Verified Petition for Modification of Legal Decision-Making and Parenting Time and Affidavit in Support of Petition for Modification of Legal Decision-Making (there may be more than one if multiple people filled this out for you)
     - Affidavit re: Minor Children
     - Notice of Filing Petition for Modification of Legal Decision-Making
     - Deferral/Waiver of Fees/Costs (if applicable)
     - Request for Protected Address (if applicable)
   - **Set 2** will go to **the other parent**
     - Verified Petition for Modification of Legal Decision-Making and Parenting Time and Affidavit in Support of Petition for Modification of Legal Decision-Making (there may be more than one if multiple people filled this out for you)
     - Affidavit re: Minor Children
     - Notice of Filing Petition for Modification of Legal Decision-Making and/or Parenting Time
   - **Set 3** is **your set** of copies
     - Same as **Set 2**, plus the Confidential Sensitive Data Form (if applicable), the Deferral/Waiver of Fees/Costs Form (if applicable), and Request for Protected Address Form (if applicable)

3. **File the papers at the court.**
   - Take your packet to the **Clerk of the Superior Court**

     First Floor
     Superior Court Building
     110 West Congress
     Tucson, AZ 85701
     Open 8 am to 5 pm, Monday through Friday (except legal holidays)
   - Arrive at the court at least one hour before it closes.
     - There is a filing fee for all Petitions and there are Service Fees. You may request a Deferral or Waiver of the filing fees at the time you file your papers with the Clerk of the Court, if you qualify. You must get a waiver or deferral approved BEFORE you can file or serve the Petition. See Packet #12, *Deferral or Waiver of Fees or Costs* for more information.
   - MAKE SURE YOU LEAVE WITH:
     - Your set of copies
     - The other parent's copy
4. **Serve the court papers on the other parent**
   - Use Packet #10, *Service of Papers on the Other Party*.
5. **Wait to see if the other parent responds to the petition**
   - If you serve the other parent in Arizona, you must wait 21 days
   - If you serve the other parent outside of Arizona, you must wait 31 days
   - If you serve the other parent by Publication within Arizona, you must wait 51 days
   - **If the other parent does not file a response through the court**, you may proceed to file the following documents:
     - Request for Order Granting or Denying Legal Decision-Making Modification Hearing
     - Order Granting or Denying Hearing
6. **Prepare and submit final paperwork for the judicial officer to sign**.
   - Submit the Request for Order Granting Or Denying Legal Decision-Making Modification Hearing and the Order Granting or Denying Hearing to the presiding Judge of the family law bench.

Checklist and Instructions for Filing the *Petition to Modify Parenting Time*

1. **Make copies of the following <u>completed</u> documents:**
   - You will need the original document plus **two** copies of the following documents:
     - Petition to Modify Parenting Time
     - Notice of Filing Petition for Modification of Legal Decision-Making
   - You will need the original document plus **one** copy of the following documents:
     - Deferral/Waiver of Fees/Costs Form (if applicable)
     - Request and Order for Protected Address (if applicable)
2. **Separate the documents into 3 sets.**
   - **Set 1** (Original Documents) goes to the **Clerk of the Court**
     - Petition to Modify Parenting Time
     - Deferral/Waiver of Fees/Costs (if applicable)
     - Request for Protected Address (if applicable)
   - **Set 2** will go to **the other parent**
     - Petition to Modify Parenting Time
   - **Set 3** is **your set** of copies
     - Same as **Set 2**, plus the Confidential Sensitive Data Form (if applicable), the Deferral/Waiver of Fees/Costs Form (if applicable), and Request for Protected Address Form (if applicable)
3. **File the papers at the court.**
   - Take your packet to the **Clerk of the Superior Court**

     First Floor
     Superior Court Building
     110 West Congress
     Tucson, AZ 85701
     Open 8 am to 5 pm, Monday through Friday (except legal holidays)
   - Arrive at the court at least one hour before it closes.
     - There is a filing fee for all Petitions and there are Service Fees. You may request a Deferral or Waiver of the filing fees at the time you file your papers with the Clerk of the Court, if you qualify. You must get a waiver or deferral approved BEFORE you can file or serve the Petition. See Packet #12, *Deferral or Waiver of Fees or Costs* for more information.

- MAKE SURE YOU LEAVE THE COURT WITH:
  - Your set of copies
  - The other parent's copy

4. **Serve the court papers on the other parent**
   - Use Packet #10, *Service of Papers on the Other Party*.
5. **Wait to see if the other parent responds to the petition**
   - If you serve the other parent in Arizona, you must wait 21 days
   - If you serve the other parent outside of Arizona, you must wait 31 days
   - If you serve the other parent by Publication within Arizona, you must wait 51 days
   - **If the other parent does not file a response through the court**, you may proceed to file the following document:
     - Order to Appear
6. **Prepare and submit final paperwork for the judicial officer to sign**.

Tips for Appearing in Court

- Write down the date, time, and address of the court hearing.
- Leave early to anticipate traffic or parking obstacles.
- You may need to pay for parking, so bring at least six dollars and change for parking meters.
- Find a babysitter for minor children, because they will not be able to sit in the courtroom with you.
- Be prepared to talk to the Judge in order to explain why you want to make changes.
- Dress neatly
    - Avoid wearing flip – flops
    - Avoid wearing halter/strapless tops or dresses
    - Avoid wearing sleeveless t-shirts
    - Avoid wearing a hat in the courtroom