

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

ARIZONA SUPERIOR COURT, PIMA COUNTY

Regarding:

CASE NO. _____

Petitioner
and

Respondent

PETITION TO:
 ESTABLISH FIRST COURT ORDER FOR CUSTODY AND PARENTING TIME
 ESTABLISH FIRST COURT ORDER FOR PARENTING TIME

I am the Petitioner Respondent in the above matter.
I am the Mother Father of the following minor children:

Name of Child: _____ Age: _____ Current Address: _____
Name of Child: _____ Age: _____ Current Address: _____
(add additional names on a separate page, if necessary)

The child/children is/are now in the primary physical or legal custody of: _____
A Decree of Dissolution of Marriage An Order of Paternity was entered on: _____

The Decree of Dissolution of Marriage/Order of Paternity:
 did not provide for custody of the minor children for either parent
 did not provide for any parenting time for the Petitioner or Respondent
 did not provide for a specific schedule for parenting time and the parents do not agree as to a parenting time schedule.

I request the following custody order:
 Sole Legal Custody to the: Petitioner Respondent **OR** Joint Legal Custody
AND

I request the following parenting time schedule:

(add additional pages if necessary)

I have attended the mandatory Course in Domestic Relations Education on Children's Issues **OR**
 I am scheduled to attend the Course in Domestic Relations Education on Children's Issues on _____
 The parties have have not previously attended Mediation.

I request that a hearing be set to Establish a first Court order for Custody and parenting time
 Establish an order for specific parenting time

Dated: _____
 Petitioner Respondent

STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)
Subscribed and sworn before me on _____.

Notary Public/Deputy Clerk

My Commission expires: _____

**INSTRUCTIONS FOR COMPLETING
PETITION TO ESTABLISH FIRST COURT ORDER FOR CUSTODY AND PARENTING TIME
PETITION TO ESTABLISH AN ORDER FOR SPECIFIC PARENTING TIME**

COMPLETE THIS FORM IF:

You have an Arizona Decree of Dissolution of Marriage or Arizona Order of Paternity and Custody and/or Parenting time was not provided for in the Decree of Dissolution of Marriage or Order of Paternity **OR**, the Decree of Dissolution of Marriage or Order of Paternity did not provide for a specific parenting time schedule and the parents do not agree as to a specific schedule.

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 Establish Form.
3. The Affidavit Regarding Minor Children Form
4. The Order to Appear Form.
5. If you have not previously attended the Course In Domestic Relations Education on Children's Issues you must pay for and attend the course before the Judge enters an order for custody and/or parenting time. The Clerk of the Court will provide you with information regarding attendance in this 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 which party is filing this form.)
3. Type or print the case number.
4. Check the box of the party who is requesting the custody and parenting time order.
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 two children.
7. Fill in the name of the current physical and/or legal custodian of the child/children.
8. Check the box to indicate if a Decree of Dissolution of Marriage or Order of Paternity has been issued and fill in the date of the Decree or Order.
9. Check the box which indicates whether or not the Decree of Dissolution of Marriage/Order of Paternity did not provide for custody/parenting time/a specific schedule of parenting time.
10. Check the box which indicates whether you are requesting sole legal custody or joint legal custody.
11. Fill in the schedule of parenting time which you are requesting.
12. Check the box which indicates that you have attended or are scheduled to attend the mandatory Course In Domestic Relations Education on Children's Issues.
13. Check the box which indicates whether or not you and the other parent have previously attended Mediation.
14. Check the box which indicates which order you wish the Court to enter.
15. Make two copies of the Petition to Establish. Date and sign the Petition before a Notary Public or a Clerk of the Superior Court.
16. Complete the Affidavit Regarding Minor Children Form according to the instructions and make two copies.
17. 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 Establish, the Affidavit Regarding Minor Children 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 Establish. 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 Establish, the Affidavit Regarding Minor Children and the Order Course In Domestic Relations Education on Children's Issues to serve 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, halter tops, "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: _____ minutes hours days

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 custody and/or specific parenting time with minor children, and the parents do not agree as to provisions for custody and/or parenting time.



Prepare a Petition to Establish First Custody Order and/or to Establish Specific Parenting Time, the Affidavit Regarding Minor Children and the Order to Appear according to the instructions provided.



Take the Petition to Establish 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:

TNot 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.

TBring with you all the documents you believe are necessary to show the Judicial Officer.

TBring with you any person you believe should be a witness regarding custody and/or parenting time.

TDo not bring children of any age to Court, unless ordered to do so by the Judicial Officer.

TAllow time for parking and bring money for parking lots.

TDress appropriately.

TBe 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 make a decision at that time, 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.

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

ARIZONA SUPERIOR COURT, PIMA COUNTY

Regarding:

CASE NO. _____

Petitioner

Affidavit Regarding Minor Children

and

Respondent

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. **CHILD(REN) OF THE PARTIES WHO ARE UNDER AGE 18:** The following child(ren) is/are under age 18 and were born to, or adopted by the parties (attach separate page if necessary):

Name: _____	Name: _____
Age: _____	Age: _____
Name: _____	Name: _____
Age: _____	Age: _____

3. **INFORMATION REGARDING WHERE THE CHILD(REN) UNDER AGE 18 HAS/HAVE LIVED FOR THE LAST 5 YEARS:** (State most recent address first. Attach separate page if necessary.)

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: _____

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. **COURT CASES INVOLVING CUSTODY OF OR PARENTING TIME WITH THE CHILD(REN) 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 custody and/or parenting time of the above child(ren). Yes No If yes, explain below. If no, go on to next section.

Name of each child involved: _____
Name of Court: _____ Court location: _____
Court Case No: _____ Current status: _____
How the child(ren) is/are involved: _____
Summary of any Court order: _____

5. **INFORMATION REGARDING PENDING COURT CASES RELATED TO THE CUSTODY OF AND/OR PARENTING TIME WITH THE CHILD(REN).** (Check yes or no)

I have information about a custody and/or parenting time Court case, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights and/or adoptions relating to the above child(ren) that is/are pending in this state or in any other state. Yes No If yes, explain below. If no, go on to next section.

Name of each child involved: _____
Name of Court: _____ Court location: _____
Court Case No: _____ Current status: _____
How the child(ren) is/are involved: _____
Summary of any Court order: _____

6. **CUSTODY AND/OR PARENTING TIME CLAIMS OF ANY PERSON.** (Check yes or no)

I have information about a person who is not a party to this proceeding and who has physical custody of a/the child(ren) or claims rights of legal/physical custody/visitation rights relating to any of the above children that is pending in this state or in any other state. Yes No If yes, explain below. If no, go on to next section.

Name of each child involved: _____
Name of Court: _____ Court location: _____
Court Case No: _____ Current status: _____
How the child(ren) is/are involved: _____
Summary of any Court order: _____

State of Arizona)
) ss.
County of Pima)

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

 Petitioner Respondent

Subscribed and sworn before me on: _____.

Notary Public/Deputy Clerk

My Commission Expires: _____

INSTRUCTIONS FOR COMPLETING AFFIDAVIT REGARDING MINOR CHILDREN

COMPLETE THIS FORM IF:

You are filing a Petition to Establish First Custody Order/Petition for First Court Order for 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 Affidavit Regarding Minor Children 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. In paragraph 1: Provide the mailing address for the Petitioner and Respondent.
5. In paragraph 2: Complete the section with the name and age of each child of the parties under age 18. Attach a separate page if necessary.
6. In paragraph 3: Fill in the name and address of each child for whom the custody order/parenting time order is requested. Fill in the name of the person with whom each child lived, the dates that each child lived with that person and the relationship of the person to that child. The same information must be provided for last 5 years for each child. Attach a separate page if more than two children, or if more space is required.
7. In paragraph 4: Check the box to indicate if you have been a party or witness in Arizona or any other state regarding custody/parenting time of this/these child(ren). If the answer is Yes, complete the information requested for each child. Attach a separate page if more space is required.
8. In paragraph 5: Check the box to indicate if you have information about a custody/parenting time Court case regarding this/these child(ren). If the answer is Yes, complete the information regarding each child. Attach a separate page if more space is required.
9. In paragraph 6: Check the box to indicate if you have information about the name and address of any person who is not a party to this case and who has physical custody of a/the child(ren) or claims rights of legal/physical custody of, or visitation with a/the child(ren). If the answer is Yes, complete the information requested for each child. Attach a separate page if more space is required.
10. Sign the Affidavit before a Notary Public or a Deputy Clerk of Court.
11. Make two copies.
12. Take the original and two copies to the Clerk of the Court with your other documents.

INSTRUCTIONS FOR COMPLETING ORDER TO APPEAR

COMPLETE THIS FORM IF:

You are filing a Petition to Establish First Custody Order/Petition for First Court Order for 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.