

MEDIATION

Packet #15

*Separate forms from
packet before filing*

ARIZONA SUPERIOR COURT, PIMA COUNTY SELF-SERVICE PACKET

MEDIATION

GENERAL INFORMATION

USE AND DISCLAIMER

These forms shall not be used to engage in the unauthorized practice of law. The court assumes no responsibility and accepts no liability for actions taken by the users of these forms or in reliance upon the instructions or information provided.

Court cases can be very complicated, and even if you are representing yourself you should see a lawyer for legal advice as to how the law applies to you, and what is best in your particular situation. This might save you time, money, trips to the courthouse, and avoid serious mistakes. There are lawyers who will help you help yourself. This means that they will only charge you for giving you the help you need, and you can complete the court papers on your own or ask the lawyer for help with your papers.

There are professional mediators in the community who can help you with your problems. They help you solve your present problem, and anticipate future problems and how to solve them. Mediators work with both parties in a dispute to help resolve areas of disagreement or trouble.

A list of individuals, agencies and other resources available to help people resolve legal problems is available at the Self-Service Center.

HOW TO ASSEMBLE THESE DOCUMENTS

This packet contains court forms and instructions about Court Mediation Services. Be sure the documents are in the following order. Look at the lower right-hand corner of the document for the document number. Documents that end with "info" are general information or instructions. Documents that end with "form" are court forms that must be completed and filed with the court.

Title	Form Name
Use and Disclaimer (1 page)	mediation-use and disclaimer.info
Instructions for requesting mediation (2 pages)	mediation-instructions.info
Request for mediation (2 pages)	mediation-request.form
Instructions for filing request (1 page)	mediation-filing instructions.info
Request for post-decree/post-judgment mediation (2 pages)	mediation-request.form
Request for order granting or denying request for mediation (1 page)	mediation- order.form
Order regarding Request for Post-Decree/Post-Judgment Mediation (1 page)	Mediation-ordermediation.form
Voluntary Agreement to Mediate (2 pages)	Mediation-voluntaryagreement.form

INSTRUCTIONS FOR REQUESTING MEDIATION

Attached please find REQUEST FOR MEDIATION FORMS and instructions. There are three (3) different forms that can be used to request mediation. Choose the form that best fits your situation.

The purpose of mediation is for parents to negotiate and put in written form a plan, which specifies CUSTODY and PARENTING TIME arrangements for minor children. You must have a Pima County Superior Court case number before the Court can order mediation. Cases may be designated by a D, SP, G, or C number. In paternity cases, judgment of paternity must be established before mediation can occur. The Conciliation Court cannot mediate child support or financial/property matters. Mediation at the Conciliation Court is provided at no cost to the parties. If the Court orders mediation, the Court will require you and the other parent/party to attend mediation at the Family Center of the Conciliation Court (FCCC).

Mediation will NOT help you ENFORCE an existing custody/parenting time plan, or help you ENFORCE, ESTABLISH, OR MODIFY child support. If you need help from the Court to enforce custody and/or parenting time or to establish, enforce or modify child support, you must file the proper forms with the Court. For a nominal fee, packets of forms and information can be obtained from the self service center located in the Law Library on the 2nd floor of the Superior Court at 110 West Congress.

In pre-decree and paternity cases where no permanent custody or parenting time plan has previously been established/ordered by the court, both parties should attend the mandatory parent education class prior to mediation. After you pay the course fee at the Clerk of the Superior Court, you may register for the parent education class at www.sc.pima.gov/fccc/parented or by calling (520) 243-4949.

THERE ARE (3) DIFFERENT FORMS THAT CAN BE USED TO REQUEST MEDIATION. PLEASE SEE THE DESCRIPTIONS BELOW TO DETERMINE WHICH FORM IS RIGHT FOR YOUR SITUATION.

1. Form CC0178: REQUEST FOR MEDIATION WHEN THERE IS A CURRENT CHILD/CUSTODY ACTION PENDING BEFORE THE COURT.

This form is to be used to request mediation in cases where there is a current action pending before the court such as a petition for divorce (pre-decree), a petition for modification of custody and/or parenting time (post-decree) or a paternity case where paternity has been established and one party has petitioned the court to establish or modify custody and/or parenting time.

2. Form CC0105: VOLUNTARY AGREEMENT TO MEDIATE CHILD CUSTODY AND/OR PARENTING TIME

This form is to be used to request mediation if there are existing custody and/or parenting time orders, and both parties are willing to attend mediation voluntarily, i.e., not under order of the Court. Both parties must sign this form in order for mediation to be scheduled. Note: In pre-decree cases, voluntary mediation cannot occur. Please use form CC0178 for pre-decree mediation (see above).

3. Forms CC0472, CC0473, CC0474, CC0475: REQUEST FOR POST-DECREE/POST-JUDGMENT MEDIATION: NO CURRENT CUSTODY AND/OR PARENTING TIME ACTION BEFORE THE COURT

These forms are to be used to request mediation if all (3) of the following apply:

- a. *There is no current action pending before the Court; i.e., no petition for modification of custody and/or parenting time.*

- b. *In a divorce case: There is an existing custody and/or parenting time order in place.*
In a paternity case: Paternity has been established, but no custody or parenting time orders are in place.
- c. *One party is not willing to attend mediation voluntarily.*

AND

One or more of the following categories apply:

1. There is a dispute between you and the other parent regarding custody or parenting time and both parents have agreed in writing in the most recent parenting plan or by stipulation or were ordered to seek mediation as a method of resolving disputes prior to petitioning the Court for a hearing, and one of the parents is not willing to voluntarily agree to attend mediation at the Conciliation Court.

AND/OR

2. There is an order adjudicating paternity, but no custody or parenting time orders in a paternity action;

AND/OR

3. It has been more than 1 year since the most recently Court-ordered parenting plan or child custody and parenting time orders, and there is a significant change in a parent or children's circumstances which would warrant a change in the existing orders, and one of the parents is not willing to voluntarily agree to attend mediation.

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

REGARDING THE MATTER OF:

SUPERIOR COURT CASE NO: _____

Petitioner

and

Respondent

REQUEST FOR MEDIATION WHEN THERE IS A CURRENT CHILD CUSTODY/PARENTING TIME ACTION BEFORE THE COURT:

- Pre-Decree Post-Decree
- Paternity (Post Judgment)
- If a Spanish-speaking mediator is required please check. (Si necesita un mediador que habla español, favor de indicarlo aquí.)

There is a controversy or dispute between the parties concerning child custody and/or parenting time and there is a current child custody/parenting time action pending before the court.

Mediation is requested by the Petitioner Respondent.

Have the parties previous participated in Mediation? Yes No

If yes, state where and when: _____

This mediation request pertains to the following minor child(ren):

Child's name and age

Child's name and age

Child's name and age

Child's name and age

Describe what you would like to accomplish in mediation. Be brief and specific. If you have a dispute, the disagreement(s) must involve the custody and/or parenting time of your minor children. Financial and enforcement issues cannot be mediated. (Attach additional pages with the case number, if necessary).

Note: Both parties should complete the mandatory Domestic Relations Education on Children's Issues course (parent education) prior to mediation in pre-decree and in paternity cases in which there are no permanent orders for custody and/or parenting time. After you pay the course fee at the Clerk of the Superior Court, you may register for the parent education class at: <http://www.sc.pima.gov/fccc/parented> or by calling (520) 243-4949.

In post-decree cases and in paternity cases where parties are requesting a modification of custody and/or parenting time, parent education will be required prior to mediation only upon the order of the assigned Judge.

Petitioner has* has not attended the Domestic Relations Education on Children's Issues Course.

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

(* attach a copy of your proof of attendance certificate)

DATE

Signature of : Petitioner Respondent

OR

Attorney for: Petitioner Respondent

NAME AND ADDRESS OF THE PARTIES (PLEASE PRINT)

Petitioner's Name

Respondent's Name

Mailing Address

Mailing Address

City, State and Zip Code

City, State and Zip Code

Daytime or Message Phone

Daytime or Message Phone

Attorney for Petitioner (Please Print)

Attorney for Respondent (Please Print)

FILE THE ORIGINAL REQUEST WITH THE CLERK OF THE SUPERIOR COURT AND MAIL OR DELIVER A COPY OF THIS REQUEST TO:

Conciliation Court
Petitioner
Respondent
Attorney for Petitioner
Attorney for Respondent

**INSTRUCTIONS FOR FILING REQUEST FOR POST-DECREE/POST-JUDGMENT
MEDIATION: NO PENDING CUSTODY/PARENTING TIME ACTION
BEFORE THE COURT**

YOU MAY REQUEST CHILD CUSTODY AND/OR PARENTING TIME MEDIATION THROUGH THE CONCILIATION COURT USING THIS PROCESS IF YOU HAVE A CURRENT SUPERIOR COURT CASE, THERE IS NO PENDING CUSTODY/PARENTING TIME ACTION BEFORE THE COURT AND ONE OR MORE OF THE FOLLOWING CATEGORIES APPLY:

1. There is a dispute between you and the other parent regarding custody or parenting time and both parents have agreed in writing in the most recent parenting plan or by stipulation or were ordered to seek mediation as a method of resolving disputes prior to petitioning the Court for a hearing, and one of the parents is not willing to voluntarily agree to attend mediation at the Conciliation Court.

AND/OR

2. There is an order adjudicating paternity, but no custody or parenting time orders in a paternity action;

AND/OR

3. It has been more than 1 year since the most recently Court-ordered parenting plan or child custody and parenting time orders, and there is a significant change in a parent or children's circumstances which would warrant a change in the existing orders, and one of the parents is not willing to voluntarily agree to attend mediation.

THERE BEING NO CURRENT ACTION BEFORE THE COURT, YOU WILL FILE THIS REQUEST FOR MEDIATION WITH THE CLERK OF THE SUPERIOR COURT AND FOLLOW THE INSTRUCTIONS LISTED BELOW:

1. Take the original of the request (**CC0473***) and two copies to the Clerk of the Superior Court (110 W. Congress).
2. When the clerk returns to you a stamped copy of the request, you will then need to **serve** the document to the other party.
3. You may serve the document(s) through process server, certified mail (with return receipt requested), or by a signed acceptance of service by the other party. If you need more information on how to serve a party go to the Self-Service Center located in the Law Library on the 2nd floor of the Superior Court and refer to the packet entitled, "Service on the Other Party."
4. Proof of service must be filed with the Clerk of the Superior Court.
5. The other party then has 20 days from date of service to respond.
6. Once a response is filed or 5 days after a response is due, (whichever occurs first) you must file with the clerk a completed **Request for Order Granting or Denying Mediation (CC0474)** and attach the approved **blank order (CC0475)**.
7. After the Clerk of the Court receives the Request for Order (CC0474) and blank order form (CC0475), the assigned judge will review your request and any response from the other parent. The judge will then decide if your request for mediation will be granted.
8. If the request is granted, the matter will be set for mediation through the Conciliation Court. Upon receipt, the Conciliation Court may review the case for appropriateness.

*Form numbers are located on the bottom right-hand corner of each form.

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

REGARDING THE MATTER OF: _____

SUPERIOR COURT CASE NO: _____

Petitioner

and

Respondent

**REQUEST FOR POST-DECREE OR POST JUDGMENT
MEDIATION: NO PENDING CUSTODY AND/OR PARENTING TIME
ACTION BEFORE THE COURT:**

Post-Decree Post Judgment (Paternity)

If a Spanish-speaking mediator is required please check. (Si necesita un mediador que habla español, favor de indicarlo aquí.)

NOTICE TO PARTY WHO DID NOT FILE THE REQUEST FOR MEDIATION

You have 20 days from the date you are served with this request to file a response. Your response must be filed with the Clerk of the Court, Arizona Superior Court, Pima County, 110 W. Congress, Tucson, AZ 85701. A copy of your response must be sent to the assigned Judge and to the party filing the request.

The Petitioner **or** Respondent states:

There is a dispute between the parties regarding custody or parenting time and the parties have agreed in writing in the most recent parenting plan or by stipulation or were ordered to seek mediation as a method of resolving disputes prior to petitioning the Court for a hearing, and the parties are not willing to voluntarily agree to attend mediation at the Conciliation Court,

AND/OR

There is an order adjudicating paternity, but no custody or parenting time orders entered in a paternity action,

AND/OR

It has been more than 1 year since the most recent court-ordered child custody/parenting plan, and there is a significant change in a parent's or child(ren)'s circumstances which would warrant a change in the existing orders, and all parties are not willing to voluntarily agree to attend mediation.

Have the parties previously participated in Mediation? yes no

If yes, state where and when: _____

This mediation request pertains to the following minor child(ren):

Child's name and age

Child's name and age

Child's name and age

Child's name and age

Describe what you would like to accomplish in mediation. Be brief and specific. If you have a dispute, the disagreement(s) must involve the custody and/or parenting time of your minor children. Financial and enforcement issues cannot be mediated. (Attach additional pages with the case number on each if needed).

Date:

Signature of : Petitioner Respondent

OR

Attorney for: Petitioner Respondent

NAME AND ADDRESS OF THE PARTIES (PLEASE PRINT):

Petitioner's Name

Respondent's Name

Mailing Address

Mailing Address

City, State and Zip Code

City, State and Zip Code

Daytime or Message Phone

Daytime or Message Phone

Attorney for Petitioner (Please Print)

Attorney for Respondent (Please Print)

FILE THE ORIGINAL REQUEST WITH THE CLERK OF THE SUPERIOR COURT AND SERVE A COPY TO THE OTHER PARTY. FILE PROOF OF SERVICE WITH THE CLERK OF THE SUPERIOR COURT.

MAIL OR DELIVER A COPY TO:

Conciliation Court
Petitioner
Respondent
Attorney for Petitioner
Attorney for Respondent

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

REGARDING THE MATTER OF:

SUPERIOR COURT CASE NO. _____

ASSIGNED TO: _____

Petitioner

REQUEST FOR ORDER GRANTING OR DENYING
REQUEST FOR MEDIATION

and

If a Spanish-speaking mediator is required please check. (Si necesita un mediador que habla español, favor de indicarlo aquí.)

Respondent

A Request for Mediation was filed with the Court and served on the other party. Proof of service has been filed with the Court and 20 days have passed. Check appropriate boxes:

No Response was filed.

Response was filed.

IT IS REQUESTED that the Court issue its order granting or denying the Request for Mediation.

DATE:

Signature of : Petitioner Respondent

OR

Attorney for Petitioner Respondent

File the original with the Clerk of the Superior Court and Mail a Copy to:

Petitioner
Respondent
Attorney for Petitioner
Attorney for Respondent
Conciliation Court

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

REGARDING THE MATTER OF:

SUPERIOR COURT CASE NO: _____
ASSIGNED TO JUDGE: _____

Petitioner
and

**ORDER REGARDING REQUEST FOR POST-
DECREE/POST-JUDGMENT MEDIATION**

Respondent

**NOTICE TO PARTIES: THIS IS A COURT ORDER IF MEDIATION IS ORDERED AND YOU FAIL TO ATTEND
YOU MAY BE SUBJECT TO SANCTIONS BY THE COURT.**

The Court has reviewed the Request for Post-Decree/Post-Judgment Mediation and considered any response and finds that adequate cause has been shown has not been shown.

THEREFORE, IT IS ORDERED:

This matter is referred to the Family Center of the Conciliation Court for setting a mediation date and time. The parties shall attend mediation as set forth in a separate order issued through Conciliation Court. The Family Center of the Conciliation Court may further screen the case for appropriateness of mediation.

The parties must attend the mandatory Domestic Relations Education on Children's Issues Course (Parent Education) within 45 days of this order, and prior to the first mediation date. Once parties pay the class fee at the Clerk of the Court, parties may register at www.sc.pima.gov/fccc/parented or by calling (520) 243-4949.

OR

The parties are not required to attend the Domestic Relations Education on Children's Issues Course.
OR

The Request for Mediation is DENIED.

Date

Judicial Officer

Mail copies to:
Petitioner
Respondent
Attorney for Petitioner
Attorney for Respondent
Conciliation Court

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

REGARDING THE MATTER OF:

SUPERIOR COURT CASE NO. _____

VOLUNTARY AGREEMENT TO MEDIATE CHILD CUSTODY AND/OR PARENTING TIME

Petitioner

and

If a Spanish-speaking mediator is required please check. (Si necesita un mediador que habla español, favor de indicarlo aquí.)

Respondent

NOTICE TO PARTIES: This form is for voluntary mediation only and must be signed by both parties. In pre-decree cases if you sign this form you will both be ordered to attend mediation.

If one party will not sign this form, use a request for mediation form, which can be obtained at the self-service center located on the 2nd floor of the Superior Court or by contacting the Conciliation Court. There are two different Request for Mediation and Order forms. One form is to request mediation when there is a current action pending before the court and the other form is to request mediation and an order for mediation when there is not a current action pending before the court.

We agree to use voluntary mediation at the Conciliation Court to attempt to resolve our differences regarding:

- Child Custody Parenting Time Child Custody and Parenting Time

Currently there is a court action pending is no court action pending

Have the parties previously participated in Mediation? yes no If yes, state where and when:

The most recent court order regarding custody and/or parenting time of our child(ren) is dated:

Please describe the current disagreement(s) and what you would like to accomplish in mediation. Be brief and specific. The disagreements must involve the custody and/or parenting time of your minor children. Financial and enforcement issues cannot be mediated. Attach additional pages if necessary and include the case number on each page.

This mediation request pertains to the following minor child(ren).

Child's name and age

Child's name and age

Child's name and age

Child's name and age

Signature of Petitioner or Petitioner's Attorney

Signature of Respondent or Respondent's Attorney

DATE

DATE

NAME AND ADDRESS OF THE PARTIES (PLEASE PRINT):

Petitioner's Name

Respondent's Name

Mailing Address

Mailing Address

City, State and Zip Code

City, State and Zip Code

Daytime or Message Phone

Daytime or Message Phone

Attorney for Petitioner (Please Print)

Attorney for Respondent (Please Print)

FILE THE ORIGINAL REQUEST WITH THE CLERK OF THE SUPERIOR COURT AND MAIL OR DELIVER A COPY TO:

Conciliation Court
Petitioner
Respondent
Attorney for Petitioner
Attorney for Respondent