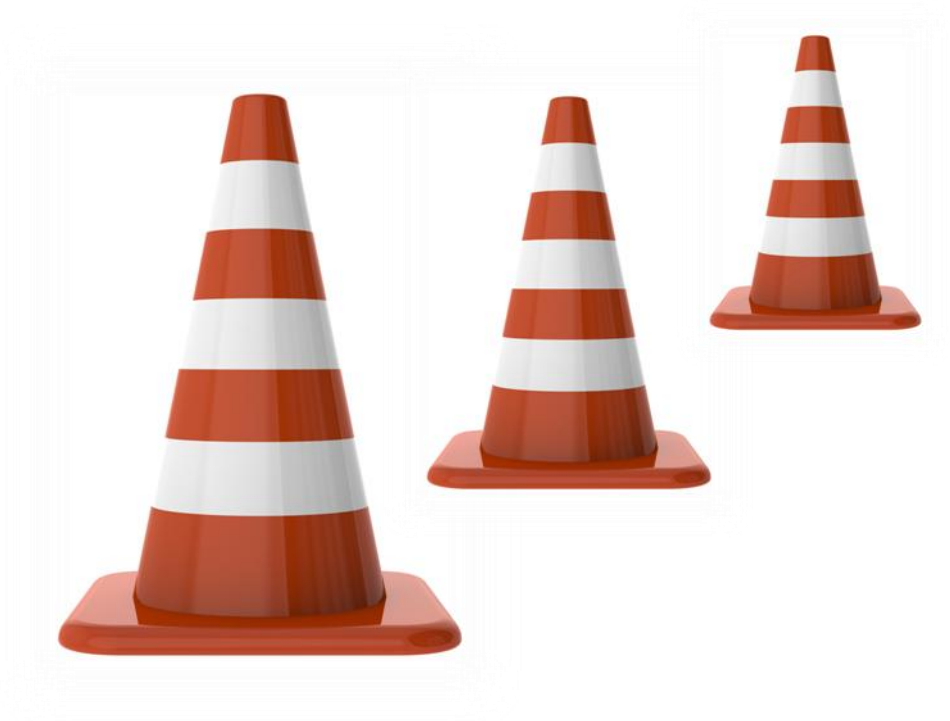
TEMPORARY ORDERS
PRE-JUDGMENT or -DECREE



Packet # 13A

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) users' reliance upon the instructions or information provided.

Revised June 2015

GENERAL INFORMATION &
Frequently Asked Questions

What are Temporary Orders?

They are temporary decisions by the court. For example, they may include temporary decisions on legal decision-making and parenting time of minor child(ren) or support payments.

The important thing is that these are *TEMPORARY*.

These temporary decisions made by the court may or may not be the same as the decisions made in the final decree or judgment.

Who can ask for Temporary Orders?

Either the Petitioner or the Respondent can request Temporary Orders.

You can only ask for temporary orders if you or the other party has filed a Petition in Pima County Superior Court. The petition can be for dissolution, paternity judgment, legal decision-making, parenting time, or support.

If there are ongoing proceedings in another court, you cannot file for temporary orders in Pima County.

Why might I need Temporary Orders?

It can take a long time from the start of your case to the time it is finalized. While you are waiting, temporary orders may be necessary to make sure that you and the other party does or does not do certain things.

You may want to ask for temporary orders if:

- You need financial assistance for yourself or your child(ren) while the case is pending
- The other party will not leave the family residence and you cannot live together
- You need decisions about parenting time or legal decision-making

When can I ask for Temporary Orders?

You may file your request at the same time as you file your Petition or Response. The sooner you file, the sooner immediate issues—like having the other party leave the family home or getting financial assistance—can be addressed. Just remember, you can only request temporary orders in Pima County if a petition has been filed in Pima County.

If you are the petitioner, another good time to request temporary orders is when the other party

files a Response. This means the other party disagrees with some or all of what you asked for in your petition. It also means that the case may take longer to finalize. Temporary orders may make the other party more willing to settle because he or she may be ordered to make *temporary* payments that might not be included in the final decree or judgment.

Do I need a lawyer's help?

There are times when more complex legal problems will come up, and you may want to get the advice of a lawyer. There are lawyers who will help you help yourself. This means that they will only charge you for giving you the help that you need: you can complete the court forms on your own or ask the lawyer for help.

For more information, call the Self-Service Center at (520) 724-8456.

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.

How do I request Temporary Orders?

Step 1: Follow the instructions in this packet to fill out the necessary forms.

Step 2: Make 3 copies of:

- *Verified Motion for Temporary Orders* – required for all requests
- *Request for Temporary Orders Hearing Date* – required for all requests
- *Order to Appear RE: Temporary Orders* – required for all requests
- Relevant financial affidavit –
  - Spousal maintenance or attorney's fees? Complete the *Financial* Affidavit.
  - Child support only? Complete the *Child Support Financial Affidavit*.
- *Parent's Worksheet for Child Support Amount* – if you are asking for temporary child support. See Packet # 8, *Child Support*.

Step 3: File the papers with the court. Take all of the copies to the clerk of the court, located on the first floor of the 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 an hour before it closes. Tell the clerk that you want to file temporary orders paperwork and schedule a

hearing. The clerk will take your original forms and one set of copies and will stamp your original *Verified Motion Re: Temporary Orders* and financial affidavit.

If you would like the paperwork returned to you by mail after the judge reviews your forms, provide a self-addressed, postage-paid envelope to the clerk. Otherwise you can pick the paperwork up later.

What do I do now?

After you file your request for temporary orders, a judge will review the forms, schedule a hearing, and issue an *Order to Appear*. If the situation is not an emergency (as specified on the *Verified Motion*) the court will schedule your hearing at the earliest available date, which may be in 4 to 6 weeks.

Approximately 10 days after you file, if a judge has signed your *Order to Appear Re: Temporary Orders*, you can pick up the forms at Superior Court, or the clerk of the court will mail the paperwork to you in the envelope you provided at the time you filed.

Do I need to let the other party know I requested Temporary Orders?

Yes! You are responsible for making sure the other party receives copies of all your paperwork you file. This is called "service" and helps assure that the other party knows what is going on with the case. The court usually requires that you serve the other party at least 10 days before a scheduled hearing.

For proper service include:

- 1 copy of the *Verified Motion for Temporary Orders*
- 1 copy of the *Order to Appear Re: Temporary Orders*, signed by the judge
- 1 copy of your completed financial affidavit
    - Spousal maintenance or attorney's fees? Complete the *Financial* Affidavit.
    - Child support only? Complete the *Child Support Financial Affidavit*.
- 1 copy of all financial forms listed on the relevant financial affidavit

  DO NOT file these documents.
- 1 blank copy of the financial affidavit(s), for the other party to complete
- 1 copy of the ARIZONA SUPERIOR COURT, PIMA COUNTY LOCAL RULE 8.5, included in this packet

For Petitioners: If you file your temporary orders request at the same time as you file your Petition, the request can be served along with your other Petition forms once you get the judge-signed *Order to Appear*. For more information, see Packet # 10, *Service on the Other Party.*

If you properly serve the other party but you file the *Affidavit of Service* before the hearing on temporary orders, bring a copy of the affidavit to the hearing.

If the other party has already filed a Response, you can mail the documents that must be served to the mailing address the other party used in the Response.

For Respondents: If the other party has filed a Petition, you can mail the documents that must be served to the mailing address used on the Petition.

What should I expect at my hearing?

At the hearing you and the other party will tell the court why temporary orders should or should not be granted. The hearing is generally short, lasting 30 minutes to an hour. If it needs to go longer the judge may continue it to a later date. After the hearing the judge will make a decision—either right then from the bench and tell you about it or by sending you a written decision later.

Instructions for Completing Verified Motion for Temporary Orders, Pre-Judgment/Decree

This form is required for all Temporary Order requests.

The Caption

- **Personal information –** Fill in your name, street address, city, state, ZIP code, telephone number.
- **Case No. –** Enter your Superior Court Number, as found on the Petition. If you are filing Temporary Orders and your Petition on the same day, ask the clerk of the court for your Superior Court Number.
- **Petitioner –** Enter the Petitioner's name.
- **Respondent –** Enter the Respondent's name.

VERIFIED MOTION FOR TEMPORARY ORDERS

Tell the court what sort of temporary orders you want.

- Check all boxes that apply

REQUIRED INFORMATION FROM ME, UNDER OATH:

1. Petition

- Enter the date the Petition was filed

2. No other orders

- Check this box to assure the court that you do not know of any ongoing proceedings concerning this case happening outside Pima County. If this is not true, do not continue.

3. Minor Children

- Write the name, date of birth, address, and county of residence of all minor children affected by this case.

THIS IS WHAT I WANT THE COURT TO ORDER

4. Legal Decision-Making for the minor child(ren) in common

- Check if you want temporary orders concerning legal decision-making and you already

checked the “legal decision-making and parenting time” box at the top of the Verified Motion.

Check to request

- Sole legal decision-making
- Joint legal decision-making

For more information, see Packet # 9, *Parenting Plans.*

5. Parenting Time for the minor child(ren) in common

- Check if you want temporary orders concerning parenting time and you already checked the “legal decision-making and parenting time” box at the top of the Verified Motion.
- Attach a completed Parenting Plan. See Packet # 9.

6. Child Support for the minor child(ren) in common

- Check if you want temporary orders concerning child support and you already checked the “child support” box at the top of the Verified Motion.
- Attach a completed Parent’s Worksheet for Child Support Amount. See Packet # 8, *Child Support*.

7. Spousal Maintenance

- Check if you want temporary orders concerning spousal maintenance and you already checked the “spousal maintenance (alimony)” box at the top of the Verified Motion.
- Attach a completed *Financial Affidavit*, included in this packet.

  By checking the box and attaching the affidavit you are telling the court that you currently lack sufficient property or income to provide for your reasonable needs and that the other party is employed or employable and financially capable of providing temporary spousal maintenance to you.
- Write on the line the amount of temporary <u>monthly</u> spousal maintenance you are requesting.

8. Medical Insurance and/or Costs

- Check if you want temporary orders concerning who will pay for you and the minor children’s temporary medical, dental, and health insurance, or for the out-of-pocket temporary medical, dental, and health expenses reasonably incurred by you and the minor children.

9 a-b. Property

- Check if you want orders concerning a temporary division of property and you already checked the “property and/or debt” box at the top of the Verified Motion.
- List the property that should be temporarily given to you.

- List the property that should be temporarily given to the other party.

10 a-b. Debts

- Check if you want orders concerning the temporary assignment of debt and you already checked the “property and/or debt” box at the top of the Verified Motion.
- Write the debts, amounts, and creditors that you will pay.
- Write the debts, amounts, and creditors that the other party will pay.

11. Other Reasons and/or Other Requests

- Check the box if you have any other reasons for temporary orders or any additional temporary order requests and you already checked the “other” box at the top of the *Verified Motion*.
- Describe the reason(s) and request(s) on the lines.

OATH AND VERIFICATION

- **DO NOT SIGN** the form except in front of a notary. When you file the papers with the court, sign the form in front of the clerk. The clerk will notarize your signature for free. You must bring a valid, government-issued picture ID (such as a driver’s license) so the clerk knows whose signature is being verified.
- You can write your name on the first line and check whether you are “Petitioner” or “Respondent,” but do not sign.

Name: _____
Address: _____
City, State, ZIP: _____
Daytime Telephone No: _____
Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Case No._____

_____
Petitioner

v.

_____
Respondent

VERIFIED MOTION FOR TEMPORARY ORDERS [PRE]
(Check all that apply)
- ❑ For Legal Decision-Making and Parenting Time
- ❑ For Child Support
- ❑ For Spousal Maintenance (alimony)
- ❑ For Property and/or Debt
- ❑ Other

REQUIRED INFORMATION FROM ME, UNDER OATH, CHECK ALL THAT APPLY:

1. Information about the Petition for Dissolution (divorce) or Petition for Paternity with Legal Decision-Making, Parenting Time, and Child Support. (**NOTE: You cannot request a temporary or a temporary/emergency order unless you or the other party has completed and filed a Petition for Dissolution of Marriage or a Petition for Paternity with Legal Decision-Making, Parenting Time, and Child Support.)**

   Date petition was filed: _____

The allegations of the Petition for Dissolution or the Petition for Paternity with Legal Decision-Making, Parenting Time, and Child Support are incorporated herein by reference.

2. ❑ **(You must check here, and this must be true)** To the best of my knowledge, no temporary orders regarding these matters have been entered in any other court, and no court proceedings are pending for temporary orders.

3. The **minor children** affected by this Petition, if any, are:
   (include an additional page, if necessary)

Name _____	Name _____
Date of Birth _____	Date of Birth _____
Address _____	Address _____
_____	_____
County of residence _____	County of residence _____
Name _____	Name _____
Date of Birth _____	Date of Birth _____
Address _____	Address _____
_____	_____
County of residence _____	County of residence _____

THIS IS WHAT I WANT THE COURT TO ORDER:

4. ❑ LEGAL DECISION-MAKING FOR THE MINOR CHILD(REN) IN COMMON:
   - ❑ I am the fit and proper person to be awarded temporary sole legal decision-making of the minor child(ren) and such legal decision-making is in the best interests of the child(ren).
   - ❑ I believe that both parents are fit and proper persons to be awarded temporary joint legal decision-making for the minor child(ren) and such legal decision-making is in the best interest of the child(ren).

5. ❑ PARENTING TIME FOR THE MINOR CHILD(REN) IN COMMON:
   Each party should be granted reasonable temporary parenting time as described in the attached Parenting Plan.

6. ❑ CHILD SUPPORT FOR THE MINOR CHILD(REN) IN COMMON:
   An order requiring the opposing party to pay to me a reasonable sum for temporary child support as determined by the Arizona Child Support Guidelines, according to the Parent's Worksheet for Child Support that is attached.

7. ❑ SPOUSAL MAINTENANCE:
   a. Attached is a Financial Affidavit showing that I currently lack sufficient property or income to provide for my reasonable needs.
   b. The other party is employed or employable and is financially capable of providing temporary spousal maintenance to me.
   c. An order requiring temporary spousal maintenance in the amount of $ _____ per month.

8. ❑ MEDICAL INSURANCE AND/OR COSTS:
   An order requiring a party to provide temporary medical, dental, and health insurance for my benefit and for the children, and how the uncovered medical, dental, and health expenses incurred will be paid.

9. ❑ PROPERTY: (include an additional page, if necessary)
   a. To me: _____
   _____
   _____
   _____
   b. To the other party:_____
   _____
   _____
   _____

10. ❑ DEBTS: (include an additional page, if necessary)
    a. I Should Pay:

DEBT	AMOUNT	CREDITOR
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

b. The Other Party Should Pay:

DEBT	AMOUNT	CREDITOR
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

11. ❑ OTHER REASONS AND/OR OTHER REQUESTS: (Please explain here in detail anything else you want the judge to order on a temporary basis and why you need the order). (include an additional page, if necessary)

_____
_____
_____
_____

I REQUEST THE COURT:

1. Order the other party to appear before this Court so that this Court can determine whether a temporary order should be entered granting what I requested, pending a final order of the Court in this proceeding.

2. Grant such further relief that this Court deems just and proper under the circumstances.

OATH AND VERIFICATION

STATE OF ARIZONA)
)
County of Pima)

I, _____ being duly sworn and under oath, state that I have read this Motion. All the statements in this Motion are true and correct and complete to the best of knowledge and belief.

_____
❑ Petitioner ❑ Respondent

Subscribed and sworn to before me this _____ day of _____, 20 ___

By _____.

_____
Notary Public

My Commission Expires:

_____

Instructions for Completing Order to Appear re: Temporary Orders, Pre-Judgment/Decree

This form is required for all Temporary Order requests.

The Caption

- **Personal information –** Fill in your name, street address, city, state, ZIP code, telephone number.
- **Case No. –** Enter your Superior Court Number, as found on the Petition. If you are filing Temporary Orders and your Petition on the same day, ask the clerk of the court for your Superior Court Number.
- **Petitioner –** Enter the Petitioner's name.
- **Respondent –** Enter the Respondent's name.

<u>This is all that you need to write on this form.</u>

The judge's administrative assistant will complete the rest of the form after the hearing is scheduled.

You can pick up the completed form from the clerk of the court or have it mailed to you (if you gave the clerk a self-addressed, postage-paid envelope at the time of filing).

<u>This is the form that you send to the other party to let him or her know there is a hearing.</u>

Name: _____
Address: _____
City, State, ZIP: _____
Daytime Telephone No: _____
Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

_____ Petitioner

v.

_____ Respondent

Case No._____

ORDER TO APPEAR RE: TEMPORARY ORDERS [PRE]

Based on documents filed and pursuant to Arizona Law,

IT IS ORDERED THAT YOU, _____, appear at the time and place stated below so the court can determine whether the relief asked for in the Petition or Motion should be granted.

INFORMATION ABOUT COURT HEARING TO BE HELD:

NAME OF JUDICIAL OFFICER: _____

DATE AND TIME OF HEARING: _____

PLACE OF HEARING: 110 W. Congress, Tucson, Arizona Courtroom: _____

TIME ALLOTTED FOR HEARING: _____

WARNING: All parties, whether represented by attorneys or not, MUST be present. If there is a failure to appear, the court may make such orders as are just, including granting the relief requested by the party who does appear.

FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A CIVIL OR CHILD SUPPORT ARREST WARRANT WHERE APPLICABLE. If you are arrested, you may be held in jail for no more than 24 hours before a hearing is held.

This is an important court order that affects your rights. If you do not understand this order, contact an attorney for help.

IT IS FURTHER ORDERED that a copy of this "Order to Appear re: Temporary Orders," a copy of the documents filed with the Motion, *a blank copy of the required financial affidavit*, *and a copy of Pima County Local Rule 8.5* shall be served by the moving party on the parties who are required to appear and a copy of these documents shall be mailed immediately to parties who have appeared in this action, in accordance with the Arizona Rules of Family Law Procedure, Rule 43.

IT IS FURTHER ORDERED that the parties and counsel shall meet and confer, comply with the disclosure requirements of Rule 49 of the Arizona Rules of Family Law Procedure, and complete a Financial Affidavit on a form approved by the court. At least 3 days before an evidentiary hearing, the parties shall exchange any exhibits to be presented at the hearing and a list of the names, addresses, and telephone number of ALL witnesses who may testify.

Requests for reasonable accommodation for persons with disabilities must be made to the office of the assigned judicial officer 5 days before your scheduled court date.

_____ _____

Date Judicial Officer

Instructions for Completing Request for Order to Appear Hearing Date

This form is required for all Temporary Order requests.

The Caption

- **Personal information –** Fill in your name, street address, city, state, ZIP code, telephone number.
- **Case No. –** Enter your Superior Court Number, as found on the Petition. If you are filing Temporary Orders and your Petition on the same day, ask the clerk of the court for your Superior Court Number.
- **Atlas No. –** If you have an Atlas number enter it here. If not, leave the line blank.
- **Petitioner –** Enter the Petitioner's name.
- **Respondent –** Enter the Respondent's name.

- Write the date that you filed the *Order to Appear RE: Temporary Orders*.

1. Type of Order to Appear

Check

- "Pre-Judgment/Pre-Decree"
- "Temporary Orders"

2. Previous matters were heard by Judge/Commissioner

- If there has already been a hearing regarding this matter, write the name of the judge or commissioner who was in charge of that hearing.

3. Estimate time for ENTIRE hearing

- Write your estimation of how long the hearing on temporary orders will take. Allow enough time for both parties to present their sides, a minimum of 30 minutes per party.

4. Court Reporter requested?

- Check "Yes" if you would like a court reporter during the hearing. Otherwise the judge will use a digital recording.

5. Relief sought:

Check

- Temporary Orders
- All other boxes that apply. This should match the boxes checked at the top of the Verified Motion. For example if you want temporary orders for legal decision-making and parenting time, check both of those boxes.

6. Contact information for other party

- If the other party has hired an attorney, write the attorney's name, address, and phone number. Otherwise, write the other party's address and phone number.

- Write the date.
- Sign on the line.
- Check if you are "Petitioner" or "Respondent."

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

110 W. Congress, Tucson, AZ 85701 PH (520) 724-4200 TDD (520) 724-8887

_____
Petitioner

v.

_____
Respondent

Case No._____

Atlas No. _____

REQUEST FOR ORDER TO APPEAR HEARING DATE

It is hereby requested that, pursuant to Local Rule 8.5, the Order to Appear filed with the Clerk of the Court on _____ be set for hearing.

1. Type of Order to Appear:
   ❑Pre-Judgment/Pre-Decree ❑Post-Judgment/Post-Decree
   ❑Temporary Orders ❑Other: _____

2. Previous matters were heard by Judge/Commissioner_____

3. Estimated time for ENTIRE hearing _____

4. Court Reporter requested? ❑Yes ❑No

5. Relief sought: (Check all that apply)
   ❑Temporary Orders ❑Legal Decision-Making ❑Spousal Maintenance
   ❑Decree/Judgment ❑Parenting Time ❑Wage Assignment
   ❑Modification ❑Child Support ❑Contempt/Sanctions
   ❑Enforcement ❑Discovery ❑Injunction
   ❑ADR ❑Other: _____

6. Other party's contact information
   Attorney's Name (if applicable): _____
   Address: _____
   Phone Number: _____

DATE: _____

_____
❑Petitioner ❑Respondent

Instructions for Completing Financial Affidavit

Complete this form if you are requesting temporary orders concerning spousal maintenance or attorney's fees. If you are ONLY requesting temporary orders for child support, use the *Child Support Financial Affidavit* included in this packet.

This financial affidavit helps the court determine whether to grant temporary spousal maintenance and attorney's fees. It does not guarantee the court will grant the request.

When you give the other party a blank copy of this form, you may also provide a copy of these instructions.

The court cannot give an order on spousal maintenance or attorney's fees without this information. Also, failing to provide the information that this form requires could result in sanctions against you. Sanctions can include the assignment of court costs and attorney fees and a charge of contempt.

The Caption

- **Personal information –** Fill in your name, street address, city, state, ZIP code, telephone number.
- **Case No. –** Enter your Superior Court Number, as found on the Petition. If you are filing Temporary Orders and your Petition on the same day, ask the clerk of the court for your Superior Court Number.
- **Petitioner –** Enter the Petitioner's name.
- **Respondent –** Enter the Respondent's name.
- **Prepared By –** Check whether you are "Petitioner" or "Respondent."
- **Current As Of –** Write the date you completed the form. This tells the court that all information you provide below is an accurate description of your financial status up to and including that date.

NECESSARY MONTHLY EXPENSES (page 1, left column)

These amounts should only include expenses for yourself and the minor children who reside with you.

For each item, write the amount you pay monthly. Some categories will require you to estimate an average amount. Your amounts must be accurate statements of actual expenses. Proof may be required to verify the expenses (for example, your rental agreement), and you should bring those documents with you to the hearing.

Write the amount you spend monthly on:

- Rent or mortgage
- Repairs or upkeep for your home
- Electricity, gas, water and sewer, phone, and garbage removal
- Food and household supplies
- Lunch at work and school—this includes lunch for the child(ren)
- Out-of-pocket medical and dental—including medicine and supplies
- Insurance that is not deducted from your paycheck automatically
- Clothing for yourself and the child(ren)
- Dry-cleaning or laundry services
- Daycare or babysitting
- Child support and spousal maintenance from a previous relationship
- Repairing or maintaining your car
- Car insurance
- Gas and oil for your car
- Vehicle registration and license
- Public transportation
- On the top of the next page is the "other" category where you may write down any other monthly expenses you have.

Total Monthly Expenses (page 2, left column)

- Add the amounts from the left column, pages 1 & 2, and write the total on the line.

MONTHLY PAYMENTS/DEBTS (page 1, right column)

This section is for other debts that you may owe and the payments you make on these debts, such as on credit cards.

- Write the creditor, the balance remaining, and the amount you pay each month. If you need more space, attach an additional sheet.

Total Monthly Payments (page 1, right column)

- Add the debt payment amounts and write the total on the line.

Total Expenses, Payments (page 1, right column)

- Add "Total Monthly Expenses" (page 2) to "Total Monthly Payments" (page 1) and write the total on the line.

INCOME (page 1, right column)

- Write the total amount of money you make in each paycheck, before any deductions. This is your "GROSS PAYCHECK."
- Check how often you receive this paycheck.
- Write how much is taken out of your paycheck for:
    - Federal taxes
    - State taxes
    - Social security (SSI) & Medicare
    - Insurance
    - Savings, retirement plans, etc.
    - Other deductions (write the reason on the line)

Total Deductions (page 1, right column)

- Total all deductions and write the amount on the line.

Net Paycheck (page 1, bottom of right column)

- Subtract "Total Deductions" from "GROSS PAYCHECK" and write the amount on the line.

OTHER GROSS MONTHLY INCOME (page 2, top of right column)

Write how much monthly income, if any, you receive from:

- Pension or retirement fund
- Social security
- Dividends or interest
- GA/TANF
- Any other monthly income not already mentioned (write the source on the line)

The term "gross income" DOES NOT have the same meaning here as it does when used for tax purposes.

Note: any child support payments you receive should not be included in income.

Total *Other* Gross Income (page 2, right column)

- Add the amounts in this section and write the total on the line.

TOTAL GROSS MONTHLY INCOME (page 2, left side)

- Add "Net Paycheck" (on page 1) to "Total *Other* Gross Income" and write the total on the line.

Present Occupation

- Write your current occupation, the date you started, and the name, address, and telephone number of your current employer.
- If you are not currently employed, write “N/A” on the first line.

Prior Occupation

- Write your prior occupation, the date you started working, your monthly income at that job, the date the job ended, and the name, address, and telephone number of your prior employer.
- If you do not have a prior occupation, write “N/A” on the first line.

Not Employed (if you are currently employed, leave this section blank)

- If you are not currently employed, explain why.
- Check “Yes” if you expect to work and “No” if you do not expect to work in the future.
- If you expect to work in the future, write the date you plan to start working.
- Write the occupation you anticipate having in the future.

All Minor Children

- Write the full name(s) and age(s) of your biological and adopted minor children who live with you. This includes children not connected to this case, but does <u>not</u> include stepchildren. You may attach an additional page, if needed.
- If there are no minor children living with you, write “N/A” on the line.

Pregnancy

- Check “Yes” if you or your spouse is pregnant. Check “No” if neither of you are pregnant.
- If you or your spouse is pregnant, write the expected delivery date on the line.

Physical Defects or Diseases

- If you or any of your minor children suffer from any physical defects or diseases, explain the situation on the lines. You may attach an additional page, if needed.
- If not, write “N/A.”

Such situations can affect your finances, so the court needs to take this information into account when determining whether or not to grant temporary orders for spousal maintenance and attorney’s fees.

Bank Accounts

Here you will tell the court about all bank accounts (1) in your name, (2) in the names of you and

your spouse, and (3) in which you have an interest, meaning you have a right, claim, or legal share in the account but it isn't in your name.

The court wants to know about your checking and savings accounts, money market accounts, accounts at credit unions, any certificates of deposit you might have, and any other accounts. If you need more room, attach an additional sheet of paper.

For each account, write the:

- Name of the bank and the branch location you use
- Kind of account (for example, checking, savings, money market, etc.)
- Last four digits **ONLY** of the account number
- Account's average balance. This information can often be found on monthly statements.

On the lines, list information for:

- All cash, stocks, shares, and bonds that are in your name (either alone or with your spouse) or in which you have an interest.

Attorney's Fees & Court Costs

- Write how much you have paid an attorney for assistance with this case
- Write how much you have paid for court costs (such as filing fees)

Additional Debts

- Write who you owe under "creditor," the balance you owe, and the monthly payment for each debt. This section should include the debts already listed on the form, on page 1.

Date & Signature

- **DO NOT SIGN** the form except in front of a notary. When you file the papers with the court, sign the form in front of the clerk. The clerk will notarize your signature for free. You must bring a valid, government-issued picture ID (such as a driver's license) so the clerk knows whose signature is being verified.
- You can write your name on the first line and check whether you are "Petitioner" or "Respondent" beneath the second line, but do not sign.

Additional Documentation

In order to show the court that the numbers you wrote on the form are accurate, bring to the hearing:

- Proof of past income (past two years of completed tax returns, W-2 forms, 1099 forms, and K-1 forms).
- Up-to-date income information for current year (a pay stub showing year-to-date

earnings, and proof of any other source of income—including but not limited to salaries, wages, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits, disability insurance benefits, recurring gifts, prizes, and spousal maintenance).

- Proof of payments for court-ordered child support or spousal maintenance NOT connected to this case.
- Proof of all medical, dental, and vision insurance premiums paid for you and any child connected to this case.
- Proof of any child care expenses paid for any child connected to this case.
- Proof of any payments for private or special schools or other particular education needs for any child connected to this case.
- Proof of payments for a child with special needs connected to this case.
- Proof of payments for necessary monthly expenses (bills for mortgage/rent, home & car repairs, utilities, food & household supplies, lunches, insurance, clothing & laundry, childcare, licenses, etc.).

After completing the form, you **must** give it to the clerk for it to be filed. You **do not** have to give the clerk the other financial documents listed above. **Do not attach** the other financial documents listed above to the original affidavit that you file with the clerk.

Family law court files are public records. That means that if you give copies of your pay stubs, income tax returns, etc., to the clerk of the court to be filed, **all** of that paperwork will be available for the public to see. So DO NOT ATTACH financial documents to the *FINANCIAL AFFIDAVIT*.

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

_____
Petitioner

v.

_____
Respondent

Case No._____

FINANCIAL AFFIDAVIT

Prepared By ❑Petitioner ❑Respondent

Current As Of _____

INSTRUCTIONS: Prepare this form following the instructions on the attached instruction sheet. Failure to provide the information required may result in the Court imposing sanctions against you pursuant to Rule 71 and/or 76D, Arizona Rules of Family Law Procedure.

NECESSARY MONTHLY EXPENSES (For yourself and minor children who reside with you)

House (mortgage/rent)	$_____
Repair/Upkeep	$_____
Utilities	
Electricity	$_____
Gas	$_____
Water & Sewer	$_____
Phone	$_____
Garbage	$_____
Food & Household Supplies	$_____
Work/School Lunch	$_____
Medical, dental, drugs, supplies	$_____
Insurance not deducted from pay	$_____
Clothing	$_____
Laundry/Dry Cleaning	$_____
Childcare/Sitter	$_____
Support paid for spouse and/or minor children of prior relationship	$_____
Car Repair/Maintenance	$_____
Car Insurance	$_____
Gas/Oil	$_____
Vehicle License	$_____
Public Transportation	$_____

MONTHLY PAYMENTS/DEBTS

Creditor	Balance	Payment
_____	$_____	$_____
_____	$_____	$_____
_____	$_____	$_____
Total Monthly Payments		**$**_____

Total Expenses, Payments $_____

INCOME

GROSS PAYCHECK $_____

❑weekly ❑twice mo.*

❑monthly ❑every 2 weeks

*For example, the 1st and 15th

Less:	Federal Taxes	$_____
Less:	State Taxes	$_____
	SS & Medicare	$_____
	Insurance	$_____
	Savings, etc.	$_____
	Other _____	$_____
	Other _____	$_____
	Total Deductions	**$**_____

Net Paycheck $_____

Other _____ $_____
_____ $_____

Total Monthly Expenses **$**_____

OTHER GROSS MONTHLY INCOME

Pension/Retirement $_____
Social Security/SSI $_____
Dividends/Interest $_____
GA/TANF $_____
Other_____ $_____
Total *other* gross income **$**_____

TOTAL GROSS MONTHLY INCOME **$**_____

Present Occupation _____ Starting Date: _____
Name of present employer _____
Address _____
Telephone No. _____

Prior Occupation _____ Starting Date: _____
Monthly Pay: _____ Ending Date: _____
Name of prior employer _____
Address _____
Telephone No. _____

If not currently employed, why?_____
Do you expect to work? ❑ yes ❑ no When? _____ Anticipated Occupation_____

Full name(s) and age(s) of **ALL minor child(ren)** residing with you (attach an additional page, if needed):
_____
_____

Are you or your spouse **pregnant**? ❑ yes ❑ no If yes, estimated delivery date: _____

Physical defect or organic disease suffered by you or your minor children: _____
(attach an additional page, if needed):
_____
_____

List all **bank accounts** in your name, in the names of both spouses, or in which you have an interest, including checking, savings, credit union, and certificates of deposit.

Bank and Branch Location	Type of Account	Account # (last 4 digits)	Average Balance

List all cash under your control and any stocks, shares, and/or bonds in your name, in the names of both spouses, or in which you or both you and your spouse have an interest.
_____
_____

Attorney fees paid to date $_____ Court costs paid to date $_____

Additional Debts: (also include monthly payments from page 1)

Creditor	Balance	Payment	Creditor	Balance	Payment

STATE OF ARIZONA)
) ss.
County of _____)

_____, being first duly sworn, deposes and says that he/she has read the foregoing Financial Affidavit and knows the contents thereof, and that the allegations therein contained are true in substance and in fact, except those made on information and belief, when are believed to be true.

Signature: _____
❑Petitioner ❑Respondent

Subscribed and Sworn/Affirmed to, before me on: _____.

_____
Notary Public

My Commission Expires: _____

Instructions for Completing Child Support Financial Affidavit

You should complete this form if you are ONLY requesting temporary orders for child support. If you are requesting temporary orders for spousal maintenance or attorney's fees, complete the longer financial affidavit.

This financial affidavit helps the court determine whether to grant temporary child support. It does not guarantee the court will grant the request.

When you give the other party a blank copy of this form, you may also provide a copy of these instructions.

Failing to provide the information that this form requires could result in sanctions against you. Sanctions can include dismissal of your claim, assignment of court costs and attorney fees, and a charge of contempt.

The Caption

- **Personal information –** Fill in your name, street address, city, state, ZIP code, telephone number.
- **Case No. –** Enter your Superior Court Number, as found on the Petition. If you are filing Temporary Orders and your Petition on the same day, ask the clerk of the court for your Superior Court Number.
- **Petitioner –** Enter the Petitioner's name.
- **Respondent –** Enter the Respondent's name.
- **Prepared By –** Check whether you are "Petitioner" or "Respondent."
- **Current As Of –** Write the date you completed the form. This tells the court that all information you provide below is an accurate description of your financial status up to and including that date.

NECESSARY MONTHLY EXPENSES (left column)

Many of the amounts on this form will be the same as those you will include in the *Parent's Worksheet for Child Support Amount*. See Packet # 8, *Child Support*.

For each item, write the amount you pay monthly. These amounts should only include expenses for minor children involved in this case. Some categories will require you to estimate an average amount. Your amounts must be accurate statements of actual expenses. Proof may be required to verify the expenses (for example, your childcare bill), and you should bring those documents with you to the hearing.

Write the amount you spend monthly on:

- Child(ren)'s Medical & Dental Insurance
- Childcare/Sitter
- Other Spousal Maintenance (not connected to this case)
- Child Support for Other Child(ren) (not connected to this case)
- Children's Education (tuition and other necessary expenses)
- Extraordinary Child Expenses (expenses for gifted or handicapped children).
  - List exactly what these expenses are and the monthly amounts.

Total Monthly Expenses (left column)

- Add the expense amounts and write the total on the line.

INCOME (right column)

- Write the total amount of money you make in each paycheck, before any deductions. This is your "GROSS PAYCHECK."
- Check how often you receive this paycheck.

OTHER GROSS MONTHLY INCOME (right column)

Write how much monthly income, if any, you receive from:

- Pension or retirement fund
- Social security
- Dividends or interest
- GA/TANF
- Any other monthly income not already mentioned (write the source on the line)

The term "gross income" DOES NOT have the same meaning here as it does when used for tax purposes.

Note: any child support payments you receive should not be included in income.

Total *Other* Gross Income (right column)

- Add the amounts of your other gross monthly income and write the total on the line

ANNUAL PARENTING TIME DAYS:

Write on the lines how many parenting time days you have with the child(ren) each year during:

- Summer periods
- Holidays and school breaks
- Weekends
- Weekdays
- Other (please explain this “other” time)

- Add the days and write the total on the line.

Present Occupation

- Write your current occupation, the date you started, and the name, address, and telephone number of your current employer.
- If you are not currently employed, write “N/A” on the first line.

Prior Occupation

- Write your prior occupation, the date you started working, your monthly income at that job, the date the job ended, and the name, address, and telephone number of your prior employer.
- If you do not have a prior occupation, write “N/A” on the first line.

Not Employed (if you are currently employed, leave this section blank)

- If you are not currently employed, explain why.
- Check “Yes” if you expect to work and “No” if you do not expect to work in the future.
- If you expect to work in the future, write the date you plan to start working.
- Write the occupation you anticipate having in the future.

All Minor Children

- Write the full name(s) and age(s) of <u>all</u> minor children who live with you. This includes children not connected to this case.
- If there are no minor children living with you, write “N/A” on the line.

Pregnancy

- Check “Yes” if you or your spouse is pregnant. Check “No” if neither of you are pregnant.
- If you or your spouse is pregnant, write the expected delivery date on the line.

Physical Defects or Diseases

- If you or any of your minor children suffer from any physical defects or diseases, explain the situation on the lines.

- If not, write “N/A.”

Such situations can affect your finances, so the court needs to take this information into account when determining whether or not to grant temporary orders for child support.

Bank Accounts

Here you will tell the court about all bank accounts (1) in your name, (2) in the names of you and your spouse, and (3) in which you have an interest, meaning you have a right, claim, or legal share in the account but it isn’t in your name.

The court wants to know about your checking and savings accounts, money market accounts, accounts at credit unions, any certificates of deposit you might have, and any other accounts. If you need more room, attach an additional sheet of paper.

For each account write the:

- Name of the bank and the branch location you use
- Kind of account (for example, checking, savings, money market, etc.)
- Last four digits **ONLY** of the account number
- Account’s average balance. This information can often be found on monthly statements.

On the lines, list information for:

- All cash, stocks, shares, and bonds that are in your name (either alone or with your spouse) or in which you have an interest.

Attorney’s Fees & Court Costs

- Write how much you have paid an attorney for assistance with this case.
- Write how much you have paid for court costs (such as filing fees).

Date & Signature

- **DO NOT SIGN** the form except in front of a notary. When you file the papers with the court, sign the form in front of the clerk. The clerk will notarize your signature for free. You must bring a valid, government-issued picture ID (such as a driver’s license) so the clerk knows whose signature is being verified.
- You can write your name on the first line and check whether you are “Petitioner” or “Respondent” beneath the second line, but do not sign.

Additional Documentation

In order to show the court that the numbers you wrote on the form are accurate, bring to the hearing:

- Proof of past income (past two years of completed tax returns, W-2 forms, 1099 forms,

and K-1 forms).

- Up-to-date income information for current year (a pay stub showing year-to-date earnings, and proof of any other source of income—including but not limited to salaries, wages, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits, disability insurance benefits, recurring gifts, prizes, and spousal maintenance).
- Proof of payments for court-ordered child support or spousal maintenance NOT connected to this case.
- Proof of all medical, dental, and vision insurance premiums paid for you and any child connected to this case.
- Proof of any child care expenses paid for any child connected to this case.
- Proof of any payments for private or special schools or other particular education needs for any child connected to this case.
- Proof of payments for a child with special needs connected to this case.
- Proof of payments for necessary monthly expenses (bills for mortgage/rent, home & car repairs, utilities, food & household supplies, lunches, insurance, clothing & laundry, childcare, licenses, etc.).

After completing the form, you **must** give it to the clerk for it to be filed. You **do not** have to give the clerk the other financial documents listed above. **Do not attach** the other financial documents listed above to the original affidavit that you file with the clerk.

Family law court files are public records. That means that if you give copies of your pay stubs, income tax returns, etc., to the clerk of the court to be filed, **all** of that paperwork will be available for the public to see.

Name: _____
Address: _____
City, State, ZIP: _____
Daytime Telephone No: _____
Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

_____
Petitioner

v.

_____
Respondent

Case No._____

CHILD SUPPORT
FINANCIAL AFFIDAVIT
Prepared By ❑Petitioner ❑Respondent

Current As Of _____

INSTRUCTIONS: Prepare this form following the instructions on the attached instruction sheet. Failure to provide the information required may result in the Court imposing sanctions against you pursuant to Rule 71 and/or 76D, Arizona Rules of Family Law Procedure.

NECESSARY MONTHLY EXPENSES (For minor children in this case)

Child(ren)'s Medical & Dental Insurance	$_____
Childcare/Sitter	$_____
Other Spousal Maintenance	$_____
Child Support for Other Child(ren)	$_____
Child(ren)'s Education	$_____
Pension/Retirement	$_____
Extraordinary Child Expenses (please list)	
_____	$_____
_____	$_____
_____	$_____
Total Monthly Expenses	**$**_____

INCOME

GROSS PAYCHECK $_____
❑weekly ❑twice mo.*
❑monthly ❑every 2 weeks
*For example, the 1st and 15th

OTHER GROSS MONTHLY INCOME

Social Security/SSI	$_____
Dividends/Interest	$_____
GA/TANF	$_____
Spousal Maintenance	$_____
Other_____	$_____
Total *other* gross income	**$**_____

ANNUAL PARENTING TIME DAYS

Summer periods: _____ Holidays, school breaks: _____
Weekends: _____ Weekdays: _____
Other: _____ Please explain: _____
_____

Total Annual Parenting Time Days: _____

Present Occupation _____ Starting Date: _____
Name of present employer _____
Address _____
Telephone No. _____

Prior Occupation _____ Starting Date: _____
Monthly Pay: _____ Ending Date: _____

Name of prior employer _____
Address _____
Telephone No. _____

If not currently employed, why?_____
Do you expect to work? ❑ yes ❑ no When? _____ Anticipated Occupation_____

Full name(s) and age(s) of **ALL minor child(ren)** residing with you (attach an additional page, if needed):

_____

_____

Are you or your spouse **pregnant**? ❑ yes ❑ no If yes, estimated delivery date: _____

Physical defect or organic disease suffered by you or your minor children: _____
(attach an additional page, if needed):

_____

_____

List all **bank accounts** in your name, in the names of both spouses, or in which you have an interest, including checking, savings, credit union, and certificates of deposit.

Bank and Branch Location	Type of Account	Account # (last 4 digits)	Average Balance

List all cash under your control and any stocks, shares, and/or bonds in your name, in the names of both spouses, or in which you or both you and your spouse have an interest.

_____

_____

Attorney fees paid to date $_____ Court costs paid to date $_____

STATE OF ARIZONA)
) ss.
County of Pima)

_____, being first duly sworn, deposes and says that he/she has read the foregoing Financial Affidavit and knows the contents thereof, and that the allegations therein contained are true in substance and in fact, except those made on information and belief, when are believed to be true.

DATED this _____ day of _____, 20____.

Signature: _____
❑Petitioner ❑Respondent

SUBSCRIBED AND SWORN TO before me this _____day of _____, 20____.

My Commission Expires: _____
_____
Notary Public

8.5 Affidavits Required; Pleading and Practice

(A) Financial Affidavits; Production of Documents.
(1) Forms of Financial Affidavits. There shall be two forms of financial affidavits: a) a child support financial affidavit and, b) a spousal maintenance financial affidavit as permissible alternatives to the Affidavit of Financial Information in the Appendix to Rule 97, Arizona Rules of Family Law Procedure. Wherever the term financial affidavit is used in this rule, it shall refer to the relevant court-approved financial affidavit. In any proceeding where the establishment or modification of child support or a request for an award of attorney fees and/or expenses is in issue, but not spousal maintenance, a child support financial affidavit shall be filed. In all other proceedings where the establishment or modification of spousal maintenance alone, or in combination with child support or a request for an award of attorney fees and/or expenses is in issue, a spousal maintenance financial affidavit shall be filed. No filing or appearance fee shall be charged for the filing of the opposing party's financial affidavit, unless otherwise provided by law. In all cases a party may choose to use the Affidavit of Financial Information in the Appendix to Rule 97, Arizona Rules of Family Law Procedure.

(2) Duty to Document Change in Financial Circumstances in the Financial Affidavit. In any proceeding for establishment or modification of child support or spousal maintenance, a request for an award of attorney fees and/or expenses, or a proceeding for failure to pay any of the foregoing, a party may not present testimony regarding any change in his or her financial circumstances between the date of the most recent financial affidavit and the date of the hearing or trial, unless an amended financial affidavit setting forth the changes has been filed or good cause is shown.

(3) Documents to Be Provided to the Other Party. The documents listed below shall not be filed with the Clerk of the Court, or attached to any papers filed with the Clerk of the Court, but must be provided to the other party. In any proceeding for establishment or modification of child support, spousal maintenance or attorney's fees and expenses, within the time provided by this Rule, each party shall provide to the other party, copies of the following documents:

(a) that party's most recently filed federal and state income tax returns;

(b) that party's four most recent consecutive wage statements from all employment;

(c) that party's most recent W-2, 1099, and K-1 forms;

(d) for establishment or modification of child support proceedings, employer provided statement of cost of health and dental insurance coverage for the parties' minor children.

The Order to Appear shall specifically direct both parties to comply with this rule. The Order to Appear shall not require the production of any additional documents, but this does not preclude the applicant from requesting additional documents through discovery procedures.

(B) Time. Whenever this rule requires a party to provide documents or the relevant financial affidavit, a copy shall be provided to the other party no later than 4 court days prior to the date set for hearing or 2 court days after service of the Order to Appear, whichever is later.

(C) Order to Appear for Temporary Orders. When a request for an Order to Appear is made for temporary spousal maintenance, child support, or a request for an award of attorney fees and/or expenses, the applicant shall file the original petition and the required financial affidavit

with the Clerk of the Court. A copy of the petition and required financial affidavit shall be provided to the assigned division at the time of the request for issuance of the Order to Appear. A copy of each shall also be served upon the opposing party, along with a blank copy of the required financial affidavit and a copy of Pima County Local Rule 8.5. The opposing party shall file the required financial affidavit, a copy of which shall be provided to the applicant's attorney, or, if unrepresented, to the applicant within the time provided by this rule.

(D) Petition for Modification of Spousal Maintenance or Child Support.
(1) Petition for Modification of Spousal Maintenance. A petition for modification of a prior order for spousal maintenance shall set forth verbatim in the body of the petition the order sought to be modified, or shall comply with Pima County Local Rule 8.2(C). The applicant shall file the original of the petition and two required spousal maintenance financial affidavits. The first financial affidavit shall demonstrate the current financial circumstances of the party seeking the modification. The second financial affidavit shall demonstrate the financial circumstances of the party seeking the modification as of the date of the order sought to be modified. If a financial affidavit reflecting a party's financial circumstances at that time was previously filed with the Court a copy shall be attached to the petition for modification. A copy of the petition and the financial affidavits shall be provided to the assigned division at the time of the request for issuance of the Order to Appear. A copy of each financial affidavit shall be served upon the opposing party, along with blank copies of the required financial affidavits and a copy of Pima County Local Rule 8.5. The opposing party shall file the required financial affidavits, and provide a copy to the applicant's attorney, or if unrepresented, the applicant, within the time provided by this rule.

(2) Petition for Modification of Child Support. A petition for modification of child support shall set forth the amount of child support currently in effect or shall set forth verbatim in the body of the petition the order sought to be modified, or shall comply with Pima County Local Rule 8.2(c). The applicant shall file the petition to modify and a child support financial affidavit, which reflects the current circumstances of the party seeking a modification. A copy of the petition and the financial affidavit shall be provided to the assigned division at the time of the request for issuance of the Order to Appear. A copy of each shall be served upon the opposing party, along with a blank copy of the required financial affidavit and a copy of Pima County Local Rule 8.5. The opposing party shall file the required financial affidavit, and provide a copy to the applicant's attorney, or if unrepresented, the applicant, within the time provided by this rule. This provision does not apply to modifications filed pursuant to the Simplified Procedure set forth in the Arizona Child Support Guidelines. An agency authorized by law to request a modification of an existing Order on behalf of the State of Arizona shall not be required to strictly comply with the provisions of this local rule requiring a child support financial affidavit if the information is not reasonably available to the agency prior to filing the petition.

(3) Stipulation to Modify Child Support. Should the parties reach an agreement and submit a stipulation to the court to modify child support they shall submit a proposed form of Child Support Order, Order of Assignment and a worksheet containing detailed information supporting compliance with or a deviation from the Child Support Guidelines.

(E) Failure to Pay Child Support, Spousal Maintenance, or Attorney Fees and Expenses. In an action for failure to pay child support, spousal maintenance, or attorney fees and expenses, the opposing party shall file with the Court the required financial affidavit and provide a copy to the applicant's attorney, or if unrepresented, the applicant, within the time provided by Pima County Local Rule 8.5. The documents listed below shall not be filed with the Clerk of the Court or attached to any papers filed with the Clerk of the Court but must be provided to the

other party. The opposing party shall also provide the applicant's attorney, of if unrepresented, the applicant, copies of the following documents:

(1) that party's most recently filed federal and state income tax returns;

(2) that party's four most recent consecutive wage statements from all employment;

(3) that party's most recent W-2, 1099, and K-1 forms.

These documents shall not be filed with the Clerk of the Court.

The Order to Appear shall specifically direct the respondent to comply with Pima County Local Rule 8.5. The Order to Appear shall not require the production of any additional documents, but this does not preclude the applicant from requesting additional documents through discovery procedures.

(F) Failure to Comply with Pima County Local Rule 8.5. If either party fails to comply with any part of Pima County Local Rule 8.5, upon the complying party's request or the court's own motion and in the absence of good cause, the court may:

(1) vacate or continue the hearing;

(2) enter an interim award of relief in favor of a complying party and against a non-complying party based on the complying party's financial affidavit;

(3) award a complying party his or her attorney fees and expenses incurred in preparing for and attending the hearing;

(4) enter other appropriate relief.

For purposes of making an interim award the court may, on its own motion, examine either party if it deems such examination necessary. The non-complying party may be precluded from introducing any evidence and/or cross-examination for purposes of making an interim award.

(G) Petitions to Modify Legal Decision-Making.

(1) A party seeking and a party responding to a Petition for Modification of Legal Decision-Making shall file with the Clerk of the Court an Affidavit Regarding Minor Children required by A.R.S. § 25-1039.

(2) Five days after expiration of the time permitted for the filing of the response and/or the controverting affidavits, either party or attorney shall provide the approved form for a Request for Order Granting or Denying Legal Decision-Making Hearing, and a separate Order Granting or Denying Request for Legal Decision-Making Hearing to the Presiding Judge of the Family Law Bench.

(3) The Presiding Judge of the Family Law Bench shall rule on the Request for Order Granting or Denying Legal Decision-Making Hearing or refer the matter to the assigned division for a ruling.

(4) Copies of the Petition, Response, or Controverting Affidavits shall not be provided to the

Presiding Judge of the Family Law Bench or the assigned division.

A trial for modification of a legal decision-making order or decree shall not be set unless there is compliance with A.R.S. § 25-411 and Rule 91(d), Arizona Rules of Family Law Procedure.

(H) Hearings. Matters set for hearing shall proceed by oral argument only, without testimony or other evidence, unless notice has been given that testimony or other evidence will be presented.