MEDIATION

Packet #15

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

June 2018

What Mediation is for?

Mediation is for parents who need help in writing a parenting plan for their minor children.

If you and the other parent cannot agree on how legal decisions will be made for your children or when the children will spend time with each of you, you will be required to attend mediation.

Mediation is when you meet with a neutral third party, and it is a free service through the Conciliation Court.

You can use this packet to ask for this service. This can be done at any time after the other parent has filed a “response”.

What Mediation is not for?

Mediation is not for deciding child support or other money issues.

It also will not help you enforce a parenting plan that is already in place.

You can’t use mediation for paternity cases if paternity has not yet been established through the court.

If you need help to enforce a parenting plan, child support, or establish paternity, go to www.sc.pima.gov to find the proper forms.

You can also visit the Self-Service Center located in the Pima County Law Library, Room 256, on the second floor of the Superior Court House at 110 West Congress St, Tucson, Arizona 85701. They are open from 8 am. to 5 pm. Monday through Friday (except holidays). For more information, call (520) 724-8456 or email pcll@sc.pima.gov.

Which form do I fill out?

There are 3 different forms that you can use to ask for mediation.

The form that you choose will depend on your situation.

Are you and the other parent willing to attend mediation?

If you and the other parent are both willing to attend mediation then use the form **STIPULATION TO MEDIATE LEGAL DECISION-MAKING AND/OR PARENTING TIME**. Both sides, either you and the other parent, or your attorneys must sign this form for mediation to happen.

If the other parent is not willing to attend mediation or you are not sure if the other parent is willing to attend mediation then answer the next question…

Do you have an active court case?

YES If you have an active court case, then use the form **CURRENT LEGAL DECISION-MAKING AND/OR PARENTING TIME ACTION BEFORE THE COURT**.

Your active court case could be a divorce petition, a petition to change legal decision-making and/or parenting time after a divorce is final, or a paternity case where paternity has already been established through the court and one parent asked the court to start or change legal decision making and/or parenting time.

NO If you ***do not*** have an active court case, then use the form **NO CURRENT LEGAL DECISION-MAKING AND/OR PARENTING TIME ACTION BEFORE THE COURT (POST DECREE/POST JUDGEMENT)**.

You can also use this form if you have a paternity case where paternity has been established through the court but no parenting plan is in place.
This goes with 3 additional forms: **Response to Request for Post-Decree or Post Judgment Mediation**, **Request for Order Granting or Denying Request for Mediation**, and **Order Regarding Request for Post-Decree/Post-Judgment Mediation**.

Instructions for Completing Stipulation to Mediate Legal Decision-Making and/or Parenting Time

The Caption

The caption is the information in the upper left of the first page of the form.

- Fill in your name, street address, city, state, ZIP, telephone number

Case No.

- Clearly print your Superior Court Case Number.

Petitioner

- Enter the name of the person who is listed as the petitioner in your court case.

Respondent

- Enter the name of the person who is listed as the respondent in your court case.

1. Spanish speaking mediator

- Put a check mark in the box if you need a mediator who speaks Spanish (Si necesita un mediador que habla español, favor de indicarlo aquí.)

2. Reason for mediation

- Put a check mark in the box that shows the reason why you want mediation.

3. Current case pending

- If you have an active course case, put a check mark in the first box.
- If you do not have an active court case put a check mark in the second box.

4. Previous mediation

- Put a check mark in the box to indicate if you have previously attended mediation. If yes, then write in the State, location and date.

5. Describe the issues to be discussed

- Describe what you would like to resolve during mediation.

6. Purpose for mediation

- Write in the names and ages of the children who are the subject of the mediation.

7a,b. Date and Sign

- Sign your name and enter the date that you signed.
- Put a checkmark in the box to tell the court who signed the form.

8. Name and Address of the Parties (Please Print)

- Write down the contact information for both you and the other parent.

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._____

STIPULATION TO MEDIATE LEGAL DECISION-MAKING 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 must be signed by both parties. If you both sign this form you will both be ordered to attend mediation.

If one party is not willing to sign this form, use a different request for mediation form, which can be obtained at the self-service center located on the 2nd floor of the Superior Court in the Law Library or by contacting the Conciliation Court located at 32 North Stone, Suite 1704 Tucson, AZ 85701. (520)724-5590

We stipulate to mediation at the Conciliation Court to attempt to resolve our differences regarding:

☐ Legal Decision-Making ☐ Parenting Time ☐ Legal Decision-Making 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:

_____

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

_____

_____

_____

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 or Attorney for Petitioner
Respondent or Attorney for Respondent

The Steps for filing the Stipulation to Mediate Form

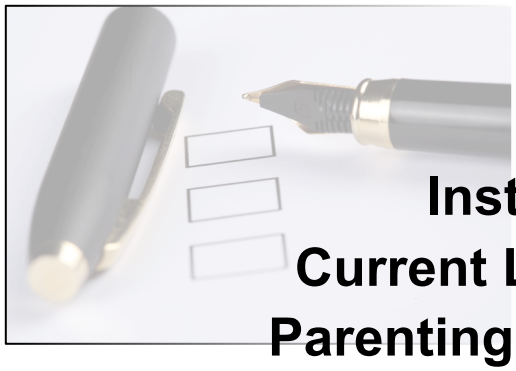
1 Make 3 copies of the form and keep one copy for yourself.

2 Take the original form and file it with the Clerk of the Superior Court:

Pima County Arizona Superior Court
110 West Congress
Tucson, Arizona 85701

3 Mail out the other two copies:

- One to the other parent or his/her attorney
- The other goes to the **Conciliation Court**: 32 North Stone, Suite 1704 Tucson, AZ 85701



Instructions for Completing Current Legal Decision-Making and/or Parenting Time Action Before The Court

Only use this form if you have an active court case.

The Caption

The caption is the information in the upper left of the first page of the form.

- Fill in your name, street address, city, state, ZIP, telephone number

Case No.

- Clearly print your Superior Court Case Number.

Petitioner

- Enter the name of the person who is the Petitioner in your court case.

Respondent

- Enter the name of the person who is the Respondent in your court case.

1. Type of court case

- Put a check mark in the box that describes the type of case you have before the court.

2. Spanish speaking mediator

- Put a check mark in the box if you need a mediator who speaks Spanish (Si necesita un mediador que habla español, favor de indicarlo aquí.)

3. Who is requesting mediation?

- Put a check mark in the box for the person who is asking for mediation.

4. Previous mediation

- Put a check mark in the box to indicate if you have previously attended mediation. If yes, then write in the State, location and date.

5. Purpose for mediation

- Write in the names and ages of the children who are the subject of the mediation.

6. Mediation goals

- Describe what you would like to happen in mediation.

7a,b. Parent Education

- Put a checkmark in the box to tell the court if both parents have attended the Domestic Relations Education on Children's Issues course.
- If either of you attended the course outside of Pima County, then you need to attach to this form a copy of your proof of attendance.

8a,b. Date and Sign

- Sign your name and enter the date that you signed.
- Put a checkmark in the box to tell the court who signed the form.

9. Name and Address of the Parties (Please Print)

- Write down the contact information for both you and the other parent.

You have finished filling out the form.

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

REGARDING THE MATTER OF:

_____
Petitioner

and

_____
Respondent

SUPERIOR COURT CASE NO: _____

REQUEST FOR MEDIATION: CURRENT LEGAL DECISION-MAKING/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 legal decision-making and/or parenting time and there is a current legal decision-making/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 legal decision-making 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 legal decision-making and/or parenting time. After you pay the course fee at the Clerk of the Superior Court, register for the parent education class at: http://www.sc.pima.gov/fccc/parented or by calling (520) 724-4949.

In post-decree cases and in paternity cases where parties are requesting a change of legal decision-making 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 if you attended a course outside of Pima County.)

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 or Attorney for Petitioner
Respondent or Attorney for Respondent

The Steps for filing the Current Legal Decision-Making and/or Parenting Time Action Before the Court Form

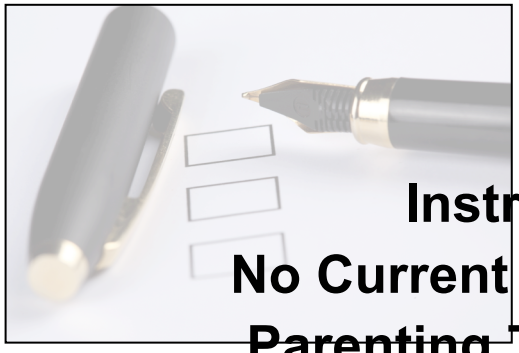
1 Make 3 copies of the form and keep one copy for yourself.

2 Take the original form and file it with the Clerk of the Superior Court:

Pima County Arizona Superior Court
110 West Congress
Tucson, Arizona 85701

3 Mail out the other two copies:

- One to the other parent or his/her attorney
- The other goes to the **Conciliation Court**: 32 North Stone, Suite 1704 Tucson, AZ 85701



Instructions for Completing No Current Legal Decision-Making and/or Parenting Time Action Before The Court (Post Decree/Post Judgment)

The Caption

The caption is the information in the upper left of the first page of the form.

- Fill in your name, street address, city, state, ZIP, telephone number

Case No.

- Clearly print your Superior Court Case Number.

Petitioner

- Enter the name of the person who is the Petitioner in your court case.

Respondent

- Enter the name of the person who is the Respondent in your court case.

1. Type of court case

- Put a check mark in the box that describes the type of case you have before the court.

2. Spanish speaking mediator

- Put a check mark in the box if you need a mediator who speaks Spanish (Si necesita un mediador que habla español, favor de indicarlo aquí.)

3. Who is requesting mediation?

- Put a check mark in the box for the person who is asking for mediation.

4b-c

- Put a checkmark in the boxes next to the statements that are true.

5. Previous mediation

- Put a check mark in the box to indicate if you have previously attended mediation. If yes, then write in the State, location and date.

6. Purpose for mediation

- Write in the names and ages of the children who are the subject of the mediation.

7. Mediation goals

- Describe what you would like to happen in mediation.

8a,b. Date and Sign

- Sign your name and enter the date that you signed.
- Put a checkmark in the box to tell the court who signed the form.

9. Name and Address of the Parties (Please Print)

- Write down the contact information for both you and the other parent.

You are now finished filling out this form.

However, you ***must first*** file and process this form ***before*** you continue with the next steps in this mediation request which involves the other 3 forms.

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

REGARDING THE MATTER OF:

_____
Petitioner

_____
Respondent

SUPERIOR COURT CASE NO: _____

REQUEST FOR MEDIATION: NO CURRENT LEGAL DECISION-MAKING AND/OR PARENTING TIME ACTION BEFORE THE COURT (POST-DECREE OR POST JUDGMENT)

☐ 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 legal decision-making or parenting time and the parties have agreed in writing in the most recent parenting plan 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 legal decision-making or parenting time orders entered in a paternity action,

AND/OR

☐ It has been more than 1 year since the most recent court-ordered legal decision-making/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 legal decision-making 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 ALONG WITH A RESPONSE FORM. FILE PROOF OF SERVICE WITH THE CLERK OF THE SUPERIOR COURT.

MAIL OR DELIVER A COPY TO:

Conciliation Court
Petitioner or Attorney for Petitioner
Respondent or 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

RESPONSE TO 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 by the other party with the Court.

☐ I AGREE TO ATTEND MEDIATION

☐ I DO NOT AGREE TO ATTEND MEDIATION
(State reasons on lines below)

_____

_____

_____

_____

_____

_____

_____ _____

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 or Attorney for Petitioner
Respondent or Attorney for Respondent
Conciliation Court

The Steps for filing the No Current Legal Decision-Making and/or Parenting Time Action Before the Court (Post-Decree/Post-Judgment) Form

1 Make 3 copies of the form.

2 Take the original form and file it with the Clerk of the Superior Court:

Pima County Arizona Superior Court
110 West Congress
Tucson, Arizona 85701

Tell the clerk that you want to file a **No Current Legal Decision-Making and/or Parenting Time Action Before the Court (Post-Decree/Post-Judgment) form**.

3 Keep one copy for yourself, and mail a copy to: Conciliation Court:

Conciliation Court
32 North Stone, Suite 1704
Tucson, Arizona 85701

June 2018

4 “SERVE” the form to the other parent.

You must now arrange to have these papers served on the other parent:

1. **No Current Legal Decision-Making and/or Parenting Time Action Before the Court (Post-Decree/Post-Judgment form**.
2. **Response to Request for Mediation**

The first form is the one you just completed. The second form **Response to Request for Mediation** should be blank. The other parent will need to complete and file that form.

Please see Packet #10 *Service* for the instructions and forms that are needed to serve your mediation forms.

The waiting period…

You have to wait 20 days to see if the other parent files a response.

If the other parent responds before the 20 days then you can continue with the Request for Order Granting or Denying Mediation form.

Instructions for Completing Request for Order Granting or Denying Request for Mediation

The Caption

The caption is the information in the upper left of the first page of the form.

- Fill in your name, street address, city, state, ZIP, telephone number

Case No.

- Clearly print your Superior Court Case Number.

Petitioner

- Enter the name of the person who is the Petitioner in your court case.

Respondent

- Enter the name of the person who is the Respondent in your court case.

1. Spanish speaking mediator

- Put a check mark in the box if you need a mediator who speaks Spanish (Si necesita un mediador que habla español, favor de indicarlo aquí.)

2. Response filed?

- If a response **was** filed then put a check mark in the first box.
- If a response **was not filed** put a check mark in the second box.

3 a,b. Date and Sign

- Sign your name and enter the date that you signed.
- Put a checkmark in the box to tell the court who signed the 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._____

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 or Attorney for Petitioner
Respondent or Attorney for Respondent
Conciliation Court
Assigned Judge

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

_____
Respondent

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

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:

☐ The Request for Mediation is APPROVED. 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. It is further ordered:

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

OR

☐ If the parties have not previously attended the mandatory Domestic Relations Education on Children's Issues Course (Parent Education), they are required to attend within 30 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) 724-4949.

OR

☐ The Request for Mediation is DENIED.

_____
Date

_____
Judicial Officer

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

The Steps for filing the Request for Order Granting or Denying Request for Mediation Form

1 Make 3 copies of the form and keep one copy for yourself.

2 Take the original form and file it with the Clerk of the Superior Court:

Pima County Arizona Superior Court
110 West Congress
Tucson, Arizona 85701

3 Mail out the other two copies:

- One to the other parent or his/her attorney.

- The other goes to your assigned Judge along with the form called Order Regarding Request for Post-Decree/Post-Judgment Mediation.

  On the top part of the Order form, fill in the caption information on the upper left hand side the petitioner's name, the respondent's name, the superior court case number, and the name of your assigned Judge. If you do not know your assigned Judge, you may call Case Management Services at 724-4200.

You're done!

Now you must wait and see if the Judge decides that mediation needs to happen.

If the Judge agrees in favor of mediation, the Conciliation Court will schedule the mediation and mail out the orders to appear.