

Petition For Modification Of Legal Decision-Making and/or Parenting Time



Packet # 23



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

GENERAL INFORMATION & Frequently Asked Questions

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

What is a Petition?

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

What do “Petitioner” and “Respondent” mean?

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



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

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

Who are Mediators?



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

How much will all this cost?

FEES IN GENERAL

As of January 2019 the cost to file:

- Packet #23, *Petition to Modify Legal Decision Making and/or Parenting Time* \$89



OTHER EXPENSES INCLUDE:

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

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

WHAT IS A DEFERRAL OR WAIVER?

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

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

Volunteer Lawyers Program Domestic Relations Clinic



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

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

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

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

There are lawyers who will help you help yourself

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

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

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

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

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



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

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

Are you the victim of domestic violence?



Important! Read this first...

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

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

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



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

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

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

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

Pima County Consolidated Justice Court
115 N. Church Avenue, 2nd floor
(520) 724-3171

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

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

Tucson Police Department
(520) 791-4444

In case of emergency, call 911.



If you are in a protected location or shelter,

DO NOT put your address or phone number on the court documents!

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

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

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

What is Legal Decision-Making?

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

Sole Legal Decision-Making

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

Joint Legal Decision-Making

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

What is parenting time?

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

How is parenting time different from visitation?



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

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

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

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

DOMESTIC VIOLENCE



attorney.

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

CRIMINAL OFFENSES

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



Military Members Only

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



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

1. Temporary Orders

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

2. Priority Status

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

3. Delegation of Parenting Time

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

4. Return to Pre-deployment Plan

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

5. 90 Day Waiting Period

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

6. Change in Circumstances

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

7. Electronic Testimony

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

How do I use this packet?

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

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

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

The judge will notify you of the decision by mail.

Additional Resources Available to You

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

To Find a Lawyer:

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

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

Southern Arizona Legal Aid: 520-623-9465

Mediation Services and Parent Education:

Pima County Conciliation Court: 520-724-5590

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

Model Parenting Time Plans:

<http://www.azcourts.gov/portals/31/parentingTime/PPWguidelines.pdf>

See Packet #9, *Parenting Plan*.

Child Support Help:

Arizona DES Child Support Enforcement Division website:

https://www.azdes.gov/az_child_support

Child Support Calculator:

<http://www.azcourts.gov/familylaw/2018ChildSupportCalculator.aspx>

Other resources you may find helpful:

Arizona Revised Statutes (A.R.S.):

<http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=25>

Pima County Bar Association Public Resource Page:

<http://www.pimacountybar.org/legal-resources>

State Bar of Arizona:

<http://www.azbar.org/Public>

Law Library website:

<http://www.sc.pima.gov/Default.aspx?tabid=60>



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

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

- Verified Petition for Modification of Legal Decision-Making And Parenting Time OR Verified Petition for Modification of Parenting Time
- Affidavit in Support of Petition for Modification of Legal Decision- Making And Parenting Time
- Affidavit re: Minor Children

Step 2. Serve the other parent

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

Step 3. Wait for judge’s decision

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

Step 4. If granted a hearing, schedule and attend mediation prior to the evidentiary hearing date.

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



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

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

1. Verified Petition for Modification of Legal Decision-Making And Parenting Time
2. Affidavit in Support of Petition for Modification of Legal Decision-Making
3. Affidavit re: Minor Children
4. Request for Protected Address (if necessary)
5. Order for Protected Address (if necessary)
6. Order to Appear

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



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

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



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

The Caption

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

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

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

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

Questions 1-6

1. Information:

- **Petitioner’s information:** Name and Address
- **Respondent’s information:** Name and Address

2. Children of this relationship

- Write the names and ages of the children.
- Check whether the children are living with the Petitioner, Respondent, or both.

3. Name of Court

- Write the name of the court and the state in which your current Legal Decision-Making and Parenting Time Order was first entered, or if the Order was entered by the Superior Court in Pima County, write the name of the Judge who made the order.

4. Date

- Write the date your current Legal Decision-Making and Parenting Time Order was first entered.

5. Check all that apply to you

- Check this box if it has been at least one year since your current Legal Decision-Making and Parenting Time Order was entered.
- Check this box if it has been less than one year since your current Legal Decision-Making and Parenting Time Order was issued and the children's present environment may seriously endanger the children's physical, mental, moral or emotional health.
- Check this box if it has been less than one year since your current Order was entered and domestic violence occurred pursuant to the criminal statutes listed on the form.
- Check this box if an Order was issued six months ago and the other parent is not following the Order.
- Check this box if there is or is not a written agreement between you and the other parent regarding legal decision-making and parenting time. Attach the written agreement if there is one.

6. Current Legal Decision-Making and Parenting Time Order

- Describe your current Legal Decision-Making and Parenting Time Order.

7. What circumstances have changed since the current Legal Decision-Making and Parenting Time Order

- Describe in detail the circumstances that have changed which are substantial and continuing and how they affect the children.
- Give specific examples, and attach additional pages if necessary, keeping in mind that the judge will consider these claims when determining whether or not a hearing will be granted.
 - A.** If it has been at least one year since the last Legal Decision-Making and Parenting Time Order was issued, fill out 7A.
 - B.** If it has been less than one year since the last Legal Decision-Making and Parenting Time Order was issued, fill out 7B. Describe the children's present environment and why it seriously endangers the children's physical, mental, moral, or emotional health. Attach affidavits that demonstrate in detail the specific dangers.

8. Attach the proposed Parenting Plan

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

Therefore, I Request:

- A. Write the date of the current Legal Decision-Making Order
- B. Check whether you want the Petitioner or Respondent to have either **sole legal decision-making and parenting time** or **joint legal decision-making and parenting time** of the children (see page 7 for definitions).
- C. Check either the Petitioner or the Respondent box indicating that you want to change the parenting arrangement.
- D. You do not need to do anything for D.
- E. Check whether you want the Petitioner or the Respondent to pay your reasonable court fees.
- F. You do not need to do anything for F.

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

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



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

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Case No. _____

Petitioner

and

Respondent

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

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

1. Petitioner's Information

Name: _____
Address: _____

Respondent's Information

Name: _____
Address: _____

2. Children of this relationship

Name: _____ Age: _____

Currently residing with Petitioner Respondent

Name: _____ Age: _____

Currently residing with Petitioner Respondent

Name: _____ Age: _____

Currently residing with Petitioner Respondent

Name: _____ Age: _____

Currently residing with Petitioner Respondent

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

Court _____ County/State _____

OR

Superior Court in Pima County signed by _____, Judicial Officer

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

5. Check all that apply:

- A. It has been at least one year since the prior Legal Decision-Making and Parenting Time Order was issued.
- B. It has been less than one year and the children's present environment may seriously endanger the children's physical, mental, or emotional health.
- C. A joint Legal Decision-Making and Parenting Time Order was previously entered and domestic violence pursuant to A.R.S. § 13-1201 or A.R.S. 13-1204 spousal abuse or child abuse occurred less than one year after the entry of the joint Legal Decision-Making Order.
- D. A joint Legal Decision-Making and Parenting Time Order was entered six months ago and the other parent has failed to comply with the order.
- E. There are are not written agreements regarding Legal Decision-Making of our children. (Attach a copy of any written agreement.)

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

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

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

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

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

Therefore, I request:

- A. That the current Legal Decision-Making and Parenting Time Order dated _____ be modified.
- B. That the Petitioner Respondent be granted
 sole legal decision-making joint legal decision-making as set forth in the attached parenting plan.
- C. That the Petitioner Respondent be granted parenting time with the children as set forth in the attached parenting plan.
- D. That any child support order currently in effect be modified to conform with any change in parenting time.
- E. That the Petitioner Respondent be ordered to pay my reasonable court fees.
- F. For such other relief as may be appropriate.

Dated: _____

Petitioner Respondent

STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)

The Petitioner Respondent being first duly sworn, states:

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

Dated: _____

Petitioner /Respondent



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

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

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



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

The Caption

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

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

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

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

Questions 1-4 apply to your reference.

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

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Petitioner

Case No. _____

and

Respondent

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

STATE OF ARIZONA)
) ss _____ being duly sworn, states as follows:
County of Pima)

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

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

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

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

CASE NO. _____

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

Dated: _____

Signature

STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)

Subscribed and sworn to before me on _____

Notary Public/Deputy Clerk

My Commission Expires: _____



Instructions for *Affidavit Regarding Minor Children* Form

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

The Caption

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

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

If you are a domestic violence victim, do not write your address on this form.

Instead, write “Protected Address” and complete the *Request for Protected Address* form included in this packet.

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

Questions 1-6

1. THE PARTIES’ MAILING ADDRESSES ARE

- Write your address and the other parent’s address.

2. CHILDREN OF THE PARTIES WHO ARE UNDER AGE 18

- Write the name, and age(s) of all the children under 18 years that were born, or adopted during the marriage.

3. INFORMATION REGARDING WHERE THE CHILDREN UNDER AGE 18 HAVE LIVED FOR THE LAST 5 YEARS

- Write the names and addresses of the children, and where the children have lived for the last five years (use additional forms if necessary).

4. INFORMATION REGARDING COURT CASES INVOLVING LEGAL DECISION-MAKING AND PARENTING TIME WITH THE CHILDREN NAMED ABOVE IN WHICH I HAVE BEEN A PARTY, WITNESS OR APPEARED IN ANY OTHER CAPACITY

- Check **no** if you **do not** have information regarding court cases involving legal decision-making and parenting time with the named children when you were a party, witness, or appeared in another capacity. If no, go on to #5.

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

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

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

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

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

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

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Case No. _____

Petitioner

and

Respondent

AFFIDAVIT REGARDING MINOR CHILDREN

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

1. THE PARTIES' MAILING ADDRESSES ARE:

Petitioner: _____

Respondent: _____

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

Name _____

Age _____

Name _____

Age _____

Name _____

Age _____

Name _____

Age _____

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

Child's Name _____ Dates: From _____ to _____
Address _____ Lived with _____
City, State _____
Relationship to child _____

Child's Name _____ Dates: From _____ to _____
Address _____ Lived with _____
City, State _____ Relationship to child _____

Child's Name _____ Dates: From _____ to _____
Address _____ Lived with _____
City, State _____ Relationship to child _____

Child's Name _____ Dates: From _____ to _____
Address _____ Lived with _____
City, State _____ Relationship to child _____

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

I have been a party/witness in court in this state or in any other state that involved the legal decision-making and parenting time of the children named above.

Yes No If yes, explain. If no, go on to next section.

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

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

I have information about a legal decision-making and parenting time court case relating to any of the children named above that is pending in this state or in any other state.

Yes No If yes, explain. If no, go on to next section.

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

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

(Check yes or no.)

I have information about a legal decision-making and parenting time case relating to any of the children named above that is pending in this state or in any other state.

Yes No If yes, explain. If no, go on to next section.

Name of each child: _____

Name of person with the claim: _____

Address of person with the claim: _____

Nature of the claim: _____

State of Arizona)
) ss:
Pima County)

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

Petitioner / Respondent

Subscribed and sworn to before me on _____

Notary Public/Deputy Clerk

My Commission Expires: _____



Instructions For A *Request For Protected Address*

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

The Caption

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

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

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

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

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

Name: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Petitioner

Case No. _____

and

Respondent

REQUEST FOR PROTECTED ADDRESS

Petitioner **or** Respondent

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

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

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

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

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

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

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

Date

 Petitioner's **or** Respondent's Signature

[Request for Protected Address]

PERSON WHOSE ADDRESS IS PROTECTED:

_____ Petitioner or Respondent

ADDRESS TO BE PROTECTED:

Street: _____

City: _____

State, Zip Code: _____

Telephone Number: _____



Instructions for *Order For Protected Address*

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

The Caption

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

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

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

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

ARIZONA SUPERIOR COURT, PIMA COUNTY

Petitioner

Case No. _____

And

Respondent

ORDER FOR PROTECTED ADDRESS

Petitioner **or** Respondent

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

IT IS ORDERED that:

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

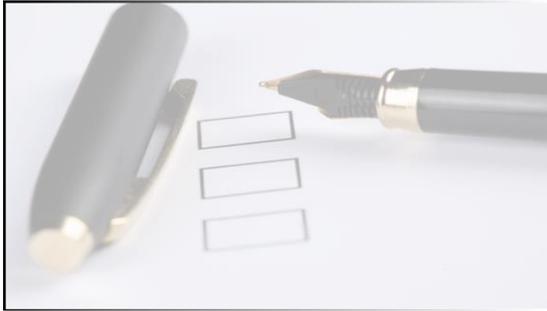
The Clerk of the Court shall protect the address of Petitioner **or** Respondent from public disclosure until further order of this court.

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

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

Date

Judicial Officer



Instructions for Completing *Petition To Modify Parenting Time*

You may type on the forms or write in black ink



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

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

The Caption

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

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

If you are a domestic violence victim, do not write your address on this form.

Instead, write “Protected Address” and complete the *Request for Protected Address* form included in this packet.

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

Questions 1 - 9

1. Party filling out form

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

2. Parent filling out form

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

3. Children of the parties who are under age 18

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

4. Information regarding where the children are living

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

5. Information regarding court information

- a. Check the box if there was a divorce between you and the other parent.
- b. Check the box and fill in the date if an Order of Paternity was entered.
- c. Fill in the date of the last modified Legal Decision-Making and Parenting Time Order.
- d. Fill in the name and address of the court that entered the order.

6. Information regarding Domestic Relations Course on Children’s Issues

- a. Check the box if the petitioner has or has not attended the Domestic Relations Course on Children’s Issues.
- b. Check the box if the respondent has or has not attended the Domestic Relations Course on Children’s Issues.

7. Information regarding Mediation

- a. Check the box if you and the other parent attended mediation and an agreement was reached, or
- b. Check the box if you and the other parent attended mediation and an agreement **was not** reached, or
- c. Check the box stating whether one parent lives outside of Pima County.

8. Information on why you want to make changes to the parenting time

- a. Write down in detail why you want to make changes to the parenting time agreement. Use additional paper if needed.

9. Information regarding the new Parenting Plan

- a. Fill out *Packet # 9*, Parenting Plan (located in the self-service area of the Pima County Superior Court Library or online).
- b. Attach the Parenting Plan to the Petition.

Therefore, I Request

- A. Check either the Respondent or Petitioner’s box to indicate that he or she needs to attend the court hearing.
 - Write the date. Check either the Petitioner or Respondent box, and sign your name.
 - Read the Certification statement. Write the date, check either the Petitioner or Respondent box, and sign your name.



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

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Petitioner

Case No. _____

and

PETITION TO MODIFY PARENTING TIME

Respondent

1. I am the Petitioner Respondent in the above matter.
2. I am the Mother Father of the following minor children:
3. Name of Child: _____ Age: _____
 (attach additional page if necessary)
4. Petitioner Respondent Other: _____ has primary parenting time of the children.
5. A Decree of Dissolution of Marriage An Order of Paternity was entered on _____.
 The last Parenting Time Order was entered/modified on: _____
 The name and location of the Court that entered the order is: _____
6. Petitioner has has not attended the Domestic Relations Course on Children's Issues.
 Respondent has has not attended the Domestic Relations Course on Children's Issues.
7. Mediation pursuant to Pima County Local Rule 8.7:
 Has been completed No agreement was reached
 One party resides outside of Pima County
8. I believe that the current parenting time schedule should be modified because: (Give specific reasons)

9. I believe that the proposed parenting time schedule attached is in the best interests of the minor children.

THEREFORE, I request:

- A. That the Petitioner Respondent or Other _____ be ordered to appear for a hearing regarding the above request to modify parenting time.
- B. That the current parenting time be modified as set out in the proposed parenting plan attached.
- C. For such other orders as may be appropriate.

Dated: _____ Petitioner Respondent

STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)

The Petitioner Respondent being first duly sworn, states:

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

Dated: _____
Petitioner /Respondent



INSTRUCTIONS FOR COMPLETING *ORDER TO APPEAR*

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

The Caption

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

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

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

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

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

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Petitioner

Case No. _____

and

ORDER TO APPEAR

Respondent

NOTICE: This is an important Court Order that may affect your rights. If you do not understand this Order, contact a lawyer for help. All parties, whether represented by an attorney or not, must be present. If you do not appear, a Judicial Officer may enter orders granting the relief requested by the other party.

IT IS ORDERED THAT _____ appear as follows:

DATE AND TIME OF HEARING: _____ at _____

PLACE OF HEARING: Arizona Superior Court, Pima County Courthouse
110 W. Congress Avenue, Tucson, AZ
Courtroom to be assigned

NAME OF JUDICIAL OFFICER: _____

Time allotted for hearing: _____

TYPE OF HEARING:

- Resolution Management Conference
 Evidentiary Hearing: Evidence will be presented
 Other: _____

IT IS FURTHER ORDERED that a true copy of this Order to Appear and a true copy of the documents filed with the Petition shall be served on the party required to appear in accordance with the Arizona Rules of Family Law Procedure, Rule 43, not less than 10 days prior to the above hearing date.

IT IS FURTHER ORDERED that both parties comply with Rule 8.5, Pima County Local Rules of Practice.

Requests for reasonable accommodation for persons with disabilities or a request for an interpreter for other than spoken English language must be made to the office of the assigned judicial officer 5 days before the scheduled Court date by calling 520-724-3200.

Dated: _____

Judicial Officer



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

1. Make copies of the following completed documents:

- You will need the original document plus **two** copies of the following documents:
 - Verified Petition for Modification of Legal Decision-Making and Parenting Time and Affidavit in Support of Petition for Modification of Legal Decision-Making (there may be more than one if multiple people filled this out for you)
 - Affidavit re: Minor Children
 - Order to Appear
- You will need the original document plus **one** copy of the following documents:
 - Deferral/Waiver of Fees/Costs Form (if applicable)
 - Request and Order for Protected Address (if applicable)

2. Separate the documents into 3 sets.

- **Set 1** (Original Documents) goes to the **Clerk of the Court**
 - Verified Petition for Modification of Legal Decision-Making and Parenting Time and Affidavit in Support of Petition for Modification of Legal Decision-Making (there may be more than one if multiple people filled this out for you)
 - Affidavit re: Minor Children
 - Order to Appear
 - Deferral/Waiver of Fees/Costs (if applicable)
 - Request for Protected Address (if applicable)
- **Set 2** will go to **the other parent**
 - Verified Petition for Modification of Legal Decision-Making and Parenting Time and Affidavit in Support of Petition for Modification of Legal Decision-Making (there may be more than one if multiple people filled this out for you)
 - Affidavit re: Minor Children
 - Order to Appear
- **Set 3** is **your set** of copies
 - Same as **Set 2**, plus the Confidential Sensitive Data Form (if applicable), the Deferral/Waiver of Fees/Costs Form (if applicable), and Request for Protected

Address Form (if applicable)

File the papers at the court.

- Take your packet to the **Clerk of the Superior Court**
 - First Floor*
 - Superior Court Building*
 - 110 West Congress*
 - Tucson, AZ 85701*
 - Open 8 am to 5 pm, Monday through Friday (except legal holidays)*
 - Arrive at the court at least one hour before it closes.
 - There is a filing fee for all Petitions and there are Service Fees. You may request a Deferral or Waiver of the filing fees at the time you file your papers with the Clerk of the Court, if you qualify. You must get a waiver or deferral approved BEFORE you can file or serve the Petition. See Packet #12, *Deferral or Waiver of Fees or Costs* for more information.
 - MAKE SURE YOU LEAVE WITH:
 - Your set of copies
 - The other parent's copy
- 3. Serve the court papers on the other parent**
- Use Packet #10, *Service of Papers on the Other Party*.

Tips for Appearing in Court



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