

Information and Instructions for Completing the “Resolution Statement” for Paternity and Legal Decision-Making Cases

GENERAL INFORMATION

Arizona Rule of Family Law Procedure 49 (Rule 49) requires both parties to share information in family law cases. It requires each party send to the other party a detailed statement with the specific positions the party proposes to resolve all issues. It also requires parties to exchange detailed facts and documents concerning issues of child support, legal decision-making, parenting time, spousal maintenance, witnesses, attorney fees, property, and debt.

Rule 49 allows full discovery of important facts to avoid “litigation by ambush.” The Rule promotes greater professionalism among counsel, with the ultimate goal of increasing voluntary cooperation and exchange of information. The Rule is also meant to help the parties focus on the problems that are truly in dispute by resolving (by the free exchange of information) issues where they unexpectedly agree. Disclosure rules also encourage the trial courts to deal with discovery abuse in a strong and forthright fashion. Ultimately, obedience to the discovery rules enables a more efficient, less expensive, and more accessible Arizona judicial system.

RESOLUTION STATEMENT

1. What is a “Resolution Statement?” A Resolution Statement is a detailed description of the position a party proposes to resolve all the issues in a Family Law case. The Resolution Statement is one part of the fact sharing process required by Rule 49 of the Arizona Rules of Family Law Procedure.
2. When do I file the “Resolution Statement?” You file the Resolution Statement 30 days after exchanging with the other party your initial disclosure information, or as ordered by the Court.
3. Where do I file the “Resolution Statement?” You file the Resolution Statement with the Clerk of Superior Court, Civil Unit on the 1st floor of Superior Court.
4. Who must file a “Resolution Statement?” Every party involved in a divorce, or any non-divorce case involving paternity, legal decision-making, parenting time or child support must file a resolution statement, unless the court permits otherwise.
5. Do I have to provide the “Resolution Statement” on the other party? Yes. A Resolution Statement must be provided to all parties, or their attorneys. In addition to filing the original statement with the Clerk of Superior Court, a party must provide a file-stamped copy to the assigned judge and provide (either First-Class mail or hand-deliver) a copy on all other parties or their attorneys. You do not need to mail the Resolution statement by means that require a signed receipt.
6. What is the difference between a “Resolution Statement” and a “Disclosure Statement?” The Resolution Statement requests different information than the Disclosure Statement. Also, the Resolution Statement *is filed* with the Clerk of Superior Court, whereas the Disclosure Statement is *not filed* with the Clerk of Superior Court.

INSTRUCTIONS

How to fill out the “Resolution Statement” in a paternity or legal decision-making case.

- **HEADING:**

1. In the top left corner of the first page, fill out the following: YOUR name; address (if not protected); city, state and zip code; telephone number; and your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security.
2. Fill in the space that says “Petitioner” and “Respondent”

- **ITEM NUMBERS:**

Item 1: IV-D Case: Place a check mark in the box or boxes that best describe(s) your situation regarding the listed forms of public assistance, or the state Division of Child Support Enforcement.

Item 2: Legal Decision-Making (legal custody): List the names, birthdates, and ages of minor children in common with your spouse. Then check the appropriate boxes and fill in the blanks describing how you want to manage the Legal Decision-Making (legal custody).

Item 3: Child Support: If there are no minor or disabled children common to the parties – and – if there were no minor or disabled children from the date the parties separated, skip to Item number 5. Otherwise, on the space provided state your monthly income and that of your spouse. Then check the appropriate boxes regarding your position on the financial factors necessary to calculate child support.

Past Support: check the appropriate boxes and then complete the sentence regarding your position concerning past support.

Direct Payments: Enter the amount of direct payments that have already been made. Include the time period during which those payments were made.

Past Medical Expenses: Enter the total amount of medical expenses that you have incurred and the time period during which you incurred them. Also enter the percent of those expenses for which you think the other parent is responsible.

Pregnancy, Childbirth, and/or Genetic Testing: Enter the total amount of the expenses you have incurred due to pregnancy, childbirth, and/or genetic testing. Also enter the percent of those expenses for which you think the other parent is responsible.

Item 4: Attorneys’ Fees: You may ask that each party be responsible for his or her own attorneys’ fees and other costs, or you may request that each party pay a specific amount of the total attorneys’ fees and costs incurred by both parties.

Item 5: Name Change: If you are requesting that the child(ren)’s names be changed, write the child(ren)’s current names and what you request they be changed to.

Item 6: Other Issues: State any other issues that you believe must be resolved to fully settle this case.

Item 7: Settlement: By signing this document, you verify that what you have stated in it is true to the best of your knowledge and that you will be prepared to support what you have stated with documentation at the time of your hearing. You also verify that you will settle the case if the terms you state above are met.

PROCEDURES

What to do after filling out the “Resolution Statement.”

1. Fill out the “Resolution Statement” and sign it.
2. Make 3 copies.
3. File the original and 3 copies with the Clerk of Superior Court. The Clerk will keep the original and give you back 2 copies.
4. Mail and/or hand-deliver a copy to Judge assigned to your case and the opposing party or his/her attorney. If you choose to mail a copy, you just need to mail it by First-Class mail. You do not need to mail the Resolution Statement by means that requires a signed receipt. Keep a copy of the statement for your records.



Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

ATLAS Number: _____

Lawyer's Bar Number: _____

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

ARIZONA SUPERIOR COURT IN PIMA COUNTY

Petitioner

Case No. _____

ATLAS No. _____

Respondent

PROPOSED PATERNITY / LEGAL DECISION-MAKING RESOLUTION STATEMENT OF:

Petitioner

Respondent

I, the person signing this document (or his or her attorney), believe the issues in this case should be resolved as follows: (BE SPECIFIC.)

1. IV-D Case:

I receive or have received public assistance that may include AFDC, TANF, or AHCCCS for my children or me.

I have a case with the Division of Child Support Enforcement.

Not applicable.

2. Legal Decision-Making (legal custody) and Parenting Time: The other parent and I have the following natural or adopted children in common:

Child(ren)'s Name(s)

Date of Birth

Age

I want the child[ren] to live primarily with Petitioner OR Respondent and to have parenting time with the other parent as follows (check all that apply):

- In accordance with Pima County Guidelines for reasonable parenting time.
- Every other weekend from:
 _____ at _____ a.m./p.m. to
 _____ at _____ a.m./p.m.
- One-half of the holidays on an alternating basis.
- For _____ weeks in the summer from _____ to _____ (inclusive).
- Spring Break from school.
- Other:

This should be a sole OR joint legal decision-making (legal custody) arrangement.

Petitioner or Respondent or _____ both parties should make the decisions about the child(ren), such as schools, doctors, etc.

3. Child Support: My position on the financial factors necessary to calculate child support under the Arizona Child Support Guidelines is as follows (complete in full):

Petitioner's Gross Monthly Income: \$ _____

Respondent's Gross Monthly Income: \$ _____

- Petitioner has _____ other child(ren) not listed above who live(s) in his/her household.
- Petitioner has _____ other child(ren) not listed above for whom he/she pays court-ordered child support in the amount of \$ _____ per month.
- Respondent has _____ other child(ren) not listed above who live(s) in her/his household.
- Respondent has _____ other child(ren) not listed above for whom she/he pays court-ordered child support in the amount of \$ _____ per month.
- Medical Insurance should be paid by Petitioner Respondent. The monthly cost for the child(ren) is \$ _____.
- Dental Insurance should be paid by Petitioner Respondent. The monthly cost for the child(ren) in this case is \$ _____.

Vision Care Insurance should be paid by Petitioner Respondent.

The monthly cost for the child(ren) in this case is \$_____.

Neither parent has insurance which is accessible and available at a reasonable cost.

Petitioner Respondent should pay cash medical support in the amount of \$_____per month.

Monthly Child Care Costs for child(ren) is \$_____.

Extra Education Expenses or Extraordinary Child Adjustments: I believe the Court should add the following to the child support calculation (leave blank if none claimed):

Description	Monthly Amount
_____	_____
_____	_____
_____	_____

Uninsured Medical Expenses should be paid:

Pro rata based upon each party's income as provided in the guidelines; or

Other: _____% paid by Petitioner and _____% paid by Respondent.

Tax Exemptions for the child[ren] should be divided (check one):

Pro rata based upon each party's income as provided in the guidelines; or

Other: _____

Past Support should be paid by Petitioner Respondent for the period of _____

_____ through _____ in the amount of

\$_____.

Direct payments for support have been received by me paid by me for the

period of _____ through _____

in the amount of \$_____.

Past Medical Expenses have been incurred by me (and not reimbursed by insurance) for

the period of _____ through _____

in the amount of \$_____ and the other parent should be ordered to

reimburse me for _____% of those expenses.

Expenses for pregnancy, childbirth, and genetic testing have been incurred by me (and not reimbursed by insurance) in the amount of \$_____ and the other parent should be ordered to reimburse me for _____% of those expenses.

4. Attorneys' Fees: If the case is settled today, I request the Court to order (choose one):

- Each party to pay his or her own attorneys' fees and costs.
- Petitioner to pay \$_____ of my attorneys' fees and costs within _____ days.
- Respondent to pay \$_____ to other party for attorneys' fees and costs within _____ days.

5. Name Change: I want the child(ren)'s names to be changed as follows:

6. Other Issues: Briefly state the other issues that you believe must be resolved to fully settle this case:

7. Settlement: I understand that I am required to personally meet and confer with the opposing party and their counsel at least five court days before my court date to resolve as many issues as possible unless there is a current court order prohibiting contact or a significant history of domestic violence between us. I verify that the above statements are true based on my best information and belief, and I am willing to settle and resolve this case based upon my positions as provided above. I will be prepared to show documentation to support my positions at the time of the conference or hearing.

Date

Signature of Petitioner Respondent
 Attorney for Petitioner Respondent

