

PETITION TO ESTABLISH LEGAL DECISION-MAKING & PARENTING TIME



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

GENERAL INFORMATION & Frequently Asked Questions

Why would I need to file this Petition to Establish?

You should file a *Petition to Establish Legal Decision-Making & Paternity* if you have a Decree of Dissolution of Marriage (Divorce) or a Paternity Judgment in Arizona that **did not include** legal decision-making or a *specific* parenting time schedule agreed upon by the parents.

If your Decree of Dissolution or Paternity Judgment is not from Arizona, you should contact an attorney for help.

Who can file a Petition to Establish?

Either the Petitioner or the Respondent in the original case can petition to establish legal decision-making and parenting time.

Do I need a lawyer's help?

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

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



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

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

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

How do I file a Petition to Establish?

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

Step 2: Make 2 copies of: (so you will have originals and 2 copies)

- *Petition to Establish Legal Decision-Making & Parenting Time*
- *Order to Appear RE: Petition to Establish*
- *Affidavit Regarding Minor Children*
- Preliminary Injunction (if applicable)

Step 3: File the papers with the court. Take all of the copies to the clerk of the court, located on the first floor of the Superior Court Building [110 West Congress, Tucson, AZ 85701. Open 8 am to 5 pm, Monday through Friday, except legal holidays]. Arrive at the court at least an hour before it closes.

The clerk will take your original forms and one set of copies and will stamp your originals.

What if I can't afford the filing fee?

You have to pay fees to file the Petition to Establish. If you can't afford the court fees, you may be able to get a deferral or waiver. You must do this *BEFORE* you file the petition.



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

What do I do now?

After you file your original forms with the clerk, the clerk will give you an Order to attend the Domestic Relations Education on Children's Issues class (parent education) and information about the course. Before the court can enter an order regarding legal decision-making or parenting time, the parents **MUST** attend the parent education course.

Now you wait while a judge reviews your forms, schedules a hearing, and issues an *Order to Appear*. The hearing will be scheduled for the earliest available date, which may be in 4 to 6 weeks. Approximately 10 days after you file, if a judge has signed your *Order to Appear Re: Petition to Establish*, you can pick up the forms at Superior Court. You will receive two copies of the Order to Appear: one for your records and one for the other parent.

Do I need to let the other party know I filed a Petition?

Yes! You are responsible for making sure the other parent receives copies of all the paperwork you file. This is called "service" and helps assure that the other party knows what is going on with the case. The court usually requires that you serve the other party at least 10 days before a scheduled hearing. For more information, see Packet # 10, *Service on the Other Party*.

For proper service include:

- 1 copy of the *Petition to Establish Legal Decisions-Making & Parenting Time*
- 1 copy of the *Order to Appear Re: Petition to Establish*, signed by the judge
- 1 copy of the *Affidavit Regarding Minor Children*
- 1 copy of the Preliminary Injunction (if applicable)

What should I expect at my hearing?

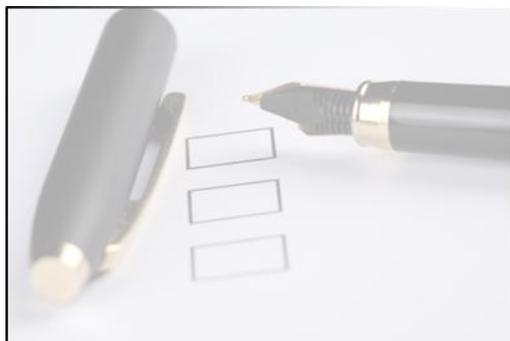
At the hearing you and the other parent will tell the court about the case and why legal decision-making and parenting time orders are necessary. Be prepared to give testimony and present evidence (documents, photos, etc.) about why the court should order what you requested in your Petition to Establish. If you believe witnesses are necessary, they must attend the hearing in order to give testimony.

The court cannot read letters or “affidavits” from people who are not in court.

After the hearing the judge will make a decision—either right then from the bench and tell you about it or by sending you a written decision later.

Other things to know:

- Dress neatly and appropriately. Do not wear shorts, halter tops, “suggestive” clothing, or hats to court.
- DO NOT bring children to court.
- If you need an accommodation due to a disability or an interpreter for any language other than spoken English, you must request it more than 5 days before a hearing
- Allow time for parking and bring money for parking fees.
- Court hearings CANNOT be continued or rescheduled with a phone call. If you cannot attend your scheduled court date, you must file a written request to change the hearing. This request is called a *Motion to Continue* and is available online and in the self-service center.
- The order of the parties DO NOT CHANGE from what they were in the original decrees. Even if you are filing the Petition to Establish, if you were the Respondent for the divorce or paternity case, you are still the Respondent now.



Instructions for Completing Petition to Establish Legal Decision-Making & Parenting Time

The Caption

- **Personal information** – Fill in your name, street address, city, state, ZIP code, telephone number.
- **Case No.** – Enter your Superior Court Number, as found on the Decree for Dissolution or Paternity Judgment.
- **Petitioner** – Enter the Petitioner’s name. *This will be the same person who was the Petitioner in the original Decree for Dissolution or Paternity Judgment.*
- **Respondent** – Enter the Respondent’s name. *This will be the same person who was the Respondent in the original Decree for Dissolution or Paternity Judgment.*

PETITION TO:

Tell the court what sort of orders you want. Check to establish the first court order for:

- Both legal decision-making *and* parenting time
- Parenting time *only*

General Information

- Check if you are the Petitioner or Respondent in the original Decree for Dissolution of Paternity Judgment.
- Check if you are the Mother or Father of the minor children in the case.
- Write the names, ages, and current addresses of the minor children. Attach an additional page, if needed.
- Write the name of the person with whom the children currently primarily live.

Information About the Previous Order

- Check whether your previous order was a Decree of Dissolution of Marriage or a Paternity Judgment.
- Write the date the order was entered.
- Tell the court what is missing from your previous order. Check all that apply.

I Request

- Check if you are requesting an order for legal decision-making (and you already checked “legal decision-making” above).

Then check:

- Sole Legal Decision-Making and Petitioner – so only the petitioner can make decisions about the child(ren)
 - Sole Legal Decision-Making and Respondent – so only the respondent can make decisions about the child(ren)
 - Joint Legal Decision-Making – so the parents will make decisions together about the child(ren)
-
- Check if you are requesting an order for specific parenting time (and you already checked at least one “parenting time” box above)
 - Attach a completed Parenting Plan. See Packet # 9, *Parenting Plans*.

Domestic Relations Education & Mediation

Check

- If you have already attended the mandatory Domestic Relations Education on Children’s Issues course (parent education). **OR**
- If you are scheduled to attend the mandatory Domestic Relations Education on Children’s Issues course (parent education).
 - Write the date of your scheduled parenting class.
- Whether the parents “have” or “have not” previously attended Mediation.

OATH AND VERIFICATION

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

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

ARIZONA SUPERIOR COURT, PIMA COUNTY

Case No. _____

Petitioner

and

Respondent

PETITION TO ESTABLISH THE FIRST COURT ORDER FOR:

- For Legal Decision-Making
& Parenting Time
 Parenting Time *only*

GENERAL INFORMATION

I am the Petitioner Respondent.

I am the Mother Father.

Name of Child: _____ Age: _____

Current Address: _____

Name of Child: _____ Age: _____

Current Address: _____

(attach an additional page, if needed)

The child(ren)'s current primary residence is with: _____

INFORMATION ABOUT THE PREVIOUS ORDER

A Decree of Dissolution of Marriage Paternity Judgment was entered on: _____

The order above did not provide for:

- Legal Decision-Making
 Any Parenting Time for the Petitioner or Respondent
 A specific Parenting Time schedule and the parents do not agree on one

I REQUEST

- I request the following order regarding Legal Decision-Making:
 Sole Legal Decision-Making for the Petitioner or Respondent
OR
 Joint Legal Decision-Making

I request an order for Parenting Time as noted in the attached, completed Parenting Plan
(see Packet # 9)

DOMESTIC RELATIONS EDUCATION & MEDIATION

- I have attended the mandatory Domestic Relations Education on Children’s Issues course
- I am scheduled to attend the Domestic Relations Education on Children’s Issues course on _____

The parents have have not previously attended Mediation.

OATH AND VERIFICATION

STATE OF ARIZONA)
)
 County of Pima)

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

 Petitioner Respondent

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

By _____.

 Notary Public

My Commission Expires:



Instructions for Completing Order to Appear RE: Petition to Establish Legal Decision-Making & Parenting Time

The Caption

- **Personal information** – Fill in your name, street address, city, state, ZIP code, telephone number.
- **Case No.** – Enter your Superior Court Number, as found on the Decree for Dissolution or Paternity Judgment.
- **Petitioner** – Enter the Petitioner’s name. *This will be the same person who was the Petitioner in the original Decree for Dissolution or Paternity Judgment.*
- **Respondent** – Enter the Respondent’s name. *This will be the same person who was the Respondent in the original Decree for Dissolution or Paternity Judgment.*

This is all that you need to write on this form.

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

You can pick up the completed and signed form from the clerk of the court.

This is the form that you serve on the other parent to let him or her know there is a hearing.

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

ARIZONA SUPERIOR COURT, PIMA COUNTY

Petitioner

Case No. _____

and

Respondent

**ORDER TO APPEAR RE:
PETITION TO ESTABLISH
LEGAL DECISION-MAKING
& PARENTING TIME**

Based on documents filed and pursuant to Arizona Law,

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

INFORMATION ABOUT COURT HEARING TO BE HELD:

NAME OF JUDICIAL OFFICER: _____

DATE AND TIME OF HEARING: _____

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

TIME ALLOTTED FOR HEARING: _____

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

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

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

IT IS FURTHER ORDERED that a copy of this “Order to Appear re: Petition to Establish Legal Decision-Making & Parenting Time” and a copy of the documents filed with the Petition shall be served by the moving party on the parties who are required to appear and a copy of these documents shall be mailed immediately to parties who have appeared in this action, in accordance with the Arizona Rules of Family Law Procedure, Rule 43.

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

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

Date

Judicial Officer



Instructions for Completing Affidavit Regarding Minor Children

The Caption

- **Personal information** – Fill in your name, street address, city, state, ZIP code, telephone number.
- **Case No.** – Enter your Superior Court Number, as found on the Decree for Dissolution or Paternity Judgment.
- **Petitioner** – Enter the Petitioner’s name. *This will be the same person who was the Petitioner in the original Decree for Dissolution or Paternity Judgment.*
- **Respondent** – Enter the Respondent’s name. *This will be the same person who was the Respondent in the original Decree for Dissolution or Paternity Judgment.*

1. The nature of this action is:

- Check “Establishment”
- Check “Legal Decision-Making” and “Parenting Time” to match your Petition to Establish

2. Pregnancy

- Check whether the mother “is” or “is not” currently pregnant.

3. Minor children in the case

- Check whether there “are” or “are not” minor children for whom either parent has legal decision-making.

4. Prior litigation

- Check that you “have” been involved in prior cases involving legal decision-making or parenting time concerning a child mentioned below in Arizona or any other state.
- Write as much information about the case as possible, including the child(ren)’s name(s), state & county, court, case number, year, etc., and your involvement in the case. List this information for your Decree of Dissolution or Paternity Judgment *and any other prior litigation*. The information could affect you or your children’s rights in this case.

5. Pending Litigation

- Check whether you “do” or “do not” know of any legal decision-making proceeding concerning a child mentioned below that is **pending** in Arizona or any other state.
- Write as much information about the case as possible, including the child(ren)’s name(s), nature of proceeding, state & county, court, case number, case status, etc. The information could affect you or your children’s rights in this case.

6. Non-Party Claims

- Check whether you “do” or “do not” know of any **non-party** who has or claims to have legal decision-making or parenting time rights with any child mentioned below.
- Write as much information about the person(s) and situation as possible, including the person’s name and address, the child(ren)’s name, and whether the non-party **actually has** legal decision-making or parenting time or **claims** to have legal decision-making or parenting time.

Note that this section refers to **non-parties**,
so **DO NOT** include the Petitioner or Respondent here.

7. Mother’s mailing address

- Write the mother’s mailing address on the line, including city, state, and ZIP code.

8. Father’s mailing address

- Write the father’s mailing address on the line, including city, state, and ZIP code.

9. Information about minor children

- Write the names, birthdates, and birthplaces of the minor children in this case. The minor children in the case are those that are common to the Petitioner and Respondent (biological or adopted).

If all the children lived together, write their home locations during the last 5 years, including:

- Dates that the child(ren) lived at each residence
- Address of the child(ren) during those dates
- Name(s) and current address(es) of the person(s) with whom the children lived and who had legal decision-making for them
- Relation of that person to the child(ren)
- **If any of the children lived separately, attach an additional page with specific information for that child.**

Date & Signature

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

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Petitioner

Case No. _____

and

**AFFIDAVIT RE:
MINOR CHILD(REN)**

Respondent

1. The nature of this action is:

- Dissolution Legal Separation Paternity Annulment Modification
 Establishment Legal Decision-Making Parenting Time

2. Pregnancy

The mother is is not currently pregnant.

3. Minor child(ren) in the case

There are are not minor children for whom either or both parties have legal decision-making.

4. Prior litigation

I have have not participated as a party, witness, or in any other capacity in any other prior litigation concerning legal decision-making or parenting time of a child mentioned below, in this or any other state. (If you have, state the name of each child, the manner in which you participated, the court, the state & county or district, case number, and the date of order, decree, or judgment, if any.)

5. Pending litigation

I do do not have any information concerning of any pending legal decision-making or parenting time proceeding concerning a child mentioned below, in this or any other state. (If you do, state the name of each child, the nature of the proceeding, the court, the state & county or district, case number, and the status of the proceeding.)

6. Non-Party Claims

I do do not know of any person not a party to this proceeding who has or claims to have legal decision-making or parenting time rights with respect to any child mentioned below. (If you do have such knowledge, state the name and address of the person(s), the child(ren) involved, and whether that person has or claims to have legal decision-making or parenting time.)

7. Mother's mailing address: _____

8. Father's mailing address: _____

9. Information about minor child(ren)

The minor child(ren) affected by this action are: (add another page, if needed)

Name	Birthdate	Birthplace

All the children resided together at the following locations during the last five years:

(add another page, if needed)

Dates of Residence	Address of child(ren)	Name(s) & present address(es) of person(s) having legal decision-making for child(ren)	Relation to child(ren)

NOTE: If any of the children lived separately from the others during this period, provide specific information for that child on another page.

STATE OF ARIZONA)
) ss.
 County of _____)

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

Signature: _____
 Petitioner Respondent

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

My Commission Expires: _____

 Notary Public



Instructions for Completing the Preliminary Injunction

- Use this form only if you are also filing
 - a copy of the birth certificate that lists the father as parent, or
 - an affidavit or acknowledgement signed by the father admitting paternity, or
 - an adoption order listing both parties as parents, or
 - a court order establishing paternity
- At the top of the form, fill in your name, street address, City, State, ZIP code, and telephone number, unless you are requesting a Protected Address.
- In the space that says “Petitioner,” fill in your name.
- In the space that says “Respondent,” fill in the other parent’s name.
- Leave the rest of the form blank.



It is important that you read this form carefully because you will be required to follow these orders after you file the Petition. Among other things, this injunction forbids you and the other party from taking certain actions affecting your child(ren).

Name of Person Filing Document: _____
Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

_____	Case No.
Petitioner	PRELIMINARY INJUNCTION FROM THE COURT AGAINST BOTH PETITIONER AND RESPONDENT

Respondent	

WARNING TO PETITIONER AND RESPONDENT: THIS IS AN OFFICIAL ORDER FROM THE COURT. IT AFFECTS YOUR RIGHTS. READ THIS ORDER IMMEDIATELY AND CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

A Petition to Establish Legal Decision-Making and/or Parenting Time has been filed with the court. As a result, this Order is made at the direction of the Presiding Judge of the Superior Court of Arizona, Pima County, under the authority of Arizona Law, A.R.S. § 25-808. This Order has the same force and effect as an Order personally signed by the Judge. Both parties are required to follow this Order. It may be enforced by any remedy available under the law, including an order of CONTEMPT OF COURT.

1. ACTIONS BY BOTH PARTIES WHICH ARE FORBIDDEN BY THIS ORDER: From the time this Petition is filed with the court, until a final order of paternity, legal decision-making and/or parenting time is filed, the action is dismissed, or until further Order of the court, both the PETITIONER AND THE RESPONDENT shall not, by Order of this court, take any of the following forbidden actions:

NOTE: THE LAW REQUIRES THAT THE EXACT LANGUAGE OF A.R.S. § 25-808 BE INCLUDED IN THIS ORDER. FURTHER EXPLANATION OF THE REQUIREMENTS OF THIS ORDER ARE INCLUDED HERE BEFORE THE ACTUAL STATUTE (LAW). READ THE EXPLANATION, WHICH IS FOLLOWED BY THE STATUTE ITSELF. IF YOU HAVE FURTHER QUESTIONS YOU SHOULD CONTACT AN ATTORNEY FOR LEGAL ADVICE.

a. **RESTRICTIONS ON YOUR BEHAVIOR:** The Order is designed to protect you, the other parent and your child/children from actions by either party which may be disruptive, or physically or emotionally harmful. The court does not tolerate physical abuse or threats in any form.

b. **RESTRICTIONS ABOUT YOUR CHILD/CHILDREN:** This Order specifically states that you cannot take your common child/children out of the state of Arizona for any reason, without a written agreement between you and the other biological parent or a court Order, **before** the child/children are taken from the state. This Order is designed to allow both parents continuing access to and contact with the child/children.

c. **RESTRICTIONS ABOUT INSURANCE:** Do not remove or cause to be removed the child/children in common from any existing insurance coverage, including medical, hospital, dental, automobile and disability insurance. Both parties shall maintain all insurance coverage in full force and effect.

Arizona Law, A.R.S. § 25-808 specifically provides as follows:

1. The preliminary injunction shall be directed to each party of the action and contain the following orders:
 - A. That both parties are enjoined from all of the following:
 - (1) Molesting, harassing, disturbing the peace of or committing an assault or battery on the person of the other party or any natural or adopted child/children of the parties.
 - (2) removing any natural or adopted child/children of the parties then residing in this state from the jurisdiction of the court without the prior written consent of the parties or the permission of the court.
 - (3) Removing or causing to be removed any child/children of the parties from any existing insurance coverage, including medical, hospital, dental, automobile or disability insurance.
2. That both parties maintain all insurance coverage in full force and effect.

2. EFFECTIVE DATE OF THIS ORDER: This Order is effective against the person who filed the petition (the Petitioner) when the Petition was filed with the court. It is effective against the other party (the Respondent) when it is served according to law. If service is made upon the Respondent by registered mail according to the Arizona Rules of Family Law Procedure, the Order is effective upon receipt of the Order by the Respondent. This Order shall remain in effect until further order of the court, until a final order of paternity, legal decision-making and/or parenting time is filed or the action is dismissed

3. ADDITIONAL ORDER TO PETITIONER: You must serve a copy of this Order upon the Respondent with the copy of the Paternity action and the Summons and other required court papers.

WARNING

THIS IS AN OFFICIAL COURT ORDER. IF YOU DISOBEY THIS ORDER THE COURT MAY FIND YOU IN CONTEMPT OF COURT. YOU MAY ALSO BE ARRESTED AND PROSECUTED FOR THE CRIME OF INTERFERING WITH JUDICIAL PROCEEDINGS AND ANY OTHER CRIME YOU MAY HAVE COMMITTED IN DISOBEYING THIS ORDER. YOU OR THE OTHER PARTY MAY FILE A CERTIFIED COPY OF THIS ORDER WITH YOUR LOCAL LAW ENFORCEMENT AGENCY. A CERTIFIED COPY MAY BE OBTAINED FROM THE CLERK OF THE COURT THAT ISSUED THIS ORDER. IF YOU ARE THE PERSON WHO BROUGHT THIS ACTION, YOU MUST ALSO FILE EVIDENCE WITH THE LAW ENFORCEMENT AGENCY THAT THIS ORDER WAS SERVED ON THE OTHER PARTY.

THIS COURT ORDER IS EFFECTIVE UNTIL A FINAL ORDER OF PATERNITY, LEGAL DECISION-MAKING AND/OR PARENTING TIME IS FILED OR THE ACTION IS DISMISSED.

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this ____ day of _____ 20 ____.

Clerk of the Superior Court

By: _____
Deputy Clerk