

Instructions: How to fill out forms to respond to a petition about legal decision-making (legal custody), parenting time, and child support

Important notice to victims of domestic violence: Unfortunately, domestic violence can be part of any relationship. Domestic violence can include physical violence directed against you or your children such as hitting, slapping, pushing, or kicking. Domestic violence can also include threats of physical violence made against you and your children, or regular verbal abuse used to control you. The person who hurts you does not need to have been convicted of domestic violence or assault for you to be a domestic violence victim, and you do not need to have sought medical care or been admitted to a hospital to be a victim.

All court documents will request your address and phone number. If you are a victim of domestic violence are in a domestic violence shelter, or if you do not want your address known to protect yourself or your children from further violence, you must file for a Request for Protected Address and ask that your address not be disclosed on court papers. If the Court grants your Request, you do not need to put your address and phone number on your court papers. Update the Clerk of Superior Court with an address and phone number as soon as possible so that the Court can get in touch with you.

Instructions: Follow these instructions to complete your Response.

- Make sure your form states “Response to petition for legal decision-making, parenting time and child support.”
- 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.
- Fill in the name of “Petitioner/Party A” and “Respondent/Party B” exactly the same way as it looks on the Petition. Do that for every document you ever file with the court from now on in this case.
- Use the DR or FC case number that is stamped in the upper right-hand corner of the Petition. Do that for every document you ever file with the court from now on in this case.

General information:

1. Fill in the name, address and date of birth for the other Party. This is basic information about the relationship to the minor children for whom the person wants the legal decision-making (custody) and/or parenting time order.

2. Fill in the information about you.
3. Venue: This tells the Court that at least one parent or the minor child(ren) lives in Maricopa County, so the Court can decide your case. If at least one parent or the minor child(ren) do not reside in Maricopa County, check the second box.
4. Fill in information about all the minor children that is different than what the other Party states in the Petition.

Statements about paternity and child support

5.A-B. How was Paternity established in your case? Check the box that states that Paternity has not been established or describes how Paternity was established. If none of these apply, or if only the last box applies (indicating the parties were married when the minor child(ren) was/were born, conceived or adopted, stop! Do not proceed with these forms unless advised to do so by an attorney. Paternity must already be established to use these forms; if the parties were married, legal decision-making (custody) and parenting time can only be decided as part of an action for divorce or separation. Fill in information about Paternity that is different from what the other Party stated in the Petition.

5.C. What is your current situation as to child support? Check the box that describes your case.

If there is an order for child support provide the date of the order and the name of the court where it was filed. Then check one of the following boxes. Only if there has been a final order made by the court.

Order needs to be changed: check here if the child support order you have needs to be changed.

Order does not need to be changed: check here if you think that the child support order you have does not need to be changed because of the custody order you want. Warning: the judge can decide whether to change the child support order even if you do not want this.

There is a pending petition or modification: click here if you know that there is currently an active case for establishing or modifying child support involving you, the other party and the same children that is before the court already. This includes petitions that have gone through des.

No child support order: if you have a paternity order only, without a child support order, the judge will make an order on the issues of custody, parenting time, and child support.

Voluntary or direct support payments: Check this box and designate the paying party if there have been direct payments made to the receiving party without a court order to do so. These payments need to be accounted for if a party asks for past support.

Past support: Check box to designate the party who owes past support. Choose the starting date of when the calculation of past support should begin. The first option elects that child support should be claimed at the starting point of when this Petition was filed. The second option chooses the starting point to begin from the date the parties started living apart, if that date falls within three years of the Petition being filed.

Other information about the minor children: If you are aware of court cases about the minor children, you need to tell the court. Attach a copy of the orders about legal decision-making (custody), parenting time, or child support to the response, unless the orders are from the Superior Court in Maricopa County.

6. You must tell the Court if you participated as a party or witness in any court case not involving legal decision-making (legal custody) or parenting time of the minor child(ren). If not, mark the first box and go on. If there is another case, mark the second box and give as much information as possible. This information could affect you or your minor children's rights in this case.
7. The Court must know if there have been other cases involving legal decision-making (legal custody), parenting time or child support of the minor children, even if you were not a party. If there are no other legal decision-making (legal custody) or parenting time cases, or you don't know of any, mark the first box and go on. If you have been involved in any way with this type of Court case, mark the second box and give the information where requested. Tell the Court what happened and what is going on now in the other case(s).
8. If you do not know of another person other than the opposing party who has physical custody of the minor child(ren) or is claiming legal decision-making (legal custody) or parenting time rights to any of the minor children, mark the first box and go on. If you do know of such a person, put the information here, including the minor child's name and the person who believes they have a physical custody, legal decision-making (legal custody) or parenting time claim. If there is such a person, you must include the person as a respondent in this court case.

Other statements to the court:

9. Other expenses: This asks for a fair division of all expenses about the minor children.
10. Domestic violence: This tells the Court if there was domestic violence in the relationship and relates to a request for joint legal decision-making (legal custody), if you intend to ask for joint legal decision-making (legal custody). Mark the box corresponding to your situation. If you are not sure what this means, see the IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE. Fill in information about domestic violence that is different from what the other Party stated in the Petition.
11. Drug/alcohol convictions with in the last twelve months: Inform the court of any instances of drug or DUI offenses that have occurred from either party in the last twelve (12) months.

Check the appropriate box to choose whether either party has or has not been convicted. Provide the details of which party was convicted and how the proposed legal decision-making and parenting time arrangement protects the children considering this history of behavior. Fill in information about drug/ alcohol convictions that is different from what the other Party stated in the Petition.

12. The Parent Information Program: This tells the court if you have already completed the Parent Information Program.
13. General denial: This tells the Court that, even if you did not answer each and everything said in the Petition, you deny what you did not address. This is extra protection for you.

Requests made to the court for legal decision-making (legal custody), parenting time and child support.

This section of the Petition formally requests that the Court make Orders relating to issues such as legal decision-making, parenting time and/or support.

1. Primary residence, parenting time and authority for legal decision-making (legal custody).
 - A. Primary residence: Check which party's home will be the primary residence for the minor child(ren).
 - B. Parenting time: Mark one box only. You can ask that the non-primary residential parent (the parent having parenting time with the minor child less than 50% of the time) have one of the following types of parenting time:
 1. Reasonable Parenting time. This suggests an amount of parenting time appropriate to the age of the minor child. The Court offers suggested amounts of parenting time, but the amount can vary by agreement of both parents. Complete the Parenting Plan before you go to the judge for your final order.
 2. Supervised or No Parenting time to the Non-Custodial Parent. You may request supervised or no parenting time if the other Party cannot adequately care for the minor children or cannot do so without another person present. You may request this if the person not having legal decision-making authority abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for a minor child without another adult present. Remember, supervised or no parenting time is not intended to punish the parent, but to protect the minor child(ren). You must write in specifically why parenting time should be supervised or no parenting time allowed.
 3. Supervised Parenting time: Describe how you think this should work and who should pay for it.
 4. No Parenting time to the Other Party. You should mark this option only if the other

Party has seriously harmed, abused, or otherwise is a serious danger to the minor child's physical and emotional health, or if there is a criminal Court Order stating there is to be no contact between the minor child and the non-custodial parent. This is a last resort to protect the minor child.

C. Authority for legal decision-making:

Joint legal decision-making (legal custody): If you are asking for joint legal decision-making (legal custody), you must file a Joint Legal Decision-making (Legal Custody) Agreement that is signed by both parents and approved by the Court later in the process. The Joint Legal Decision-making (Legal Custody) Agreement is part of the Parenting Plan contained in packet 4, "The Court Order."

Sole legal decision-making (legal custody): If you want sole legal decision-making (legal custody), check the boxes that apply, including the parenting time you are asking for. Tell the Court whether you want legal decision-making (legal custody) of the minor children to go to you or the other party.

2. Child support: Check which party should pay child support. (The box you check should match what you asked for in the Petition). Indicate whether you would like past child support to be paid using a retroactive calculation and which party should pay.
3. Medical, dental, vision care insurance, and health care expenses: Mark which party should be responsible for medical, dental, and vision care insurance and expenses.
4. Tax exemption: It is your responsibility to understand the information regarding tax exemption and how the Affordable Care Act can impact one or both parties if they are required to provide medical insurance.
5. Other orders: Mark this box only if you have made other requests of the Court. If you mark the box, write the specific additional orders you are requesting the Court to make that were not covered elsewhere in your Petition.

Oath or affirmation

Sign and date the form. By doing so, you are telling the Court that everything contained in your Response is true.

Other important papers in this packet

Parenting Plan

Fill out the Parenting Plan to let the Court know details about what you want for legal decision-making authority and parenting time. It is important to be specific when filling out the Parenting Plan. You may refer to the "Planning for Parenting Time: Arizona's Guide for Parents Living Apart"

to help make your parenting plan. The Guide is available for purchase at all Law Library Resource Center locations or may be viewed online and downloaded for free from the State Courts' webpage.

After completing the Parenting Plan, file it with your Response.

Other important papers to be completed not in this packet

Child Support Worksheet

You can use the free online Child Support Calculators at the website listed below to complete a child support worksheet.

ezCourtForms <http://www.superiorcourt.maricopa.gov/ezcourtforms2/>

To complete the child support worksheet you will need to know:

- Your case number.
- Your monthly gross income and that of the other parent.
- The monthly cost of medical insurance for the minor children who are the subject of this action.
- Monthly childcare amounts paid to others.
- The number of days the minor child(ren) spend with the non-primary residential (custodial) parent.
- Monthly obligations of yourself and the other parent for child support or court-ordered spousal maintenance/ support

After completing the child support worksheet, print out the child support worksheet and file it with your Response.