

How to fill out the order for your legal decision-making (legal custody), parenting time and child support

I. General information

What this Order means to you. A signed court Order is important because it determines the rights and responsibilities of both you and the other party. If either party does not obey the Order, then the other party can ask the court for help in enforcing the terms of the Order.

Purpose. This order is designed for parties who want to get a court order for:

- ✓ Legal Decision-making (custody) and parenting time – or –
- ✓ Legal Decision-making (custody), parenting time and child support.

If you have a Default Hearing, this Order should repeat as closely as possible what you requested in your Petition. You should not write or mark something different in the Order from what you wrote in the Petition unless the other party has provided written consent to any changes, and unless the change clearly benefits the other party. If you try to make the Order different from the Petition, the judge will not sign the Order.

- ✓ If you want to change your requests to the court, you must file an amended petition and serve that petition on the other party.
- ✓ It is a good idea to have your Petition handy when you follow the instructions to fill out this Order.

Reminder. When filling out any court forms, type or print with black ink only.
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II. Instructions for completing the order:

A. Case identification

- Top left corner of the first page: Write in your name, mailing address, phone number for day and evening. Check the box of the person you represent. If you have an attorney, write in the attorney State Bar Number.
- Write in the name of the Petitioner (Party A), the name of the Respondent (Party B) and the case number in the appropriate spaces provided. These names should be written the same as they are written on the original Petition.
- Put only one check mark in the appropriate box on the right side of the page. If you are seeking child support in addition to Legal Decision-making (custody), parenting time,

put a mark in the first box. If you are seeking only Legal Decision-making (custody) and parenting time, check the box which states so.

B. Court findings section:

- This section generally mirrors the information in your Petition. Each number recites facts the Court uses to create the final Order.
- Item Numbers 1-3: These sections state that before the judge or commissioner signs the Order, he/she will have determined that the court has the legal power to make the orders in your case.
- Item Number 4: Write in the name(s) and birthdate(s) of the children to whom this court Order applies.
- Item Number 5A and 5B: Mark one box for Party A and one box for Party B, indicating whether Party A and/or Party have attended the Parent Information Program.
- Item Number 6: This section states that the Court will hold each party responsible for supporting the minor child or children mentioned in the Petition.
- Item Numbers 7 and 8: The Court will complete these item numbers.
- Item Number 9 - Supervised Parenting Time: Mark the appropriate box indicating the same information that you wrote in the Petition. If you are requesting supervised parenting time –or– no parenting time for the other party, you must have a very good reason. Write that reason in the space provided.
- Item Number 10: If either party has been convicted of an alcohol or drug offense within the last twelve months, mark the box indicating this, which should be the same information that you wrote in the Petition. If you or the other party has been convicted of a drug or alcohol crime within the last 12 months, the Court must make sure that the Legal Decision-Making (legal custody) and/or parenting time order or agreement is in the best interests of the minor child(ren).
- Item Number 11: Regarding domestic violence, mark the appropriate box and explain if necessary, in the space provided.

C. Court orders section:

1.A. Primary residence: Mark the appropriate box indicating the same information that you wrote in the Petition.

1.B. Parenting time: Mark the appropriate box indicating the same information that you wrote in the Petition.

- If the Parenting time is supervised, write the name of the person who will supervise, on the space provided.
- Also, mark the box to show who will pay the costs of the supervised parenting time.

Note: The Joint Legal Decision-making (Legal Custody) Agreement and Parenting Plan must be approved by the Court. IF approved, the Agreement and the Plan will be included as part of the Court Order.

- 1.C. Legal decision-making (Legal Custody): Mark the appropriate box indicating the same information that you wrote in the Petition. If you mark the “Sole Authority” box, be sure to also mark one box indicating Party A or Party B.
2. Child support: If the child support Order will be attached to the final divorce decree, mark the first box. Then, mark who is to pay the child support and how much to the other party based on the request in the Petition for Dissolution, or on the party’s agreement. Otherwise, leave the space blank and the judicial officer will fill in the amount. If service of the first petition papers was by Publication, the Petition was not personally served. If this is the case, and the case is set for a Default Hearing, place a mark in the second box, so the court may reserve jurisdiction to enter further orders at such time as the Court acquires personal jurisdiction over the responding party. Note: If there is a previous child support Order still in effect from a court in another state or county, do not mark this box.
3. Medical, dental, vision care and other health expenses for minor children: Mark who will be responsible for medical, dental, and vision care insurance, based on the request made in your Petition. Be sure to write in the percentage of the non-covered expenses that each parent will pay.
4. Financial information: Both parents must exchange ongoing financial information every 2 years.
5. Other orders: If you requested other issues in the Petition that have not yet been addressed in this order, write the issue(s) in this space if you would like the judge to address the issue(s). Be specific and be sure you use the same or similar language to that used in your Petition.
6. Final appealable order: This Decree/Order/Judgment is a final order and may be appealed.
7. Judge’s signature: You do not have a valid court order until the Judge signs and dates the original order, which will occur at or after the default hearing or at the trial on the case. Be sure to get a certified copy of the signed order for your records.
8. Copy for other party: If you are the Party who filed the initial Petition to Establish Legal Decision-making, Parenting Time and Child Support and you have a Default Hearing, and the other Party was personally served with the court papers, (meaning that service was not done by “publication”) you must mail or give a copy of this Court Order to the other Party after the Judge has signed it.
 - ✓ You must tell the Court you will do this by signing your name and date at the end of the court Order.

- ✓ After you get a certified copy of the signed order, make a copy for the other party (if the other party does not have a copy).
- ✓ Then, mail a copy of the signed and dated order to him or her.

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 Superior Court Law Library Resource Center locations or may be viewed online and downloaded for free from the State Courts’ webpage.

After completing the Parenting Plan, include it with your Judgment.

Child Support Order

Other important papers to be completed not in this packet:

Child Support Worksheet, Child Support Order and Current Employer Information Sheet

You can use the free Online Child Support Calculator at the website listed below to complete a child support worksheet and current employer information sheet.

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 current employer information sheet and include it with your Judgment.