

Mediation

Pre-Decree

For Legal Decision Making (“Legal Custody”) and
Parenting Time (“Visitation”) Cases

1

To Request Mediation
When No Order Has Ever
Been Entered in Your Case

(Forms and Instructions)

Forms and instructions to request pre-decree mediation

Checklist

Use the forms and instructions in this packet only if the following factors apply to your situation:

- ✓ You and the other party do not agree about the legal decision-making (“legal custody”) and parenting time or “visitation” issues in your case, AND
- ✓ You want to try mediation to resolve legal decision-making and/or parenting time issues, AND
- ✓ You have an existing case and case number in this Court and no final Judgment, Decree, or Order has ever been signed by a Judicial Officer under this case number. AND
- ✓ The existing case is for one of the following actions, involving the same child(ren) as in this case:
 - Petition to Establish Paternity, OR
 - Petition to Establish Paternity, Legal Decision-Making (Legal Custody), Parenting Time and Child Support, OR
 - Petition for Legal Separation with Children, OR
 - Petition for Dissolution of Marriage with Children (Divorce), OR
 - Petition for Grandparent Visitation,

*Note: If this is a Post-Decree matter, meaning an Order, Judgment or Decree has been previously signed by a Judicial Officer in this case, stop, you must use the Post-Decree Mediation packet instead.

Read Me: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Law Library Resource Center website.

Request for pre-decree mediation

This packet contains court forms and instructions to file a “Request for Pre-Decree Mediation, or if the parties are requesting Mediation together, a “Joint Request for Pre-Decree Mediation” in a Family Department case involving legal decision-making (“legal custody”) and parenting time (“visitation”) issues involving the parties’ minor child(ren). Items below in **bold** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

Order	File Number	Title	# Pages
1	DRADM1k	Checklist: Use these forms if . . .	1
2	DRADM1t	Table of forms/instructions in this packet	1
3	DRADM11h	Instructions and Procedures for Requesting Pre-Decree Mediation	4
4	DRADM11f	<i>Request for Pre-Decree Mediation</i>	2
5	DRADM12f	<i>Joint Request for Pre-Decree Mediation</i>	2
6	DRADM81f	<i>Order for Referral to Mediation</i>	1

Warning

You may have to pay a \$200 fee if you fail to attend a scheduled mediation session.

If you cannot attend, both parties must notify the Family Department and receive permission to reschedule at least three full court days before the session.

If you reach a full agreement about legal decision-making (legal custody) and parenting time and do not plan to come to the mediation session, both parties must notify the family department as soon as possible of the settlement to avoid paying this fee.

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

Instructions and procedures to file a request for pre-decree mediation

Before you begin paperwork, be sure you:

1. Select the correct Pre-Decree Request:

use the Request for Pre-Decree Mediation if you alone are requesting Mediation; not jointly with the other party;

Or

use the Joint Request for Mediation, if both parties want to go to mediation and both parties will sign the joint petition;

And

2. Intend to use the mediation for legal decision-making (legal custody) or parenting time disputes only.

Instructions for completing the Request and Order

STEP 1 Using black ink only, type or neatly print the information requested in the top, left-hand corner of the document, unless:

- The other party does not know your current address; AND
- You do not want the other party to know your current address; AND
- There is a current Order of Protection in force; AND
- You requested that your address be protected on that Order, OR
- You are filing a Request for Protected Address with your papers for Mediation.

If all of the above are true, write "protected" in the space where you are asked for your contact information and tell the Clerk of Superior Court your address and phone number at the time of filing so the Court can get in touch with you.

If your case has an ATLAS number, write it on the line provided. Check the box to indicate whether you are represented by an attorney. If so, complete the attorney information section.

Then, write in the case number in the space provided at the top right portion of the form. Your case number begins with "D," "DR," or "FC," and is the file number of your divorce, paternity, or Family Department case.

Write in the name of the Judge currently assigned to your case.

STEP 2 Complete the caption of the case as it appears on the court papers previously filed in this case (If you are the Petitioner / (Party A) in your pre-existing case in this Court, you stay Petitioner / (Party A). If you were the Respondent / (Party B), you are Respondent / (Party B) here also).

STEP 3 Fill in the Request for Pre-Decree Mediation or the Joint Request.

1. Check the box that tells the Court whether you are getting divorced or seeking Paternity or “Other” such as Grandparent Visitation.
2. Check the box that tells the Court whether you and the other party have been through mediation before in this case.
3. Describe the disagreement between you and the other party. Be brief. Be specific. Please note, mediation is only for disputes regarding legal decision-making and parenting time. The Mediator will not assist with resolving issues regarding child support, spousal maintenance, property or debt.
4. Complete the information about the other parent. You must be able to provide this information to request court-based Mediation services.
5. Sign and date the Request for Mediation. If you use the Joint Request form, both parties must sign it.

STEP 4 (Optional) Complete the Order for Referral to Mediation.

The Order for Referral to Mediation is an optional step in the Request for Pre-Decree Mediation process. You may fill out the attached proposed Order for Referral to Mediation form. This option requires you to provide pre-addressed, stamped envelopes for yourself and the other party. The Judge may then sign your proposed order and send a copy using your envelopes. If you do not provide a proposed order, then a minute entry will be issued with the Judge’s decision and you do not need to provide envelopes.

STEP 5 Making copies/filing papers.

Make three copies of the Request or Joint Request.

If you are attaching the Order for Referral to Mediation, make four copies of the Order for Referral to Mediation.

File the original Request or Joint Request with the Clerk of Superior Court.

Note: There is currently no fee for filing this request. However, if this is your first appearance in the case, that is, you are the Respondent / (Party B) and you did not file a response and this is the first time you or your attorney have filed papers in the case, you will have to pay an Appearance Fee. You may request a deferral of the fee at the time you file your papers. The Law Library Resource Center and the Filing Counter have the deferral or waiver forms.

STEP 6 Serve and deliver copies.

1. If you filed the Request for Pre-Decree Mediation, you must serve a copy on the other party.
2. Deliver to the Family Department:
 - one copy of the Request for Pre-Decree Mediation, or Joint Request And
 - the original and four copies of the Order for Referral to Mediation (if attaching), AND
 - Either:
a completed Certificate of Service, stating when and how you delivered a copy of your Request for Mediation to the other party and to their attorney (if they have one),

OR

an Acceptance of Service, with the notarized signature of the other party stating they received their copy, both available from the Law Library Resource Center or from the web at the Superior Court's webpage.

- If you are attaching a proposed order for referral to mediation, you must also provide a pre-addressed stamped envelope for each party. The Family Department will then send the signed Order to the parties.
- If you are not attaching a proposed order for referral to mediation, the Judge will issue a Minute Entry which will be sent to the parties.

Family Department locations

Central Court Building
201 West Jefferson, 3rd floor
Phoenix, Arizona 85003

Southeast Court Complex
222 East Javelina Avenue, 1st floor
Mesa, Arizona 85210

Northwest Court Complex
14264 West Tierra Buena Lane
Surprise, Arizona 85374

Northeast Court Complex
18380 North 40th Street
Phoenix, Arizona 85032

If mediation is scheduled, you and the other party will receive an Order to Appear and Attend Mediation from the Family Department.

WARNING

You may have to pay a \$200 fee if you fail to attend a mediation session scheduled by the Court.

If you cannot attend, both parties must notify the Family Department and receive permission to reschedule at least three (3) full court days before the session.

If you reach full agreement on legal decision-making and parenting time issues and you do not plan to attend the Mediation, both parties must notify the Family Department as soon as possible to avoid having to pay the \$200 fee!

Note: You must have a case in this court involving the children who are the subject of this dispute to use the mediation services provided by the Court. If you do not, you may still benefit from the services of a private mediator. See below for additional information on private mediation / dispute resolution.

Private Mediation/ADR (Alternative Dispute Resolution) providers are an additional option. Some offer evening or weekend hours or other conveniences. Some churches, or other religious or social service organizations may offer family counseling, arbitration or mediation services. You may also find additional providers listed in the Maricopa County Directory of Human Services and Self-Help Support Groups, available at public libraries or by phone at 877-211-8661.

You may also find private providers in the Yellow Pages under “Arbitration” and “Mediation.” Be aware that there are differences among private providers. While some are trained specialists, counselors, and attorneys, others are not. There are no licensing or minimal educational requirements to advertise as a mediator, arbitrator, or alternative dispute resolution provider

The court maintains a list of mediators that have met certain minimum requirements. You may view the lists at the Law Library Resource Centers or from our web site at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/AlternativeDisputeResolution/Mediators/>

As with hiring any private business for service, we recommend asking friends and relatives for referrals. You are responsible for all costs involved in using private providers.

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

**SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY**

Name of Petitioner / Party A

Case Number: _____

Current Judge: _____

Name of Respondent / Party B

**REQUEST FOR PRE-DECREE
MEDIATION**

We do not agree about the legal decision-making and/or parenting time or visitation issues involving the child(ren) and I ask that Family Department to set a mediation of the issues, based on the following:

1. Case Type: (Check one box only.)

Divorce Pending: My spouse or I have filed papers with the Court for divorce or legal separation. No final orders about legal decision-making (Legal custody) or parenting time have been entered by the Judge.

OR

Paternity Pending: One of the parties has filed papers with this Court to establish paternity of the child(ren). No final orders about legal decision-making (Legal custody) or parenting time have been entered by the Judge.

OR

Other (describe): _____

Case Number: _____

2. Prior Mediation. (Check one box only.)
 We have not participated in mediation
Or
 We have participated in mediation before.
3. Describe the disagreement. Be brief and specific. (Your disagreement must involve the Legal custody and/or parenting time of your minor children):

4. Information about Other Party:

Name: _____

Address: _____

City, State, Zip code: _____

Telephone Number(s): _____ / _____

Attorney (if known): _____

Date: _____

Signature of Person Submitting Request for Mediation

Notice to both parties: If your order is signed by the Judicial Officer, the Family Department will mail an "Order to Attend Mediation" to both parties.
Warning: Failure to attend may cost you a \$200 fee.

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

**SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY**

Name of Petitioner / Party A

Case Number: _____

Assigned to Judge: _____

Name of Respondent / Party B

**JOINT REQUEST FOR
PRE-DECREE MEDIATION**

We do not agree about the legal decision-making and/or parenting time or visitation issues involving the child(ren), but we do agree to participate in mediation. We ask that the Court refer this matter to the Family Department for mediation of the issues, based on the following:

1. Check one box only.

Divorce or Separation pending: My spouse or I have filed papers with the court for divorce or legal separation. No final orders about legal decision-making (legal custody) or parenting time have been entered by the Judge.

Paternity Order pending: One of the parties has filed papers with this Court to decide who the father of the child(ren) is, and to decide legal decision-making (legal custody) and parenting time.

Other: (please describe)

2. Check one box only.

We have not participated in mediation before

OR

We have participated in mediation before. If so, when and where?

When: _____

Where: _____

When: _____

Where: _____

3. Describe the disagreement. Be brief and specific. (Your disagreement must involve the legal decision-making and/or parenting time or visitation of the minor child(ren)):

Date Signature of Party A

Date Signature of Party B

Address

Address

City, State, Zip Code

City, State, Zip Code

Telephone Number:

Telephone Number:

Party A's Attorney (if applicable)

Party B's Attorney (if applicable)

Notice to both parties: After this Joint Request is filed, the Family Department will mail an Order to Attend Mediation to both parties.
Warning: There may be a \$200 fee for failure to attend!

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

FOR CLERK'S USE ONLY

**SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY**

Name of Petitioner / Party A

Case Number: _____

**ORDER FOR REFERRAL
TO MEDIATION**

Name of Respondent / Party B

Based on the Request for Pre-Decree Mediation and pursuant to Arizona Law,
 IT IS ORDERED referring this matter to the Family Department. It is further ordered that the parties participate in Mediation.

The parties will be notified of the Mediation date and time through a separate minute entry.

IT IS FURTHER ORDERED that a copy of this Order for Referral to Mediation and a copy of the Request for Pre-Decree Mediation shall be mailed immediately to parties who have appeared in this action.

DONE IN OPEN COURT _____

Judge/Commissioner

Read Me: If your order for referral to Mediation is signed by a Judicial Officer, the Family Department will mail an Order to Attend Mediation to both parties.

Warning!
There may be a \$200 fee for failure to attend the mediation!
Additionally, the Court may make such orders as it feels are just, including granting the relief requested by the party who does appear.