

## 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.