

DEFAULT

ESTABLISHMENT JUDGMENT RE:
PATERNITY, LEGAL DECISION-
MAKING, PARENTING TIME AND
CHILD SUPPORT
AND PROPOSED ORDER

**How to Get a (default) Court Order
When the Other Party Has Not Filed a
Response**

FORMS AND INSTRUCTIONS

SELF-SERVICE CENTER

HOW TO GET A DEFAULT COURT ORDER IN FAMILY COURT CASES

CHECKLIST

You may use this packet if . . .

- ✓ You have filed a summons and petition for one of the following:
 - Divorce
 - Legal Separation
 - Annulment
 - To Establish Paternity
 - To Establish a first court order for Legal Decision Making authority (custody) and/or Parenting Time and/or Support **AND**
- ✓ The other party was served with the court papers;
- ✓ Proof of service has been filed with the Clerk of the Court, **AND**
- ✓ The other party has not filed a written response or answer within the time frame set by law. (Check the court file to be sure this is true.), **AND**
- ✓ You want to proceed to get a (default) court order.

PROCEDURES: WHEN AND HOW TO FILE AN APPLICATION AND AFFIDAVIT FOR DEFAULT IN FAMILY COURT CASES WITH OR WITHOUT CHILDREN

WHEN TO FILE THE APPLICATION FOR DEFAULT:

- after the other party has been served with the court papers, AND
- the appropriate response period has passed (see Default Timetable below), AND
- the other party has not filed a response or answer with the court.

STEP 1: COUNT. Look at the **Default Timetable** below to find the method of service you used and the number of calendar days to count before you can apply for a default hearing or order.

- Begin counting the day after the other party was served with the Petition.
- Include weekends and holidays until you reach the number of days listed.
- If the last day for the other party to respond falls on a Saturday, Sunday, or legal holiday, do NOT count that day.

DEFAULT TIMETABLE

<u>SERVICE MADE IN ARIZONA</u>	<u>COUNT</u>	<u>EVENT</u>
Acceptance of Service	20 Days	after the other party signs the “ <i>Acceptance of Service</i> ”
Delivery with Signature Confirmation*	20 Days	after other party signs delivery confirmation*
Process Server	20 Days	after other party receives papers from a process server
Service by Sheriff	20 Days	after other party receives papers from Sheriff
Publication	50 Days	after the 1st publication in newspaper

SERVICE MADE OUT OF STATE

Acceptance of Service out of State	30 Days	after the other party signs the “ <i>Acceptance of Service</i> ”
Process Server out of State	30 Days	after other party receives papers from a process server
Delivery with Signature Confirmation*	30 Days	after other party signs delivery confirmation*
Service by Sheriff	30 Days	after other party receives papers from Sheriff
Certified Mail out of State	30 Days	after other party signs a green return receipt card
Publication	60 Days	after 1st publication in newspaper

** available for Family Court matters only*

STEP 2: **WAIT.** Wait until the day after the number of days indicated in the Default Timetable above. If the other party did not file an *Answer/Response* with the Court you may complete, file and mail a copy of the Application and Affidavit for Default as instructed in Steps 3 and 4 below. You must take this action for your case to proceed.

STEP 3: **SIGN AND COPY:** Sign and date the “*Application and Affidavit for Default.*” Do NOT sign and date the “*Application and Affidavit for Default*” before the amount of time shown in the Default Timetable has passed.

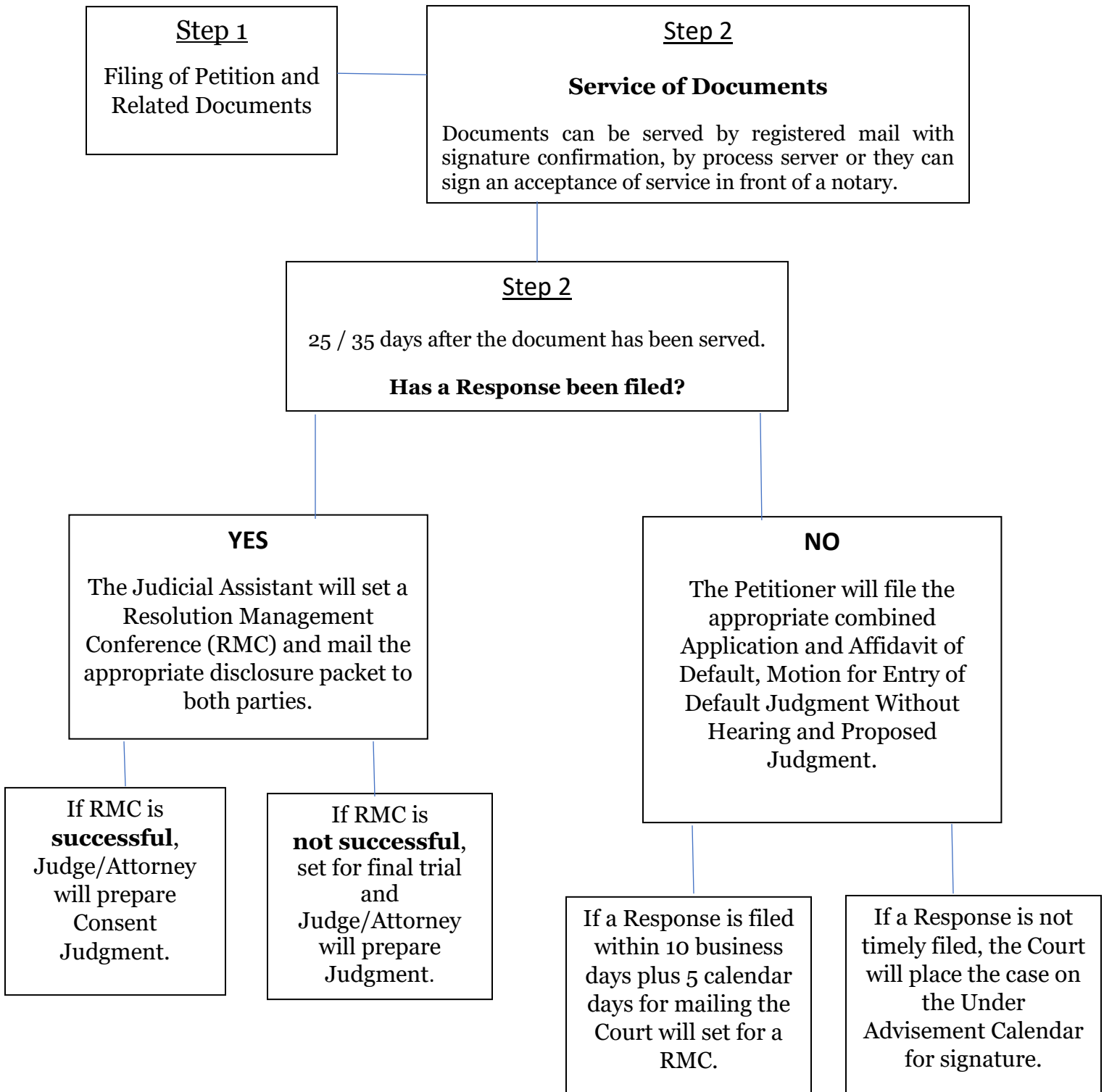
Make two copies of your signed and dated “*Application and Affidavit for Default.*”

STEP 4: **FILE:** File the original Application and Affidavit for Default with the Clerk of the Court.

Hand the original & both copies of the “*Application and Affidavit for Default*” to the Clerk at the filing counter. The Clerk will keep the original, date-stamp both sets of copies and return the copies to you. Make sure both copies are stamped.

STEP 5: **MAIL:** Mail one of the date-stamped copies of the “*Application and Affidavit for Default*” to the other party on the same day you file the papers with the Clerk of the Court. Keep the other copy for your records. (The “*Application and Affidavit for Default*” must be mailed, hand delivery is not acceptable.)

Petition for Establishment Judgment



Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Representing: [] Self or [] Lawyer for _____
Lawyer's Bar Number: _____



**IN THE SUPERIOR COURT
GRAHAM COUNTY, STATE OF ARIZONA**

In re the Matter of:

_____,
Petitioner,

and

_____,
Respondent.

Case No. DO-_____

**APPLICATION AND AFFIDAVIT FOR
DEFAULT IN FAMILY COURT CASES,
MOTION AND AFFIDAVIT FOR ENTRY OF
DEFAULT JUDGMENT
WITHOUT HEARING
AND PROPOSED FORM OF JUDGMENT**

NOTICE: THIS IS AN IMPORTANT COURT DOCUMENT. When this document is properly completed and filed, Default has been applied for and entered. The Default will be effective ten (10) working days after the filing of this completed document, unless the Respondent files an Answer/Response or otherwise defends before the ten working days period expires. If an Answer/Response is not timely filed, the Court will enter the attached final Judgment by default.

APPLICATION AND AFFIDAVIT FOR DEFAULT IN FAMILY COURT CASES

1. I am the Petitioner in this court case. I understand and make the following statements under oath or by affirmation. I give notice that I am requesting entry of default against the other party, the Respondent, because the Respondent has not filed an Answer/Response.

2. Service of the court papers on Respondent has been accomplished as follows: (Check ONLY one box.)

[] The Respondent has signed an Acceptance of Service and has accepted service of the Summons, Complaint or Petition and other papers. The Respondent has not filed an Answer/Response, or otherwise appeared or defended in this court case. Default may be entered.

OR

[] I have served the Respondent according to law with the Summons, Complaint or Petition and other papers. Respondent has not appeared, answered, responded, or otherwise defended in the time required by law.

3. The Respondent is either not in the active military service of the United States or has otherwise waived his/her rights under the Service Members Civil Relief Act (formerly “Soldiers and Sailor’s Civil Relief Act”).

4. By completing the Certificate of Mailing I certify to the Court that on the same day I file this document I will mail a copy of this Application and Affidavit to the Respondent at his or her current or last known address even if that is my own address and/or I have served the other party by publication, and if applicable, to his or her attorney as notice that I have applied for default.

5. I UNDERSTAND THAT I WILL NOT QUALIFY FOR DEFAULT if I fail to mail this document and/or I fail to complete the Certificate of Mailing below.

CERTIFICATE OF MAILING: I hereby certify that I have mailed a **copy** of this Application and Affidavit for Default in Family Court Cases and Motion and Affidavit for Entry of Default Judgment Without Hearing, on the same day I filed the **original** with the Clerk of Court, postage-prepaid to the Respondent at the following address:

I understand that this mailing must be done even if the last known address is my address and/or I know the Respondent is no longer at the last known address.

If I believe the Respondent is represented by an attorney, I certify that I have also mailed a copy of this Application and Affidavit for Default in Family Court Cases and Motion and Affidavit for Entry of Default Judgment Without Hearing to that attorney on the day I filed this document. **IF THE RESPONDENT IS REPRESENTED BY AN ATTORNEY, PLEASE CHECK HERE TO INDICATE THAT YOU MAILED A COPY OF THIS DOCUMENT TO THE ATTORNEY AS WELL []**.

WARNING

If the Respondent fails to file a responsive pleading or otherwise defend in this action within 10 working days of the filing of this Application, a default judgment will be entered as set forth in the attached final Judgment.

MOTION AND AFFIDAVIT FOR ENTRY OF DEFAULT JUDGMENT
WITHOUT HEARING

I am the Petitioner and I am asking the court to enter a Judgment by default without a Court hearing as set forth in the attached Exhibit “A,” which is incorporated herein by reference. **If a Response is not timely filed by Respondent, I request that the Court enter the attached Judgment by default and without a hearing.** I have put a check mark in each box in front of the statements below that are true and I understand that if any statement is not true, I cannot get a default decree without a hearing.

- I have read this “Motion and Affidavit for Default Judgment Without a Court Hearing” and to the best of my knowledge everything I have said is true.
- The relief to be awarded in the Judgment is the same as the relief I requested in the underlying Petition, OR if the relief to be awarded is different, it has been approved by both parties, as reflected in a notarized statement from the other party, or a Judgment containing the notarized signatures of both parties.
- Service was not done by publication.
- My case does not involve a member of the military waiving service OR I have submitted a notarized “Service Members Civil Relief Act Waiver” completed by the other party.
- At the time this action was filed, this Court had personal jurisdiction over the parties, venue is proper and this Court is the appropriate court under the Uniform Child Custody Jurisdiction and Enforcement Act (A.R.S. §25-1001, et. al.).
- That a default judgment is appropriate under A.R.S. §25-813 because the service of the Summons is complete and the Respondent has failed to appear or otherwise answer OR an order for genetic or blood testing has been entered and the Respondent failed to appear without cause for an appointment to take a blood or genetic test or fails to take a blood or genetic test.

OATH OR AFFIRMATION

I swear or affirm that the information in this Application and Affidavit for Default in Family Court Cases and Motion and Affidavit for Entry of Default Judgment Without Hearing is true and correct under penalty of perjury.

Signature of Petitioner

Date

STATE OF _____)
) ss.
COUNTY OF _____)

SUBSCRIBED and SWORN to before me this _____ day of _____, 202____, by
_____ (name of Petitioner).

Deputy Clerk/Notary Public

My Commission Expires:

EXHIBIT “A”

Proposed Form of Judgment



**IN THE SUPERIOR COURT
GRAHAM COUNTY, STATE OF ARIZONA**

_____ ,
Petitioner,

and

_____ ,
Respondent.

Case No. DO-_____

**DEFAULT
ESTABLISHMENT JUDGMENT RE:
PATERNITY, LEGAL DECISION-MAKING,
PARENTING TIME AND CHILD SUPPORT
(NON-IV(D) CASE)**

This matter having come before the Court on _____, the Court finds that this matter is a Non-IV(D) case. The Court further finds:

1. _____, hereinafter Obligor or _____, was [] defaulted OR had personal notice of this hearing and:
[] failed to appear
[] is present without counsel
[] is present and represented by counsel:
Counsel's name: _____
Address: _____
Phone number: _____

2. _____, hereinafter Obligee or _____, had personal notice of this hearing and:
[] failed to appear
[] is present without counsel
[] is present and represented by counsel:
Counsel's name: _____
Address: _____
Phone number: _____

3. _____ is the Mother of the following child(ren) born out of wedlock and has a duty to support the child(ren):

<u>Name(s) of minor child(ren)</u>	<u>Date of birth</u>
_____	_____
_____	_____
_____	_____

4. _____ is the Father of the above-named child(ren) pursuant to the following:

- [] Genetic Testing pursuant to A.R.S. §25-816.
- [] Name on Birth Certificate pursuant to A.R.S. §25-814.
- [] Voluntary Acknowledgment pursuant to A.R.S. §25-812.
- [] _____ was defaulted and/or had personal notice of the hearing and failed to appear. The allegations in the Petition to Establish are therefore deemed admitted pursuant to A.R.S. §25-813.
- [] _____

5. [] IF APPLICABLE: Husband of the natural mother is not the natural father of the child(ren), has admitted non-paternity and waiving his rights to contest the paternity action, has relinquished and waived all legal rights to contest this paternity action, and has relinquished and waived all legal rights he may have to the above-named child(ren).

6. The State of Arizona has personal jurisdiction over the Respondent for the following reasons:

7. [] With respect to past child support, the Court finds good cause to award past support for other than three years pursuant to A.R.S. §25-809(B), after considering all relevant circumstances, including:
A. The circumstances, conduct or motivation of the party who claims entitlement to past support in not seeking an earlier establishment of maternity or paternity, specifically: _____

B. The circumstances, conduct or motivation of the party from whom past support is sought in impeding the establishment of maternity or paternity, specifically: _____

C. The diligence with which service of process was attempted on the Respondent, specifically: _____

D. Other: _____

8. Father has or has not completed the parent information program.

Mother has or has not completed the parent information program.

Any parent who has not attended the parent information program shall be denied any requested relief to enforce or modify this Judgment until completion of the course.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. [] IF APPLICABLE: Husband of the natural mother is not the natural father of the child(ren), waives all legal rights to contest the paternity action and waives all legal rights that he might have to the above-named child(ren).

2. [] IF APPLICABLE: Judgment is entered pursuant to A.R.S. §25-809 against Obligor and in favor of Obligee in the amount of \$_____, plus interest at the legal rate, for expenses incurred for the lying-in, support of and attendance upon Obligee during her confinement.

3. [] IF APPLICABLE: Judgment is entered against Obligor and in favor of Obligee in the amount of \$_____, plus interest at the legal rate, for the past medical care of the minor child(ren).

4. [] IF APPLICABLE: Judgment is entered against Obligor and in favor of Obligee in the amount of \$_____ for the period of _____ to _____, plus interest at the legal rate, for the **past support** of the minor child(ren), calculated by retroactive application of the Arizona Child Support Guidelines pursuant to A.R.S. §25-501 and/or A.R.S. §25-809. Said amount shall be paid at the rate of \$_____ per month, effective _____.

5. Obligor shall pay **current** Child Support in the amount of \$_____ per month, effective _____. Said amount is in accordance with the Arizona Child Support Guidelines.

OR

Obligor shall pay current Child Support in the amount of \$_____ per month, effective _____. Said amount is a deviation from the Arizona Child Support Guidelines. The Court has considered the best interests of the minor child(ren) in determining that a deviation is appropriate. The Court finds that application of the Guidelines would be inappropriate or unjust and that the parties have signed a written agreement free of duress or coercion with knowledge of the amount of support that would have been ordered by the guidelines but for the agreement.

The first payment is due on _____ and continuing the same day of each month thereafter. Obligor is personally responsible for the timely payment of child support and fees. Failure to make such a payment(s) may result in a finding of contempt which may result in sanctions, including incarceration.

Obligor shall pay by Income Withholding Order along with the monthly handling fee as set forth by statute.

The Child Support Order is presumed to terminate on _____, when the youngest child who is a subject of this Order is expected to emancipate. The presumptive date may be modified upon changed circumstances.

The Division of Child Support Services shall not increase the payment on arrears in this matter by administrative Income Withholding Order without further Order of the Court during the minority of the child(ren).

6. As for Medical, Dental and Vision Care for the minor child(ren):

Obligor is responsible for providing: Medical Dental Vision Care Insurance

Obligee is responsible for providing: Medical Dental Vision Care Insurance

The party ordered to provide insurance coverage must keep the other party informed of the insurance company name, address and phone number and provide necessary documents (including insurance cards) to permit insurance claims to be submitted.

All reasonable uncovered and/or uninsured medical, dental and vision care, prescription and other health-care expenses (including co-pays) incurred by the minor child(ren) shall be paid _____ % by Father and _____ % by Mother.

7. If Obligor has paid in full all current support and court ordered arrearage payments due for the calendar year by December 31 (or if by wage assignment, by January 15 of the following year), the right to claim the federal and state tax exemptions for the child(ren) each year will be allocated as follows:

Parent entitled to claim	Name of child	Tax year
<input type="checkbox"/> Father <input type="checkbox"/> Mother	_____	_____
<input type="checkbox"/> Father <input type="checkbox"/> Mother	_____	_____

Father Mother _____
 Father Mother _____

8. Legal Decision-Making and Parenting Time is in the minor child(ren)'s best interest to be:

Sole Legal Decision-Making is awarded to Mother or Father.

Parenting time shall be in accordance with the Parenting Time schedule which is attached hereto as Exhibit "A" and incorporated herein by reference,

OR

Supervised Parenting Time shall be awarded to Mother or Father because _____

The following persons are appropriate supervisors: _____

OR

No parenting time shall be awarded to Mother or Father because _____

OR

Joint Legal Decision-Making is awarded to both parents. The parties agree to act as joint decision-makers of the minor child(ren) as set forth in the signed Joint Legal Decision-Making Agreement and Parenting Plan, which is attached hereto as Exhibit "A" and incorporated herein by reference.

9. Temporary Orders: have been satisfied in full or judgment is awarded as follows: _____

_____ with interest at the highest legal rate allowed by law.

10. The parties shall exchange tax returns, affidavits of income and expenses and current pay information every 24 months or as follows: _____

11. Other Orders:

Pursuant to Arizona Rules of Family Law Procedure 78(c), no further matters remain pending, and this Establishment Judgment is a final, appealable Order.

DONE IN OPEN COURT this _____ day of _____, _____.

JUDGE OF THE SUPERIOR COURT

A COPY of the foregoing was

_____ Hand-Delivered

_____ Mailed

_____ Emailed

To Petitioner:

To Respondent:

EXHIBIT “A”

Legal Decision-Making and Parenting Plan

THE FOLLOWING LEGAL DECISION-MAKING ARRANGEMENT IS REQUESTED:
(Choose EITHER 1 or 2 below).

- 1. SOLE LEGAL DECISION-MAKING AUTHORITY. The parents agree that Sole Legal Decision-Making authority and primary physical custody should be granted to the

Mother or Father.

The parents agree that since each has a unique contribution to offer to the growth and development of their minor child(ren), each of them will continue to have a full and active role in providing a sound moral, social, economic, and educational environment for the benefit of the minor child(ren), as described in the following pages.

OR

- 2. JOINT LEGAL DECISION-MAKING AUTHORITY. The parents agree to Joint Legal Decision-Making and request the court to approve the Joint Legal Decision-Making arrangement as described in this Plan.

PHYSICAL CUSTODY AND PARENTING TIME. Complete each section below. Be specific about what you want the Judge to approve in the Court Order.

A. WEEKDAY AND WEEKEND TIME-SHARING SCHEDULE DURING THE SCHOOL YEAR:

The minor child(ren) will be in the care of Father as follows: (Explain).

The minor child(ren) will be in the care of Mother as follows: (Explain).

Other physical custody arrangements are as follows: (Explain).

Transportation will be provided as follows: (Explain).

Costs of transportation shall be paid as follows: (Explain).

Pick-up and Drop-Off shall be as follows: (Explain).

B. TIME-SHARING SCHEDULE DURING THE SUMMER BREAK FROM SCHOOL:

C. TRAVEL: Should either parent travel out of the area with the minor child(ren), each parent will keep the other parent informed of travel plans, address(es), and telephone number(s) at which that parent and the minor child(ren) can be reached.

D. HOLIDAY SCHEDULE: The holiday schedule takes priority over the regular time-sharing schedule as described above.

	<u>Even Years</u>	<u>Odd Years</u>
Spring Break	_____	_____
Easter	_____	_____
Fall Break	_____	_____
Thanksgiving	_____	_____
Christmas Break	_____	_____
Christmas Eve	_____	_____
Christmas Day	_____	_____
Child(ren's) Birthday(s)	_____	_____

Other Holidays not included above: _____

- Mother's Day will be celebrated with the Mother every year.
- Father's Day will be celebrated with the Father every year.
- Each parent may have the child(ren) on his or her own birthday.
- Three-day weekends which include Martin Luther King Day, Presidents' Day, Memorial Day, Labor Day, Columbus Day, the child(ren) will remain in the care of the parent who has the minor child(ren) for the weekend if that parent is able to exercise parenting time that day.
- Telephone Contact: Each parent may have reasonable telephone contact with the minor child(ren) during the child(ren)'s normal waking hours, OR as follows: (Explain)

E. PARENTAL ACCESS TO RECORDS AND INFORMATION: Under Arizona law (A.R.S. §25-403.06), unless otherwise provided by Court Order or law, on reasonable request, both parents are entitled to have equal access to documents and other information concerning the minor child(ren)'s education and physical, mental, moral and emotional health including medical, school, police, court and other records. A person who does not comply with a reasonable request for these records shall reimburse the requesting parent for court costs and attorney fees incurred by that parent to make the other parent obey this request. A parent who attempts to restrict the release of documents or information by the custodian of the records without a prior Court Order is subject to legal sanctions.

F. EDUCATIONAL ARRANGEMENTS: Both parents have the right to participate in school conferences, events and activities, and the right to consult with teachers and other school personnel.

Both parents will make major educational decisions together OR

If the parents do not reach an agreement, then major educational decisions will be made by:

Mother or Father after consulting the other parent.

G. MEDICAL AND DENTAL ARRANGEMENTS: Both parents have the right to authorize emergency medical treatment, if needed, and the right to consult with physicians and other medical practitioners. Both parents agree to advise the other parent immediately of any emergency medical/dental care sought for the minor child(ren), to cooperate on health matters concerning the child(ren) and to keep one another reasonably informed. Both parents agree to keep each other informed as to names, addresses and telephone numbers of all medical/dental care providers.

Both parents will make major medical decisions together, except for emergency situations as noted above OR

If the parents do not reach an agreement, then major medical/dental decisions will be made by:

Mother or Father after consulting the other parent.

H. RELIGIOUS EDUCATION ARRANGEMENTS:

Each parent may take the minor child(ren) to a church or place of worship, if any, of his or her choice during the time that the minor child(ren) is/are in his or her care.

Both parents agree that religious arrangements are not applicable to this plan.

I. ADDITIONAL ARRANGEMENTS:

ASK OTHER PARENT IF HE/SHE WANTS TO TAKE CARE OF CHILD(REN). Each parent agrees to consider the other parent as care-provider for the minor child(ren) before making other arrangements.

FREQUENCY OF COMMUNICATION. Each parent agrees to communicate regarding the child(ren) on a regular basis. That communication schedule will be: _____

and will be by the following methods (check all that apply): Phone Text Email Other
(explain: _____)

MEDIATION. If the parents are unable to reach a mutual agreement regarding a legal change to their parenting orders, they may request mediation through the court or a private mediator of their choice.

NOTIFY OTHER PARENT OF ADDRESS CHANGE. Each parent will inform the other parent of any change of address and/or phone number in advance OR within _____ days of the change.

NOTIFY OTHER PARENT OF EMERGENCY. Both parents agree that each parent will promptly inform the other parent of any emergency or other important event that involves the minor child(ren).

TALK TO OTHER PARENT ABOUT EXTRA ACTIVITIES. Each parent will consult and agree with the other parent regarding any extra activity that affects the minor child(ren)'s access to the other parent.

COMMUNICATE. Each parent agrees that all communications regarding the minor child(ren) will be between the parents and that they will not use the minor child(ren) to convey information or to set up parenting time changes.

METHOD OF COMMUNICATION. Each parent agrees to use the following means of communication:
_____.

PRAISE OTHER PARENT. Each parent agrees to encourage love and respect between the minor child(ren) and the other parent, and neither parent shall do anything that may hurt the other parent's relationship with the minor child(ren).

COOPERATE AND WORK TOGETHER. Both parents agree to exert their best efforts to work cooperatively in future plans consistent with the best interests of the minor child(ren) and to amicably resolve such disputes as may arise.

NOTIFY OTHER PARENT OF PROBLEMS WITH TIME-SHARING AHEAD OF TIME. If either parent is unable to follow through with the time-sharing arrangements involving the minor child(ren), that parent will notify the other parent as soon as possible.

PARENTING PLAN. If either parent moves out of the area and returns later, they will use the most recent "Parenting Plan/Access Agreement" in place before the move.

STATEMENT REGARDING CONTACT WITH SEX OFFENDERS AND PERSONS CONVICTED OF DANGEROUS CRIMES AGAINST CHILDREN. According to A.R.S. §25-403.05, a child's parent or custodian must immediately notify the other parent or custodian if the person knows that a convicted or registered sex offender or someone who has been convicted of a dangerous crime against children may have access to the child. The parent or custodian must provide notice by first class mail, return receipt requested, by electronic means to an electronic mail address that the recipient provided to the parent or custodian for notification purposes or by another form of communication accepted by the Court. According to A.R.S. §13-705 (P)(1), "Dangerous Crime Against Children" means any of the following that is committed against a minor who is under fifteen years of age: (a) Second degree murder. (b) Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a

deadly weapon or dangerous instrument. (c) Sexual assault. (d) Molestation of a child. (e) Sexual conduct with a minor. (f) Commercial sexual exploitation of a minor. (g) Sexual exploitation of a minor. (h) Child abuse as prescribed in section 13-3623, subsection A, paragraph 1. (i) Kidnapping. (j) Sexual abuse. (k) Taking a child for the purpose of prostitution as prescribed in section 13-3206. (l) Child prostitution as prescribed in section 13-3212. (m) Involving or using minors in drug offenses. (n) Continuous sexual abuse of a child. (o) Attempted first degree murder. (p) Sex trafficking. (q) Manufacturing methamphetamine under circumstances that cause physical injury to a minor. (r) Bestiality as prescribed in section 13-1411, subsection A, paragraph 2. (s) Luring a minor for sexual exploitation. (t) Aggravated luring a minor for sexual exploitation. (u) Unlawful age misrepresentation.

DOMESTIC VIOLENCE: Arizona Law (A.R.S. § 25-403.03) states that Joint Legal Decision-Making authority shall NOT be awarded if there has been “a history of significant domestic violence.”

Domestic Violence has not occurred between the parties, OR

Domestic Violence has occurred but it has not been “significant” or has been committed by both parties.

DUI or DRUG CONVICTIONS:

Neither party has been convicted of driving under the influence or a drug offense within the past 12 months, OR

One of the parties HAS been convicted of driving under the influence or a drug offense within the past 12 months but the parties feel Joint Legal Decision-Making is in the best interest of the children.

IF THERE HAS BEEN DOMESTIC VIOLENCE OR A DUI OR DRUG CONVICTION: Attach an extra page explaining why Joint Legal Decision-Making is still in the best interest of the child(ren).

REVIEW: The parents agree to review the terms of this agreement and make any necessary or desired changes every _____ month(s) from the date of this document.

CRITERIA: This Joint Legal Decision-Making agreement meets the criteria required by Arizona law A.R.S. § 25-403.02, as listed below:

- a. The best interests of the minor child(ren) are served;
- b. Each parent's rights and responsibilities for personal care of the minor child(ren) and for decisions in education, health care and religious training are designated in this Plan;
- c. A practical schedule of the parenting time for the minor child(ren), including holidays and school vacations is included in the Plan;
- d. A procedure for the exchange(s) of the child(ren) including location and responsibility for transportation;
- e. The Plan includes a procedure for periodic review;
- f. The Plan includes a procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved;
- g. A procedure for communicating with each other about the child(ren), including methods and frequency.