C4

LEGAL DECISION MAKING (CUSTODY), PARENTING TIME and CHILD SUPPORT

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To Change an Existing Court Order

When Parties Agree
(Forms Packet)

For Child Support and/or Spousal Maintenance you may also need the following forms C17.

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DRMC7f – **5126** - 050115

version 02/22/2018 c4

SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO FILE YOUR "AGREEMENT TO MODIFY LEGAL DECISION MAKING (CUSTODY), PARENTING TIME VISITATION AND CHILD SUPPORT"

STEP 1 Determine whether this court has the authority to hear your case. Either party or children of the parties must live in Graham County to file for modification in this county:

A. If the court Order you want to change is from Graham County, Arizona:

- Use your copy of the Order, or get a copy of the Order from Court Records located at 601 West Jackson, Phoenix, AZ. You will need a copy of the Order to fill out the paperwork.

If the court Order you want to change is from another county in Arizona:

- Get a **certified copy** of the Order you want to change from the other county, **AND**
- Bring the certified copy with you when you come to the Clerk of the Court to file your court papers, **AND**
- Give the certified copy of the Order to the Clerk before filing any additional paperwork, **AND**
- The Clerk will file the Order and assign a case number to your new case.

If the court order you want to change is from a state other than Arizona:

- Talk to a lawyer who can tell you what requirements are necessary for you to file for modification in Arizona.

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STEP 2 Important definitions to help you in your decision to change custody.

- **"Sole Custody"** means the condition under which **one person** has legal custody.
- **"Parenting time"** means the condition under which a parent has the right to have a minor child physically placed with the parent and the right and responsibility to make, during that placement, routine daily decisions regarding the minor child's care consistent with the major decisions made by the person having legal custody.
- **"Joint Custody"** means joint legal custody or joint physical custody, or both.
- **"Joint Legal Custody"** means the condition under which both parents share legal custody and neither parent's rights are superior except with respect to specified decisions as set forth by the court or the parents in the final judgment or order.
- **"Joint Physical Custody"** means the condition under which the physical residence of the minor child is shared by the parents in a manner that assures that the minor child has substantially equal time and contact with both parents.

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STEP 3 Complete the forms in this packet if both parties AGREE to ask the court to modify or change an existing court Order for child custody, parenting time and child support.

- Have in front of you a copy of the current ***"Parenting Plan"*** (if you have one), ***"Child Custody Order,"*** the ***"Child Support Order,"*** and any ***"Order of Assignment"*** you have. You will need to look at these documents to complete all the paperwork now.
- **IMPORTANT:** If you want to modify custody, you must also consider whether it will be necessary to modify child support and/or parenting time. You will need all the documents that are required to modify the child support order and the parenting time order.
- Use the ***"Parenting Time Guidelines"*** to help you make your new ***"Custody and Parenting time Parenting Plan."***
- Use the ***"Child Support Guidelines"*** and the ***"Parent's Worksheet"*** to help you understand whether, in light of the proposed new custody arrangement, the child support payments need to be changed. If you are changing custody and therefore changing child support, you might need to stop a current assignment order, and have a new ***"Order of Assignment"*** issued, depending on which parent will now pay support. These forms are available at the Self Service Center and online at the Self Service Center website.
- Remember that the court must do what is in the best interests of the minor children. Even if both parties agree to child custody, parenting time and support, the judge will look over all the papers and decide what Order to make.

STEP 4 Complete the *"Agreement (or "Stipulation") to Modify the Prior Court Order Regarding Custody, Parenting time and Support."*

PRINT CLEARLY AND USE BLACK INK WHEN COMPLETING FORMS

- In the top left corner of the first page, fill out information requested about you and the Respondent. Check the box to say whether you are representing yourself or are represented by an attorney.
- Fill in the section that says Name of Petitioner and Name of Respondent, exactly as it appears on your original Divorce, Paternity, or Child Custody papers. If your original case was a paternity case, remember that the Plaintiff is now called the Petitioner and the Defendant is now called the Respondent. If this is the first court case you are filing in Graham County, write in your name as Petitioner and the other party as Respondent.
- Fill in your case number on the line next to Case Number using your original case number from your Divorce, Paternity, or Child Custody papers. If your court order was from another county, make sure you follow the steps above. Use the new case number the Clerk of the Court assigns you.
- Read paragraph 1 (one). Make sure this statement is true.
- Read paragraph 2 (two). Write in the date the judge signed the Order you want to change, and then write in the name of the judge who signed the Order you want to change. Follow the instructions in paragraph two about attaching a copy of the Order.

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- Read paragraph 3 (three). Make sure this statement is true.

- **ALL Parties Must Sign this Agreement.** That means:

  1. **BOTH parents must sign** in front of a Clerk at the Filing Counter *or a Notary*, **and**

  2. **If the State of Arizona** (DES / DCSE) **is involved**, **a representative of the Arizona Attorney General's office**, **DCSE**, **must ALSO sign** before you turn in the papers.

STEP 5 Complete the *"Order Modifying Custody, Parenting time and Child Support."*

- In the top left corner of the first page, fill out the following: your name; address; city, state, zip code; telephone number; your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security, your attorney's bar number, if you are represented by an attorney, and then check the box to say whether you are representing yourself or are represented by an attorney. If you are represented by an attorney, write your name in the space provided. Then do the same for the Respondent or other party.

- Fill in the section that says Name of Petitioner and Name of Respondent, exactly as it appears on your original Divorce, Paternity, or Child Custody papers. If your original case was a Paternity, remember that the Plaintiff is now called the Petitioner and the Defendant is now called the Respondent. If this is the first court case you are filing in Graham County, write in your name as Petitioner and the other party as Respondent.

- Fill in your case number on the line next to Case Number using your original case number from your Divorce, Paternity, or Child Custody papers. If your court order was from another county, make sure you follow the steps above. Use the new case number the Clerk of the Court assigns you.

THE COURT FINDS:

Paragraph 3 (three). Write in the name of the children, their birth dates and ages.

Paragraph 5 (five). Check this box if this statement is true and you are asking for joint custody. If you are asking for joint custody and the statement is not true, you cannot ask for joint custody.

THE COURT ORDERS:

Paragraph 1 (one): Write in the date the custody Order you want to change was signed by the judge.

Paragraph A: Custody and Parenting time. Check the box to say whether joint custody or sole custody is awarded. If Sole Custody is awarded, write in the names of the children in the space provided to say whether mother or father has sole custody.

Paragraph B: Child Support. Check the box to say whether mother or father will pay child support, and then write in the amount of child support that person will pay each month. If you both agree there should be a deviation in child support, write in why there should be a deviation in the space provided.

Paragraph C: Medical and Dental Insurance, Payments and Expenses. Check the box to say whether mother or father will provide insurance. Then write in what percentage mother will pay of the uninsured medical and dental expenses.

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Paragraph D: Tax Deductions. Write in the name of the children that mother will claim a tax deduction and then say whether it is every year or every other year. Do the same thing for father.

Paragraph F: Other Orders. If there are other orders you both agree that you want the court to make related to your case, write in the other orders.

If the judge approves your Stipulation, he or she will date and sign the Order. Leave this space blank.

You and the other party must sign the Order in front of a Notary Public. If you are represented by an attorney, the attorney must sign the Order. If the Attorney General is involved in your case because of child support issues, the Attorney General must also sign the Order.

STEP 6 Complete the other necessary documents that support your decision to change custody, parenting time and support.

- ***"Parenting Plan."*** Use the ***"Parenting Time Guidelines"*** to help you complete this form.

Hints to help you complete the Parenting Plan.

1. State your parenting time arrangements as clearly as possible. For example, **Alternating weekends from after work on Friday, at 6:00 p.m. until Sunday at 6:00 p.m.**

2. Avoid vague or unclear statements such as "will share, will divide, or will decide later." These statements may result in future disputes related to different interpretations. Although flexibility and mutual agreement is encouraged, the document must be specific to be legally enforceable.

"Child Support Worksheet." See the Child Support Guidelines to help you complete this form. If you want to modify or change custody, you must also consider whether it will be necessary to modify or change child support. Attached are the documents that are required to modify or change the child support order. Because you and the other party Agreeing to change custody, **BOTH OF YOU MUST SIGN** the Worksheet. **IF YOU DO NOT AGREE, YOU CANNOT USE THIS PACKET.** See the Self-Service Packet on Custody, Parenting time and Child Support, To Change an Existing Court Order.

If you schedule an appointment, please bring the following things to your appointment:

- A copy of ***"Child Support Order"*** you want to modify or change.
- Monthly gross income for both parties
- Amount of monthly child support paid for in another case for both parties
- Amount of monthly spousal maintenance/support paid for in this case or in another case for both parties
- Monthly medical insurance premium paid for minor child(ren) in this case for both parties
- Monthly childcare costs for minor child(ren) in this case for both parties
- Extra education expenses for minor child(ren) in this case (i.e. private school tuition) for both parties

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- Cost of meeting needs for gifted or handicapped minor child(ren) in this case for both parties

CURRENT EMPLOYER OR OTHER PAYOR INFORMATION SHEET (CEI)
This document is required whenever child support is ordered.

ORDER STOPPING ORDER OF ASSIGNMENT (and GRAHAM COUNTY SUPPORT ORDERS) Include this document if this modification results in a change in a parent who is currently ordered to pay child support no longer having to pay.

Match the numbered instructions below with the matching numbers on the form.

(1) Fill in the name of the person shown as the petitioner on the original "***Order of Assignment***."

(2) Fill in the name of the person shown as the respondent on the original "***Order of Assignment***."

(3) Fill in the case number ATLAS Number (if any) that appears on the original "***Order of Assignment***."

(4) Fill in the name of the person who is ordered to make payments (the Obligor).

STOP! Do NOT fill out the rest of *this* form. A Judicial Officer or court staff will complete the rest of the page. Go to the next form.

****** (Second) **CURRENT EMPLOYER or OTHER PAYOR INFORMATION SHEET**

If this modification results in a change in which parent makes child support payments, include a second **CEI** for the parent who will ***now*** make payments.

Fill in the information requested on this short form, which asks only for:

- Case Number,
- ATLAS Number (if one has been assigned to this case),
- Name of the payor, the person who has been making payments,
- Name and payroll address, fax and phone numbers for the payor's current employer OR other payor
  (the one(s) named in the Order of Assignment),
- Name and payroll address, fax and phone numbers for the payor's previous employer OR other payor.

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SELF SERVICE CENTER

PROCEDURES: HOW TO FILE YOUR AGREEMENT TO MODIFY LEGAL DECISION MAKING (CUSTODY), PARENTING TIME AND CHILD SUPPORT

STEP 1 **Make three (3) copies* of the following documents:**

- ***"Stipulation to Modify the Prior Court Order Regarding Custody, Parenting Time and Child Support"*** ("Stipulation to Modify")
- ***"Order Modifying Custody, Parenting time and Child Support"***
- ***"Parenting Plan"***
- ***"Child Support Worksheet"***
- ***"Current Employer Information Sheet" ("CEI")*** *(for the parent currently paying)*
- ***"Order Stopping Income Withholding Order"*** (if applicable) and
- ***"Current Employer Information Sheet".*** (if this agreement changes who pays the child support, include a *second* CEI for the parent who will now pay.)

STEP 2 **Separate documents into four (4) sets: 1 set of originals and 3 sets of copies.***

Set 1: ORIGINALS to file with the Clerk of Court **Clerk-stamped copy** of ***"Stipulation to Modify"*** ***"Order Modifying Custody, Parenting time and Child Support"*** ***"Parenting Plan"*** ***"Child Support Worksheet"*** ***"Current Employer Information Sheet"*** ***"Order Stopping Income Withholding Order"*** ***"Current Employer Information Sheet"*** (if applicable) **	**Set 2: COPIES for the Judge** **Clerk-stamped copy** of ***"Stipulation to Modify"*** ***"Order Modifying Custody, Parenting time and Child Support"*** ***"Parenting Plan"*** ***"Child Support Worksheet"*** ***"Current Employer Information Sheet"*** ***"Order Stopping Income Withholding Order"*** ***"Current Employer Information Sheet"*** (if applicable) ** **You must also provide 2** (two) **9" x 12" business envelopes,** one stamped and addressed to each party
Set 3: COPIES for You **Clerk-stamped copy** of ***"Stipulation to Modify the Prior Court Order Regarding Custody, Parenting time and Support*** ***"Order Modifying Custody, Parenting time and Child Support"*** ***"Parenting Plan"*** ***"Child Support Worksheet"*** ***"Current Employer Information Sheet"*** ***"Order Stopping Income Withholding Order"*** ***"Current Employer Information Sheet"*** (if applicable) **	**Set 4: COPIES for the Other Party** **Clerk-stamped copy** of ***"Stipulation to Modify the Prior Court Order Regarding Custody, Parenting time and Support*** ***"Order Modifying Custody, Parenting time and Child Support"*** ***"Parenting Plan"*** ***"Child Support Worksheet"*** ***"Current Employer Information Sheet"*** ***"Order Stopping Income Withholding Order"*** ***"Current Employer Information Sheet"*** (if applicable) **

*** SET 5: If** one of the parties is using the child support services of the Division of Child Enforcement (DCSE), add ***one additional copy*** of the proposed ***Order and attachments and a stamped envelope*** addressed to the Attorney General (see Step 3, below for address).

****** if this agreement changes who pays child support include a second CEI for parent who will NOW pay.

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STEP 3 **Go to the Clerk of the Court** with all the documents properly assembled.

FEES: A list of current fees is available from the Self Service Center and from the Clerk of Court's website.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a deferral (payment plan) when you file your papers with the Clerk of the Court. Deferral Applications are available at no charge from the Self-Service Center.

- File the **original *"Stipulation to Modify the Prior Court Order Regarding Custody, Parenting time and Support with the Clerk of the Court".***
- Have the Clerk stamp your **3 copies** of the stipulation and return the copies to you.

  NOTE: If the Division of Child Support Enforcement (DCSE) is involved in your case, you must mail one more copy of all of the documents to: **Attorney General, Child Support Enforcement, P.O. Box 6123, Site Code 775C, Phoenix, AZ 85005**.

STEP 4 **Take the documents to the Judge to review and sign:**

- Find out which judge is assigned to your case. If you are not sure, look at the court case number in the upper right-hand corner and call Family Court Administration at 928-428-311 to ask who your judge is.

- **Hand-deliver the documents as indicated below** (depending on the location of the court facility at which you choose to file)**:**

GRAHAM COUNTY SUPERIOR COURT
800 W. MAIN STREET
SAFFORD, AZ 85546

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STEP 5 **Wait for the Judge to review and decide whether to sign the Order:**

A. If the judge agrees with you, he or she will sign the ***"Order Modifying Child Custody, Parenting time and Child Support,"*** and if applicable the ***"Income Withholding Order,"*** and ***"Order Stopping Income Withholding Order."***

B. The judge might not agree, or might want both parents to come to court for a hearing. If so, you will receive an Order from the Judge in the mail.

C. If you do not hear from the Judge in about 3 weeks, you can call the Judge's office to ask the staff about the status of your paperwork. Staff cannot tell you what the judge has decided. You cannot speak to the judge.

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Self-Service Center (SSC)

HOW TO COMPLETE A
PARENTS WORKSHEET FOR CHILD SUPPORT

Use the ***FREE*** online child support calculator at the Superior Court's Web page to produce the *Parents Worksheet for Child Support* that **MUST** be turned in along with your other court papers.

Using the online calculator is FREE (access to the Internet and a printer required).

If you do not have access to the Internet and/or a printer, you may use the computers at all Superior Court Self-Service Center locations for free and print out the Parents Worksheet produced by the online calculator as well. There is a small, per-page charge for printing.

- Go to the Superior Court's ezcourtform Web page
- Click "**Child Support Calculator**" on right side of the web page.
- Fill in the information requested and print out the Worksheet.

Advantages of Using the Online Child Support Calculator

- The online calculator is free.
- The online calculator does the math for you
- The online calculator produces a neater, more readable worksheet.
- The online calculator produces a more accurate child support calculation, **AND**
- **You don't have to go through 37 pages of Guidelines and Instructions**

If you want to perform the calculations yourself, you will need an additional 39 pages of guidelines, instructions, and the Parents Worksheet itself. These are available for separate purchase from the SSC as part of the **"How to Calculate Child Support**" packet, or may be downloaded for free from the Superior Court's Web page.

For Child Support and/or Spousal Maintenance
you may also need the following forms C14 OR C16.

WHEN YOU HAVE COMPLETED ALL NEEDED FORMS, GO TO THE "PROCEDURES" PAGE AND FOLLOW THE STEPS LISTED THERE.

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SELF-SERVICE CENTER

WHEN PARTIES AGREE: HOW TO CHANGE LEGAL DECISION MAKING (CUSTODY), PARENTING TIME and CHILD SUPPORT

CHECKLIST

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Use the forms in this packet ONLY if the following factors apply to your situation:

- ✓ You have a court order about legal decision making (custody), parenting time, and child support,

  AND

- ✓ Both parents agree to change the court order,

  AND

- ✓ The court order that you want to change is from an Arizona court **or** the children subject to the order you want to change have resided (lived) in Arizona at least 6 months before you file these agreement papers **or** you talked to a lawyer who advised you that you could pursue your case in Arizona.

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 Self-Service Center website.

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Person Filing: (A)_____
Address (if not protected):_____
City, State, Zip Code:_____
Telephone:_____
Email Address:_____
ATLAS Number: _____
Lawyer's Bar Number:_____

For clerk use only

Representing ☐ **Self, without a Lawyer or** ☐ **Attorney for** ☐ **Petitioner OR** ☐ **Respondent**

Respondent's Name or Lawyer's Name: _____
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 GRAHAM COUNTY

_____
Name of Petitioner (in original case), **(B)**

_____
Name of Respondent (in original case)

Case Number: _____ **(C)**

AGREEMENT (STIPULATION) **TO MODIFY PRIOR COURT ORDER REGARDING LEGAL DECISION MAKING, CUSTODY, PARENTING TIME AND CHILD SUPPORT**

Petitioner and Respondent agree as follows:

1. **AGREE AND UNDERSTAND:** I have read this Stipulation and the ***"Order to Change Prior Child Legal Decision Making (Custody), Parenting time and Support Order."*** I understand and agree with what is written in the Stipulation and Order which is attached. Legal Decision Making (Custody), Parenting Time, and Child Support shall be ordered in accordance with the attached Order which has been approved and signed by both parties.**(D)**

2. **PRIOR ORDER.** If the new legal decision making (custody), parenting time and/or support order is granted by this court it will replace the court order dated _____and issued by _____ _____
(name of judge). If the Superior Court of Arizona in Graham County did not issue the order, we have attached a copy of the order to the original and all copies of this Stipulation. If the Superior Court of Arizona in Graham County issued the order, we have attached a copy of the order to the copy of the papers for the judge. We have not attached a copy to the original Stipulation. **(E)**

3. **LEGAL DECISION MAKING (CUSTODY), PARENTING TIME AND CHILD SUPPORT**. The agreement regarding legal decision making (custody), parenting time and child support is in the best interest of the minor child(ren). **(F)**

SIGNATURE BY PETITIONER AND RESPONDENT: Everything stated by me in this Stipulation is true and correct to the best of my knowledge, information, and belief. **(G)**

_____ _____
PETITIONER Date RESPONDENT Date

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Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
ATLAS Number: _____
Lawyer's Bar Number: _____

For clerk use only

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

_____
Name of Petitioner (in original case)

_____
Name of Respondent (in original case)

Case Number: _____

ORDER MODIFYING LEGAL DECISION MAKING (CUSTODY), PARENTING TIME AND CHILD SUPPORT

THE COURT FINDS:

1. This case has come before this court for a final Order based upon the agreement of the parties.

2. This court has jurisdiction to change legal decision making (custody), parenting time, and support, and has jurisdiction over the parties. Where it has the legal power to do so and where it is applicable to the facts of this case, this court has considered, approved, and made Orders relating to legal decision making (custody), parenting time and support.

3. **This Order applies to the following children:**

NAMES	BIRTH DATE / AGE

4. **GROUNDS FOR CHANGING LEGAL DECISION MAKING (CUSTODY) AND PARENTING TIME.** **Based upon the stipulation (agreement) of the parties, it is in the best interest of the child(ren) to change custody and parenting time at this time.**

5. **JOINT LEGAL DECISION MAKING (CUSTODY) CASES ONLY. Domestic Violence.**
(**If** requesting *joint legal decision making (custody)*, this statement **must** be true (ARS § 25-403.03). Check box if a true statement.)

☐ **There has been no domestic violence, or no significant domestic violence.**

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THE COURT ORDERS:

1. **The Order regarding legal decision making (custody), parenting time and support dated _____ is changed as follows:**

A. LEGAL DECISION MAKING (CUSTODY) AND PARENTING TIME.

☐ **Joint Legal Decision Making (Custody). Mother and Father** agree to act as joint legal decision makers of the minor child(ren) with parenting time and physical custody as set forth in the Joint Legal Decision Making (Custody) Agreement and Parenting Plan pursuant to A.R.S. Section § 25-403., signed by both parties and attached to and made a part of this Order. There have been no significant acts of Domestic Violence under A.R.S. 13-3601 by either parent. The Court adopts the agreed terms of the Joint Legal Decision Making (Custody) Agreement. **OR**

☐ **Sole Legal Decision Making (Custody). Mother** is awarded sole legal decision making and physical custody of_____;

Father is awarded sole legal decision making and physical custody of _____, as described in the parenting time schedule in the attached Parenting Plan signed by both parties.

B. CHILD SUPPORT.

☐ **Mother** or ☐ **Father** shall pay child support to the other party in the amount of $ _____per month payable on the first day of each month, beginning the first day of the month following the signing of this Order. Child support is based on Exhibit 1 attached hereto and incorporated by reference. All child support payments shall be made through the Clerk of the Superior Court/ Clearinghouse, plus an applicable statutory fee by Order of Assignment.

CHILD SUPPORT DEVIATION. The court, having considered the best interests of the child(ren), deviates from the guidelines for the following reasons. (Describe reasons.)

_____

_____

C. MEDICAL AND DENTAL INSURANCE, PAYMENTS AND EXPENSES.

☐ **Mother** is responsible for providing: ☐ medical ☐ dental ☐ vision care insurance.

☐ **Father** is responsible for providing: ☐ medical ☐ dental ☐ vision care insurance.

The costs of medical/dental/vision care expenses not paid by insurance shall be shared as follows:

Mother _____ % Father _____%.

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D. TAX DEDUCTIONS.

Child's Name	Date of Birth (Month, Day, Year)	Parent Entitled to Deduction	For Calendar Year
		☐ Mother ☐ Father	
		☐ Mother ☐ Father	
		☐ Mother ☐ Father	

For years following those listed above while this Child Support Order remains in effect, the parties shall repeat the pattern above of claiming deductions for each child.

E. MEDIATION. The parties are required to pursue court sponsored or private mediation or some form of **ADR** (Alternative Dispute Resolution) prior to filing for any future modification of legal decision making (custody) or parenting time (if regarding non-parent: "visitation") unless filing by stipulation [agreement] of both parties.

F. OTHER ORDERS. This court makes further Orders relating to this matter as follows:

_____

_____

DONE IN OPEN COURT:_____

_____
JUDGE OR COURT COMMISSIONER

ORDER MODIFYING
LEGAL DECISION MAKING (CUSTODY), PARENTING TIME, and SUPPORT, or PARENTING TIME and SUPPORT

Do not write or sign below this line until you are instructed to do so by Court Clerk or Notary.

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Case No. _____

OATH OR AFFIRMATION OF THE PARTIES

By signing this Agreement, I/We:

- **Waive the right to trial on this matter.**
- **Acknowledge reading and understanding the terms of this stipulation and agree to the terms of the attached Order.**
- **Entering this agreement voluntarily and not due to any threat of force or harm, duress, undue influence or coercion from anyone, including the other party.**
- **Swear *or affirm* the information provided is true and correct, under penalty of perjury.**

SIGNATURES

_____	_____
Petitioner's Signature	Respondent's Signature
STATE OF _____	STATE OF _____
COUNTY OF _____	COUNTY OF _____
Subscribed and sworn to or affirmed before me this:	Subscribed and sworn to or affirmed before me this:
_____(date)	_____(date)
By _____.	By _____.
_____	_____
Deputy Clerk or Notary Public	Deputy Clerk or Notary Public
(notary seal)	(notary seal)

If the State of Arizona is a party to your case, a representative of the Attorney General's Division of Child Support Enforcement (DCSE) *must also sign* before you file. (See Instructions)

_____ _____

Signature of Attorney General's representative **Date**

(Attorney Signatures –if applicable)

Petitioner's Attorney's: _____

Respondent's Attorney's: _____

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For Clerk's Use Only

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 GRAHAM COUNTY

_____
Name of Petitioner

AND

_____
Name of Respondent

Case Number: _____

PARENTING PLAN FOR:

☐ **JOINT LEGAL DECISION MAKING (CUSTODY) WITH JOINT LEGAL DECISION MAKING (CUSTODY) AGREEMENT**

or

☐ **SOLE LEGAL DECISION-MAKING (CUSTODY)**

☐ to Mother

☐ to Father

INSTRUCTIONS

This document has 4 parts: PART **1**) General Information; PART **2**) Legal Decision Making (Custody) and Parenting Time; PART **3**) Danger to Children Notification Statement; and PART **4**) Joint Legal Decision Making (Custody) Agreement. Where this form refers to "children" it refers to any and all minor children common to the parties whether one or more.

One or both parents must complete and sign the Plan as follows:

a. **If only *one* parent is submitting the Plan: that parent must sign at the end of PART 2 <u>and</u> 3.**

b. **If both parents agree to legal decision making (custody) and parenting time arrangements *but not to joint legal decision making (custody):* Both parents must sign the Plan at the end of PART 2 <u>and</u> 3.**

c. **If both parents agree to joint legal decision making (custody) and parenting time arrangements as presented in the Plan: Both parents must sign the Plan at the end of PART 2, 3, and 4.**

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PART 1: GENERAL INFORMATION:

A. MINOR CHILDREN. This Plan concerns the following minor children:
(Use additional paper if necessary)

_____ _____

_____ _____

_____ _____

B. THE FOLLOWING LEGAL DECISION-MAKING (CUSTODY) ARRANGEMENT IS REQUESTED:

(Choose ONE of 1, 2, 3, 4.) (If you chose "sole legal decision-making authority" [1 **or** 2], you have the option of also requesting restrictions on the parenting time of the other party.

☐ **1. SOLE LEGAL DECISION-MAKING (CUSTODY) BY AGREEMENT. The parents agree that sole legal decision-making authority (custody) and primary physical custody should be granted to the ☐ Mother ☐ Father.**
The parents agree that since each has a unique contribution to offer to the growth and development of their minor children, 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 children, as described in the following pages,

OR

☐ **2. SOLE LEGAL DECISION-MAKING (CUSTODY) REQUESTED BY THE PARENT SUBMITTING THIS PLAN.** The parents cannot agree to the terms of legal decision making (custody) and parenting time. The parent submitting this Plan asks the court to order sole legal decision-making authority and parenting time according to this Plan.

(Optional, if you marked 1 or 2 above)

☐ **RESTRICTED, SUPERVISED, OR NO PARENTING TIME.**
The parent submitting this Plan asks the court for an order restricting parenting time. The facts and information related to this request are described in the Petition.

OR

☐ **3. JOINT LEGAL DECISION-MAKING (CUSTODY) BY AGREEMENT. The parents agree to joint legal decision-making (custody) and request the court to approve the joint legal decision-making (custody) arrangement as described in this Plan. Primary physical custody will be with the ☐ Mother ☐ Father,**

OR

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☐ **4. JOINT LEGAL DECISION-MAKING AUTHORITY (CUSTODY) REQUESTED BY THE PARENT SUBMITTING THIS PLAN.** The parents cannot agree to the terms of legal decision making and parenting time **or** are unable to submit this plan together at this time. My request for joint legal decision-making authority is deferred for the court's determination.

PART 2: PHYSICAL CUSTODY AND PARENTING TIME. Complete each section below. Be specific about what you want the judge to approve in the court order.

A. (School Year) WEEKDAY AND WEEKEND TIME-SHARING SCHEDULE:

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

_____

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

_____

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

_____

☐ Transportation will be provided as follows:

☐ **Mother** **or** ☐ **Father** will pick the minor children up at _____ o'clock.

☐ **Mother** **or** ☐ **Father** will drop the minor children off at _____ o'clock.

Parents may change their time-share arrangements by mutual agreement with at least _____days notice in advance to the other parent.

B. SUMMER MONTHS OR SCHOOL BREAK LONGER THAN 4 DAYS: The weekday and weekend schedule described above will apply for all 12 calendar months **EXCEPT:**

☐ During summer months or school breaks that last longer than 4 days, no changes shall be made. **OR**,

☐ During summer months or school breaks that last longer than 4 days, the minor children will be in the care of Father: (Explain)

_____

☐ During summer months or school breaks that last longer than 4 days, the minor children will be in the care of Mother: (Explain)

_____

☐ Each parent is entitled to a _____ week period of vacation time with the minor children. The parents will work out the details of the vacation at least _____ days in advance.

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C. TRAVEL

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

☐ **Neither parent shall travel with the minor children outside Arizona for longer than ____ days without the prior written consent of the other parent or order of the court.**

D. HOLIDAY SCHEDULE:

The holiday schedule takes priority over the regular time-sharing schedule as described above. Check the box(es) that apply and indicate the years of the holiday access/Parenting time schedule.

	Holiday	Even Years		Odd Years	
☐	New Year's Eve	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	New Year's Day	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	Spring Vacation	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	Easter	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	4th of July	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	Halloween	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	Veteran's Day	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	Thanksgiving	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	Hanukkah	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	Christmas Eve	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	Christmas Day	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	Winter Break	☐ Mother	☐ Father	☐ Mother	☐ Father
☐	Child's Birthday	☐ Mother	☐ Father	☐ Mother	☐ Father

☐ **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 children on his or her birthday.**

☐ **Three-day weekends** which include Martin Luther King Day, Presidents' Day, Memorial Day, Labor Day, Columbus Day, the children will remain in the care of the parent who has the minor children for the weekend.

☐ **Other Holidays** (Describe the other holidays and the arrangement) :

_____

☐ **Telephone Contact:** Each parent may have telephone contact with the minor children during the children's normal waking hours, **OR:** (Explain) _____

☐ **Other** (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 children'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.

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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. (optional) ☐ If the parents do not reach agreement, then:

OR

☐ Major educational decisions will be made by ☐ Mother ☐ Father after consulting 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 children, to cooperate on health matters concerning the children 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. (optional) ☐ If the parents do not reach an agreement, then: _____

_____

OR

☐ Major medical/dental decisions will be made by ☐ Mother ☐ Father after consulting other parent.

H. RELIGIOUS EDUCATION ARRANGEMENTS: (Choose **ONE**)

☐ Each parent may take the minor children to a church or place of worship of his or her choice during the time that the minor children is/are in his or her care.

☐ Both parents agree that the minor children may be instructed in the _____ faith.

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

I. ADDITIONAL ARRANGEMENTS AND COMMENTS:

☐ **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 children

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☐ **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 children's access to the other parent.

☐ **ASK OTHER PARENT IF HE/SHE WANTS TO TAKE CARE OF CHILDREN.** Each parent agrees to consider the other parent as care-provider for the minor children before making other arrangements.

☐ **OBTAIN WRITTEN CONSENT BEFORE MOVING.** Neither parent will move with the minor children out of the Phoenix metropolitan area without prior written consent of the other parent, or a court ordered Parenting Plan. **A.R.S. 25-408 (B)**

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

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

☐ **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: ☐ Phone ☐ Email ☐ Other

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

☐ **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 children 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.** Both parents agree that 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.

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☐ **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.

NOTICE: DO NOT DEVIATE FROM PLAN UNTIL DISPUTE IS RESOLVED.

Both parents are advised that while a dispute is being resolved, neither parent shall deviate from this Parenting Plan, or act in such a way that is inconsistent with the terms of this agreement.

Once this Plan has been made an order of the Court, if either parent disobeys the court order related to parenting time with the children, the other parent may submit court papers to request enforcement. See the Self-Service Center packets "**To Make Someone Obey a Court Order**" for help.

J. PART 2 SIGNATURE OF ONE OR BOTH PARENTS (as instructed on page 1)

Signature of Mother: _____ **Date:** _____

Signature of Father: _____ **Date:** _____

PART 3: 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.

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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.

PART 3 SIGNATURE OF ONE OR BOTH PARTIES (as instructed on page 1)

I/We have read, understand, and agree to abide by the requirements of A.R.S. § 25-403.05 concerning notification of other parent or custodian if someone convicted of dangerous crime against children may have access to the child.

Signature of Mother: _____ **Date:** _____

Signature of Father: _____ **Date:** _____

PART 4: JOINT LEGAL DECISION MAKING (CUSTODY) AGREEMENT (IF APPLICABLE):

A. DOMESTIC VIOLENCE: Arizona Law (A.R.S. § 25-403.03) states that joint legal decision-making authority (custody) 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.*****

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B. 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 (Custody) 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 (Custody) is still in the best interest of the children.**

C. JOINT LEGAL DECISION MAKING (CUSTODY) AGREEMENT: If the parents have agreed to joint legal decision making (custody), the following will apply, subject to approval by the Judge:

1. **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.**

2. **CRITERIA. Our joint legal decision making (custody) agreement meets the criteria required by Arizona law A.R.S. § 25-403.02, as listed below:**
   a. **The best interests of the minor children are served;**
   b. **Each parent's rights and responsibilities for personal care of the minor children 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 children, 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, including methods and frequency.**

PART 4 SIGNATURES OF BOTH PARENTS REQUESTING JOINT LEGAL DECISION MAKING AUTHORITY (CUSTODY) (as instructed on page 1)

Signature of Mother: _____ **Date:** _____

Signature of Father: _____ **Date:** _____

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Person Filing: (1) _____
Address (if not protected):_____
City, State, Zip Code:_____
Telephone:_____
Email Address:_____
ATLAS Number: _____
Lawyer's Bar Number:_____

For Clerk's Use Only

Representing ☐ **Self, without a Lawyer or** ☐ **Attorney for** ☐ **Petitioner OR** ☐ **Respondent**

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY(2)

PARENT'S WORKSHEET FOR CHILD SUPPORT

(3) Petitioner: _____ **(4)** Case No. _____

(3) Respondent: _____ **(4)** ATLAS: _____

(5) Total Number of Children: _____

(6) Parent with Primary Physical Custody:
Father ☐ Mother ☐

(7) Parent who is filing this form: Father ☐ Mother ☐

(8) Gross Income figures for the OTHER PARENT are:

☐ **ACTUAL,** with proof, such as a recent W2 or pay stub attached, or other party's signed statement.

☐ **ESTIMATED,** based on facts or knowledge of pay before promotion or of others in similar job.

☐ **ATTRIBUTED**, based on what other party could and should be earning (see Guidelines 5e).

	FATHER		MOTHER
Gross Income (Pre-Tax Income. Before deductions.)	$ _____	(9)	$ _____
Spousal Maintenance Paid	$ - _____	(10)	$ - _____
Spousal Maintenance Received	$ + _____	(11)	$ + _____
Child Support Paid/Contributed	$ - _____	(12)	$ - _____
Other Support of Children Paid	$ - _____	(13)	$ - _____
Adjusted Gross Income	$ _____	(14)	$ _____

Combined Adjusted Gross Income (15) $ _____

Basic Child Support Obligation (16) $ _____

Plus Costs for:

Medical/Dental/Vision Insurance	$ _____	(17)	$ _____
Childcare	$ _____	(18)	$ _____
Education Expenses	$ _____	(19)	$ _____
Extraordinary/Special Needs Child Expenses	$ _____	(20)	$ _____

No. of Children Age 12 or Over _____ Adjustment _____ % (21) $ _____

Total Adjustments for Costs (22) $ _____

Total Child Support Obligation $ _____ (23) $ _____

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Case No._____

	FATHER		MOTHER
Each Parent's % of Combined Income	_____ **%**	(24)	_____ **%**
Each Parent's Share of Tot. Support Obligation	**$** _____	(25)	**$** _____
Adjustment for Non Custodial Parent's Costs Associated with Parenting Time			
Using Table A ☐ **Table B** ☐	**$** _____	(26)	**$** _____
No. of Days _____ **=** _____**% Adjustment** (from table) **x** Line **(16) $**_____ (Basic Child Support Obligation)	**$** _____	(27)	**$** _____
Less Noncustodial Parent's Costs for:			
Medical/Dental/Vision Insurance*	**$** _____	(28)	**$** _____
Childcare*	**$** _____	(29)	**$** _____
Education Expenses*	**$** _____	(30)	**$** _____
Extraordinary/Special Needs Child Expenses*	**$** _____	(31)	**$** _____
***Subtract here ONLY if ADDED-IN items 17-20 above			
Adjustments Subtotal	**$** _____	(32)	**$** _____
Preliminary Child Support Amount	**$** _____	(33)	**$** _____
Self Support Reserve Test for Parent Who Will Pay			
Amount from Line (14) _____ (Adj. Gross Inc.)			
Minus Reserve Amount **- $903.00**			
Total **=**	**$** _____	(34)	**$** _____
Child Support to be Paid by: Father ☐ **Mother** ☐	**$**	(35)	**$**
Share of Travel Expenses Related to Parenting Time*	_____ **%**	(36)	_____ **%**
***Only** for expenses related to travel over 100 miles, one way.			
Share of Medical/Dental/Vision Costs Not Paid by Insurance	_____ **%**	(37)	_____ **%**

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:_____ _____

Date **Signature of Parent**

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CURRENT EMPLOYER* INFORMATION

You may also fill out this form online at the Family Support Center Website.

THIS FORM MUST BE COMPLETED FOR:

- ☐ **AN INCOME WITHHOLDING ORDER**
- ☐ **ORDER TO STOP AN INCOME WITHHOLDING ORDER**
- ☐ **NOTIFICATION OF A CHANGE OF EMPLOYER (*or OTHER PAYOR)***

CASE NUMBER:_____ **ATLAS NUMBER:**_____

NAME OF PERSON ORDERED TO MAKE PAYMENTS:

LIST THE NAME OF THE EMPLOYER* AND THE ADDRESS OF THE PAYROLL OR FINANCIAL DEPARTMENT (for the person named above) **WHERE THE INCOME WITHHOLDING ORDER OR STOP ORDER SHOULD BE MAILED.**

EMPLOYER* NAME:_____

PAYROLL ADDRESS: _____

CITY:_____**STATE:**_____**ZIP:**_____

EMPLOYER* TELEPHONE: _____

EMPLOYER* FAX: _____

or other payor or source of funds

FOR COURT USE ONLY. DO NOT WRITE BELOW THIS LINE.

WA/FSC

WA/LOG ID: _____
TYPE OF W/A _____
DATE _____
AMOUNT OF ORDER _____
EMPLOYER STATUS _____
ENTERED BY _____
NEW W/A _____ SUB _____
AG _____ DCSE _____

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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 GRAHAM COUNTY

(1) _____
Petitioner in Original Case

(2) _____
Respondent in Original Case

(3) Case No. _____

(4) ATLAS No. _____

ORDER STOPPING
INCOME WITHHOLDING ORDER
(AND ALL GRAHAM OUNTY SUPPORT ORDERS)
A.R.S. § 25-504

To the employer(s) or other payor(s) of:

(5) Name: _____ SSN : _____

DO NOT WRITE BELOW THIS LINE. COURT PERSONNEL WILL COMPLETE THE FORM.

IT IS ORDERED stopping the *Income Withholding Order* dated (6)_____ , with the same case number as in (3) above. The employer(s) or other payor(s) is/are ordered to stop withholding monies pursuant to the *Income Withholding Order* immediately upon receipt of this Order.

IT IS FURTHER ORDERED terminating all Graham County child support and/or spousal maintenance orders in this case number and declaring all child support and/or spousal maintenance orders fully paid and satisfied, including all past due support, arrearage judgments and interest.

IT IS FURTHER ORDERED that the Support Payment Clearinghouse shall release any monies currently in its possession and future monies received to the obligor (the person ordered to pay).

Dated: _____ _____
Judicial Officer

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