C30

AGREEMENT
TO MODIFY
PARENTING TIME
OR PARENTING TIME *and* CHILD SUPPORT

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1

WHEN ALL PARTIES WILL SIGN AGREEMENT TO MODIFY

(Forms Packet)

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

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INSTRUCTIONS: HOW TO FILE YOUR AGREEMENT TO MODIFY PARENTING TIME (VISITATION) or PARENTING TIME AND CHILD SUPPORT

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STEP 1 **Determine whether this court has the authority to hear your case. Either party or the minor children 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:

☐ You will need a copy of the Order to fill out the paperwork.
Use your copy of the Order, or get a copy of the Order from Court Records.

B. 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.

C. 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.

STEP 2 **Decide whether you need to change parenting time <u>and</u> child support or just parenting time.** In making your decision, you should know that the number of parenting time days the non-custodial parent has may affect the amount of child support he/she must pay.

- You will need to complete a new **"Child Support Worksheet"** based on the proposed new parenting time schedule.
- The **Worksheet** will indicate whether child support would change, based on the Arizona Child Support Guidelines.
- If the **Worksheet** does **not** show there would be a change under the Guidelines **and** the parties have **not** agreed to a change in child support, there is no need to complete the **"Current Employer Information"** sheet (**CEI**) or the **"Order Stopping Income Withholding Order"** which are included in the separate "Forms" packet, unless requested by the Court.

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 parenting time or parenting time and child support.**

☐ Have in front of you a copy of the current parenting plan (if you have one), ***"Parenting Time Order"***, the ***"Child Support Order,"*** and any ***"Income Withholding Order."*** You will need to look at these documents to complete all the paperwork now.

☐ Refer to "**Planning for Parenting Time: Arizona's Guide for Parents Living Apart**" to help make your new parenting plan. See **Step 6** on next page for more information.

☐ Complete a new ***"Parents' Worksheet for Child Support "*** to help you understand whether, in light of the proposed new parenting time arrangement, the Arizona Child Support Guidelines indicate that the amount of child support should be changed.

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Note that you are free to agree to an amount that differs from the amount indicated by the Worksheet, subject to approval of the Court, which is required to act "in the best interests of the children"..

Use the ***FREE*** online child support calculator at the Superior Court Website to produce the ***Parents Worksheet for Child Support.*** See the document DRS12h, in this packet for more information, *including information on alternatives to using the online calculator*.

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

☐ In the top left corner of the first page, write in all information requested about the Petitioner and the Respondent. Both parties stay "Petitioner" or "Respondent" as on the Court Order you are agreeing to modify. If the Court Order you want to modify was issued outside Graham County and this is the first time you have filed to modify that order in Graham County, write in the names of the Petitioner and the Respondent as listed on the papers given to you by the Clerk of Superior Court when you registered or transferred the case to this county. Write in your Graham County case number.

☐ Check the box to say whether you want to change parenting time or parenting time **and** child support.

☐ 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.

☐ 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 Parenting Time and/or Child Support."*

☐ Write in all information requested about the Petitioner and the Respondent, the case number, etc. as on the ***"Agreement to Modify."***

☐ **THE COURT FINDS:** Paragraph 3 (three). Write in the name(s) of the minor child(ren), their birth date(s) and their age(s).

THE COURT ORDERS:

☐ **Paragraph 1**: **Write in the date the Court Order you want to change was signed** by the Judge.

Paragraph A: Parenting Time. Make sure you and the other party fill out, sign and attach a Parenting Plan.

Paragraph B: Child Support. If you are asking to have child support changed, check the box in front of "Child Support." Then 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 the amount of child support should be different ("deviate") from the amount indicated by the ***Child Support Worksheet***, write in **WHY** in the space provided.

Paragraph C: Medical, Dental, Vision Care Insurance, Payments and Expenses.
If you are asking for a change in which parent provides insurance, check the box to indicate whether mother or father will provide medical, dental, and/or vision care insurance. Then write in what percentage each parent will pay of the uninsured expenses.

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Paragraph D: Tax Deductions. If you are asking for a change in which parent gets to claim the federal income tax deduction for one or more of the children, fill in the information necessary to indicate the desired change here.

Paragraph E: Mediation. Unless ordered otherwise by the Court, you will be required to attempt some means of alternative dispute resolution (ADR) or mediation before filing to request the Court modify this Order (unless you are filing a request to modify by agreement, a joint stipulation signed by all parties)**.**

Paragraph F: Other Orders. If there are other matters you both agree on that you want the Court to make an Order in your case, write these in the space provided.

Judge/Commissioner's Signature and Court Date: Leave this space blank.

☐ You and the other party must sign the Order in front of a Clerk of the Superior Court or a Notary Public. If either party is represented by an attorney, the attorney must sign as well. **If the State of Arizona is involved in your case because of child support issues, a representative of the Attorney General** (DCSE) **must also sign** (both the Agreement **and** the Order).

STEP 6: Complete the other necessary documents:

☐ **Parenting Plan.**

Refer to "**Planning for Parenting Time: Arizona's Guide for Parents Living Apart**" to help make your new parenting plan. The **Guide** is available for purchase at all Superior Court Self-Service Center locations, **or** may be viewed online and downloaded for **free** from the state courts web page at: **http://azcourts.gov/Portals/31/ParentingTime/PPWguidelines.pdf**

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.** Use the FREE Online Child Support Calculator to produce the ***Parents Worksheet for Child Support*** that must accompany this *Agreement.* Click on "Child Support Calculator and Worksheet", on right side of the page at the Superior Court's EZForms Webpage. See the instruction document **DRS12h** in this packet for more information, *including information on alternatives* to using the online calculator.

OTHER FORMS YOU MAY NEED

Current Employer Information Sheet (CEI) (may include sources of money other than employer)
Complete a **CEI** for the parent who is paying child support under the current court order.
If this agreement changes which *parent* pays child support, include *a* **CEI** *for both parents.*

Order Stopping Income Withholding Order
IF the agreement results in the parent who is currently paying NO LONGER having to pay, include an **"*Order Stopping Income Withholding Order*"** to be sent to that parent's employer.

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 (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.

You may also attend the free "*How to Complete Papers to Modify Child Support*" workshop described in the flyer that appears at the beginning of this packet.

You may also call 928-428-3100 for an appointment for assistance (in English or Spanish) at the Phoenix courthouse. Ask for the "Calculations Department". There is a FEE for this

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

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INSTRUCTIONS FOR COMPLETING AN *"ORDER STOPPING AN INCOME WITHHOLDING ORDER"*

DEFINITIONS:

"Obligor" "Payor" is the person ordered to make support payments.
"Obligee" "Payee" is the person or agency entitled to receive support.

COMPLETE THIS FORM IF:

You completed a ***"Request to Stop Income Withholding Order"*** and marked a box in Section A of Item 8 on the Request form.

TO COMPLETE THIS FORM YOU WILL NEED:

Information from, or your copy of, the ***"Income Withholding Order."***

FOLLOW THESE INSTRUCTIONS NUMBERED TO MATCH THE IDENTIFYING NUMBERS ON THE FORM. TYPE OR PRINT NEATLY USING BLACK INK.

(1) Fill in the name of the person shown as the petitioner on the ***"Income Withholding Order."***
(2) Fill in the name of the person shown as the respondent on the ***"Income Withholding Order."***
(3) Fill in the case number that appears on the ***"Income Withholding Order."***
(4) Fill in the Atlas Number on the ***"Income Withholding Order."***
(5) Fill in the name and social security number of the person shown as the respondent on the **"Income Withholding Order."**
(6) Fill in the date the ***"Income Withholding Order"*** was signed (Item 10 on the Order).

Leave the rest of the form blank. The judicial officer (judge, commissioner, or referee) will complete the remaining items at the time of hearing.

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PROCEDURES: WHAT TO DO AFTER YOU HAVE COMPLETED THE FORMS TO MODIFY PARENTING TIME or PARENTING TIME AND CHILD SUPPORT by AGREEMENT

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☐ **STEP 1: MAKE THREE COPIES OF THE:**

- **"Agreement to Modify Parenting Time or Parenting Time <u>and</u> Child Support"** (listed below as *"**Agreement to Modify**")*
- **"Order Modifying Parenting Time or Parenting Time and Child Support"** (listed below as *("**Order Modifying**")*
- **"Parenting Plan"**
- **"Child Support Worksheet"**

☐ **STEP 2 Separate your documents into 4 sets (1 set of Originals and 3 sets of copies*).**

<u>Set 1 – ORIGINALS to file with Clerk</u> • ***"Agreement to Modify"*** (1 original) • ***"Order Modifying"*** • ***"Child Support Worksheet"***	**<u>Set 4: COPIES for the Judge</u>** • ***"Agreement to Modify"*** • ***"Order Modifying"*** • ***"Parenting Plan"*** • ***"Child Support Worksheet"*** ***<u>Also</u>* <u>include these original documents:</u>** • ***"Order Stopping Income Withholding Order"*** *(if applicable)**** • ***"Current Employer Information"*** • ***"Current Employer Information"**** (for *other* parent, *if applicable*)**** (if applicable) ** **+2 Self-Addressed, Stamped Envelopes:** One Addressed to you; One Addressed to the Other Party
<u>Set 2 – COPIES for Other Party</u> • ***"Agreement to Modify"*** • ***"Parenting Plan"*** • ***"Child Support Worksheet"***	
<u>Set 3 – COPIES for You</u> • ***"Agreement to Modify"*** • ***"Order Modifying"*** • ***"Child Support Worksheet"***	

* **IF** the agreement results in the parent who is currently paying NO LONGER having to pay, include an ***"Order Stopping Order of Assignment"*** to be sent to that parent's employer.

* **IF** the Agreement *changes which parent pays* child support, include a ***"Current Employer Information"*** sheet for that parent, the one who will <u>now</u> pay child support, also.

☐ **STEP 3: GO TO THE CLERK OF THE COURT'S FILING COUNTER.**

Present the originals and all sets of copies to the Clerk at the filing counter. The Clerk will keep the originals, stamp the copies to show that these are copies of papers filed with the Court, and return the stamped copies to you. These stamped sets of copies are now called "conformed" copies.

You may file your papers from 8am to 5pm, Monday through Friday, at any of the following Superior Court locations:

GRAHAM COUNTY SUPERIOR COURT
800 WEST MAIN STREET
SAFFORD, ARIZONA 85546

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FEES: There are filing fees and service fees for all court actions such as filing petitions, forms, responses, requests, motions, objections, etc.). A list of current fees is available from the Self-Service Center and on the Clerk of Court's website.

An Agreement (or "Stipulation") **is a filing by BOTH parties. There will also be a substantial "*appearance fee*" due from the Respondent, if he or she has not previously "made an appearance", that is filed a response or other papers and paid a filing fee in this case.**

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff's Office, 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.

☐ **STEP 4: MAKE SURE YOU GET BACK THE FOLLOWING FROM THE CLERK**

ALL Sets of Copies with the Clerk's stamp on them (which shows they are "conformed" copies – meaning they are duplicates of papers filed with the Court), then:

- **Take Set 2 of the documents to the Judicial Officer assigned to your case along with the 2 self-addressed, stamped envelopes** (from Step 2).
- If you are not sure which Judicial Officer is assigned to your case, *have your case number at hand and* call Family Court Administration at **602-506-1561** to ask.
- 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 WEST MAIN STREET
SAFFORD, ARIZONA 85546

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WHAT THE COURT MAY DO:

- **Grant the relief you requested;**
- **Schedule a hearing for you and the other party if the Judge needs additional information;**
- **Return your paperwork because you did not show good reason for the change requested or the paperwork was incomplete; OR**
- **Enter other orders the Judge thinks proper.**

☐ **STEP 5: WAIT** for the Court to let you know whether the Order was signed or the matter was set for a hearing. If a hearing is scheduled, you will receive written notice of when and where to appear (date, time, and location).
If you do not hear from the Court within 3 weeks, you may call the office of the Judicial Officer assigned to your case to ask about the status of your paperwork. Note that you will *not* be able to speak to the Judge or Commissioner and court staff cannot tell you what was decided.

REMINDER! **Did you provide *two* self-addressed, stamped envelopes** as described in STEP 2 and 4, above:

☐ one addressed to you?
☐ one addressed to the other party?

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SELF-SERVICE CENTER

AGREEMENT TO MODIFY PARENTING TIME *or* PARENTING TIME and CHILD SUPPORT

CHECKLIST

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You may use this packet only if . . .

- ✓ You have a current ***"Parenting Time or Parenting Time and Support Order"*** that was entered in Graham County,
- ✓ You wish to modify the ***Order***,
- ✓ **ALL parties AGREE** to modify the ***Order***,
- ✓ **You have the notarized signatures of all parties** on the ***Agreement, AND***
- ✓ If either party is using the child support collection or enforcement services of the State, **you also have the signature of the Attorney General's representative** (from DCSE, the Division of Child Support Enforcement).
- ✓ You understand these forms do not deal with back child support (arrears).

DO NOT USE THESE FORMS IF . . .

- **X** The other party will not sign the agreement (in front of a notary or Court Clerk).
- **X** You want to change CUSTODY.*

***** If you want to change from joint to sole custody or vice-versa, see the checklist for either the "Agreement" or the "Request" to Change Custody, Support and Parenting Time to determine whether either applies to your situation.

FEE WARNING: An Agreement (or "stipulation") is a filing by BOTH parties. If one of the parties has not previously "made an appearance", that is he and/or she have not previously filed a response or other papers and paid a filing fee in this case, there will be a substantial ***appearance fee*** due from that party ***in addition to*** the filing fee for the modification itself.

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:_____

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

Respondent's Name or Lawyer's Name(B)_____
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)**

Case Number: _____ **(C)**

_____
Name of Respondent **(in original case)**

STIPULATION TO MODIFY THE PRIOR COURT ORDER REGARDING PARENTING TIME or 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 Parenting time and/or Support Order."*** I understand and agree with what is written in the Stipulation and Order which is attached. Parenting time and Child Support, if necessary, shall be ordered in accordance with the attached Order which has been approved and signed by both parties. **(D)**

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2. PRIOR ORDER. If the new parenting time and/or support order is granted by this court, it will replace

The Order issued on: _____ (Month/Day/Year)

The Order issued by: _____ (Name of Court)

Located in this County: _____

Located in this State: _____

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. PARENTING TIME AND CHILD SUPPORT. The agreement regarding 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/us in this Stipulation is true and correct to the best of my/our knowledge, information, and belief. **(G)**

_____ _____

PETITIONER Date RESPONDENT Date

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Person Filing: (A)_____
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**

Respondent's Name or Lawyer's Name: (B) _____
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)

Case Number: _____

_____
Name of Respondent (in original case)

ORDER MODIFYING

☐ **PARENTING TIME OR**

☐ **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 parenting time and/or 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 parenting time and/or support.

3. This Order applies to the following children:

NAME(S)	**DATES OF BIRTH /AGE** (Month/Day/Year)

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ORD

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4. GROUNDS FOR CHANGING PARENTING TIME and/or Child Support. Based upon the stipulation (agreement) of the parties, it is in the best interest of the minor child(ren) to change parenting time and/or child support at this time.

THE COURT ORDERS:

The Order regarding parenting time and/or support dated _____ is changed as follows:

A. PARENTING TIME:

1. ☐ **Reasonable parenting time** to the parent who is not the primary residential parent (**OR)**

2. ☐ **Reasonable parenting time** to the parent who is not the primary residential parent according to the Parenting Plan attached. **(OR)**

3. ☐ **Supervised parenting time** but only in the presence of another person, who is named below or otherwise approved by the Court:

_____

The cost of supervised parenting time shall be paid by:

☐ **Mother** **or** ☐ **Father** **or** ☐ **shared equally** by the parties, or as follows:

_____

Restrictions on parenting time:

_____
_____
_____
_____

(OR)

4. ☐ **No parenting time** rights to ☐ **Mother** **or** ☐ **Father** due to:

_____
_____
_____

5. ☐ **Other parenting time:** (explain) _____
_____
_____
_____

B. CHILD SUPPORT.

☐ **Child Support is unchanged, *OR***

☐ **Mother** **or** ☐ **Father** shall pay child support to other party in the amount of $ _____, per month, payable on the first day of each month, beginning the first day of month following the signing of this Order. All child support payments shall be made through the Support Payment Clearinghouse by the attached ***Income Withholding Order,*** and shall include an additional statutory fee for processing.

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Child Support is based on the information in the Child Support Worksheet attached and incorporated by reference, and the Arizona Child Support Guidelines, ***OR***

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

_____

_____

_____

C. MEDICAL, DENTAL, VISION CARE.

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

Medical, dental, and vision care insurance, payments and expenses are based on the information in the Child Support Worksheet attached and incorporated by reference. The party ordered to pay must keep the other party informed of the insurance company name, address and telephone number, and must give the other party the documents necessary to submit insurance claims.

Non-Covered Expenses. Mother is ordered to pay _____ %, **AND** Father is ordered to pay _____ % of all reasonable uncovered and/or uninsured medical, dental, vision care, prescription and other health care charges for the minor child(ren), including co-payments.

D. FEDERAL INCOME TAX DEDUCTION.

Child's Name	**Date of Birth** (Month, Day, Year)	**Parent Entitled to Deduction**	**For Calendar Year**
		☐ **Mother** ☐ **Father**	
		☐ **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 pursue court sponsored or private mediation or other form of ADR (Alternative Dispute Resolution) prior to filing for any future modification of custody or parenting time** (or "visitation", if for someone other than one of the parents)**.**

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

_____

_____

_____

_____

DONE IN OPEN COURT: _____.

_____
JUDGE OR COURT COMMISSIONER

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ORDER MODIFYING PARENTING TIME or PARENTING TIME AND SUPPORT BASED UPON STIPULATION (AGREEMENT) OF THE PARTIES

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

OATH OR AFFIRMATION OF THE PARTIES

By signing this document I swear or affirm that I: have read and understand the terms of this Order; have entered this agreement of my own free will and not because of any force, duress, undue influence, coercion, or threat of harm from anyone, including the other party; waive the right to trial on this matter; and that the information I have provided is true and correct, under penalty of perjury.

_____
Petitioner's Signature

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this:

_____(date)

By _____.

_____
Deputy Clerk or Notary Public

(notary seal)

_____
Respondent's Signature

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this:

_____(date)

By _____.

_____
Deputy Clerk or Notary Public

(notary seal)

_____
Date

_____
Attorney General's Representative (DCSE) (if applicable)

Approved as to form and content by the parties' lawyers (if applicable):

Petitioner's Lawyer:_____

Respondent's Lawyer:_____

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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**

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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PWC

For Clerk's Use Only

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 _____

All Rights Reserved

CEI

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 COUNTY 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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