

B29

CONSENT

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

**To get the Decree
when both parties agree**

Forms and Instructions

SELF-SERVICE CENTER

CONSENT DECREE FOR DIVORCE OR LEGAL SEPARATION IN A NON-COVENANT MARRIAGE WITH OR WITHOUT MINOR CHILDREN

CHECKLIST

You may use these forms if . . .

- ✓ You or your spouse filed a “**Petition for Divorce or for Legal Separation in a Non-Covenant Marriage With or Without Minor Children**”, AND
- ✓ You and your spouse agree to the divorce or legal separation **and** you agree **on all** terms of the divorce or legal separation, including:
 1. Division of property and debt,
 2. Spousal maintenance (alimony) (if any, how much)
 3. Custody, parenting time, and support of any minor children
- ✓ You and your spouse will provide your notarized signatures on the “*Consent Decree*” to indicate your agreement on all terms; **AND**
- ✓ You and your spouse have attended, or will attend, the Parent Information Program before you file a Consent Decree;
- ✓ You understand that **IF both parties are in complete agreement** on **all** terms of the divorce or legal separation as stated in the “*Petition*”:
 1. **It is not necessary either:**
 - a) for the Respondent to file a “**Response**”, or
 - b) for the parties to file a “**Consent Decree**”.
 2. If **no** response has been filed, the Petitioner may apply for a **default** decree *at no extra cost*.
 3. If a response **has** been filed and the parties later come to agreement on all issues, a Consent Decree may be filed *at no extra charge*.

✗ **DO NOT USE THESE FORMS IF:**

- ✗ You disagree on **any** terms of the divorce or legal separation.

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.

SELF-SERVICE CENTER

HOW TO FILL OUT THE CONSENT DECREE FOR DIVORCE OR LEGAL SEPARATION IN A NON-COVENANT MARRIAGE

You may use these instructions **ONLY** if you and the other party:

- do not have a “covenant” marriage;
- have agreed on all terms of the divorce; AND
- have agreed to file and sign a Consent Decree.

INSTRUCTIONS FOR FILLING OUT THE CONSENT DECREE:

- Fill in the information requested at top left for the Petitioner and the Respondent. The spaces marked “representing” and “state bar number” are used **only** if an attorney is preparing this form.
- Fill in the names of the persons shown as the “Petitioner” and the “Respondent” and the case number as on the “*Petition for Dissolution (Divorce) of a Non-Covenant Marriage*”.
- Write the ATLAS number *if* one has been assigned to your case.

FILL OUT THE REST OF THIS FORM ACCORDING TO THE AGREEMENT AND UNDERSTANDING OF BOTH PARTIES.

IF YOUR DIVORCE CASE IS *WITHOUT CHILDREN*, CHECK THE APPROPRIATE BOXES TO INDICATE THAT THE SECTIONS CONCERNING CHILDREN DO NOT APPLY.

DO NOT SIGN UNTIL YOU ARE IN THE PRESENCE OF A CLERK OF COURT OR A NOTARY PUBLIC. BE PREPARED TO SHOW PHOTO IDENTIFICATION.

SIGNING THIS FORM IS A STATEMENT TO THE COURT THAT YOU HAVE READ, UNDERSTAND, AND AGREE WITH THE CONTENTS OF THIS DOCUMENT.

SIGNING THIS FORM IS A REQUEST TO THE COURT TO MAKE THIS DOCUMENT THE COURT ORDER THAT GOVERNS YOUR DIVORCE OR LEGAL SEPARATION.

READ CAREFULLY BEFORE YOU SIGN. DO NOT SIGN IF YOU DO NOT UNDERSTAND OR DO NOT AGREE TO ALL TERMS OF THIS CONSENT DECREE.

LAWYER SIGNATURES: If either party is represented by an attorney, the attorney(s) must also sign.

TIME FRAME: Do not submit the Consent Decree to the court until at least 60 days have passed since the date the Respondent was served with or signed an “Acceptance of Service” for the divorce or legal separation papers. The Judge cannot sign your decree until 60 days after service. (A.R.S. § 25-329)



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

<p>In re the Matter of:</p> <p>_____ ,</p> <p style="text-align: right;">Petitioner,</p> <p>and</p> <p>_____ ,</p> <p style="text-align: right;">Respondent.</p>	
--	--

Case No. DO-_____

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

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

1. _____, hereinafter Obligor or _____, is
 - is present without counsel
 - is present and represented by counsel:
 - Counsel's name: _____
 - Address: _____
 - Phone number: _____

2. _____, hereinafter Obligee or _____,
 - is present without counsel
 - is present and represented by counsel:
 - Counsel's name: _____
 - Address: _____
 - Phone number: _____

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

Name(s) of minor child(ren)

Date of birth

_____	_____
_____	_____
_____	_____

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

Genetic Testing pursuant to A.R.S. §25-816.

Name on Birth Certificate pursuant to A.R.S. §25-814.

Voluntary Acknowledgment pursuant to A.R.S. §25-812.

_____ was defaulted and/or had personal notice of the hearing and failed to appear. The allegations in the Petition to Establish are therefore deemed admitted pursuant to A.R.S. §25-813.

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

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

7. With respect to past child support, the Court finds good cause to award past support for other than three years pursuant to A.R.S. §25-809(B), after considering all relevant circumstances, including:

A. The circumstances, conduct or motivation of the party who claims entitlement to past support in not seeking an earlier establishment of maternity or paternity, specifically: _____

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

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

D. Other: _____

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

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. IF APPLICABLE: Husband of the natural mother is not the natural father of the child(ren), waives all legal rights to contest the paternity action and waives all legal rights that he might have to the above-named child(ren).
2. IF APPLICABLE: Judgment is entered pursuant to A.R.S. §25-809 against Obligor and in favor of Obligea in the amount of \$_____, plus interest at the legal rate, for expenses incurred for the lying-in, support of and attendance upon Obligea during her confinement.
3. IF APPLICABLE: Judgment is entered against Obligor and in favor of Obligea in the amount of \$_____, plus interest at the legal rate, for the past medical care of the minor child(ren).
4. IF APPLICABLE: Judgment is entered against Obligor and in favor of Obligea in the amount of \$_____ for the period of _____ to _____, plus interest at the legal rate, for the **past support** of the minor child(ren), calculated by retroactive application of the Arizona Child Support Guidelines pursuant to A.R.S. §25-501 and/or A.R.S. §25-809. Said amount shall be paid at the rate of \$_____ per month, effective _____.
5. Obligor shall pay **current** Child Support in the amount of \$_____ per month, effective _____. Said amount is in accordance with the Arizona Child Support Guidelines.

OR

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

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

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

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

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

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

- Obligor is responsible for providing: Medical Dental Vision Care Insurance
- Obligee is responsible for providing: Medical Dental Vision Care Insurance

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

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

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

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

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

- Sole Legal Decision-Making is awarded to Mother or Father.
- Parenting time shall be in accordance with the Parenting Time schedule which is attached hereto as Exhibit "A" and incorporated herein by reference,

OR

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

The following persons are appropriate supervisors: _____

OR

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

OR

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

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

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

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

11. Other Orders:

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

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

JUDGE OF THE SUPERIOR COURT

Each of the undersigned stipulate and agree to the entry of Order consistent with the contents of this Judgment. Each further avows that they enter into this Judgment of their own free will without having been threatened or coerced.

Father

Mother

A COPY of the foregoing was

Hand-Delivered

Mailed

Emailed

To Petitioner:

To Respondent:

EXHIBIT “A”

Legal Decision-Making and Parenting Plan

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

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

Mother or Father.

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

OR

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

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

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

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

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

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

Transportation will be provided as follows: (Explain).

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

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

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

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

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

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

Other Holidays not included above: _____

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

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

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

Both parents will make major educational decisions together OR

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

Mother or Father after consulting the other parent.

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

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

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

Mother or Father after consulting the other parent.

H. RELIGIOUS EDUCATION ARRANGEMENTS:

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

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

I. ADDITIONAL ARRANGEMENTS:

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

FREQUENCY OF COMMUNICATION. Each parent agrees to communicate regarding the child(ren) on a regular basis. That communication schedule will be: _____ and will be by the following methods (check all that apply): Phone Text Email Other (explain: _____)

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

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

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

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

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

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

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

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

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

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

STATEMENT REGARDING CONTACT WITH SEX OFFENDERS AND PERSONS CONVICTED OF DANGEROUS CRIMES AGAINST CHILDREN. According to A.R.S. §25-403.05, a child's parent or custodian must immediately notify the other parent or custodian if the person knows that a convicted or registered sex offender or someone who has been convicted of a dangerous crime against children may have access to the child. The parent or custodian must provide notice by first class mail, return receipt requested, by electronic means to an electronic mail address that the recipient provided to the parent or custodian for notification purposes or by another form of communication accepted by the Court. According to A.R.S. §13-705 (P)(1), "Dangerous Crime Against Children" means any of the following that is committed against a minor who is under fifteen years of age: (a) Second degree murder. (b) Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument. (c) Sexual assault. (d) Molestation of a child. (e) Sexual conduct with a minor. (f) Commercial sexual exploitation of a minor. (g) Sexual exploitation of a minor. (h) Child abuse as prescribed in section 13-3623, subsection A, paragraph 1. (i) Kidnapping. (j) Sexual abuse. (k) Taking a child for the purpose of prostitution as prescribed in section 13-3206. (l) Child prostitution as prescribed in section 13-3212. (m) Involving or using minors in drug offenses. (n) Continuous sexual abuse of a child. (o) Attempted first degree murder. (p) Sex trafficking. (q) Manufacturing methamphetamine under circumstances that cause physical injury to a minor. (r) Bestiality as prescribed in section 13-1411, subsection A, paragraph 2. (s) Luring a minor for sexual exploitation. (t) Aggravated luring a minor for sexual exploitation. (u) Unlawful age misrepresentation.

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

- Domestic Violence has not occurred between the parties, OR
- Domestic Violence has occurred but it has not been "significant" or has been committed by both parties.

DUI or DRUG CONVICTIONS:

- Neither party has been convicted of driving under the influence or a drug offense within the past 12 months, OR
- One of the parties HAS been convicted of driving under the influence or a drug offense within the past 12 months but the parties feel Joint Legal Decision-Making is in the best interest of the children.

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

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

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

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

SIGNATURES

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(ren).

We further believe that the foregoing Legal Decision-Making and Parenting Plan agreement is in our child(ren)'s best interest.

Mother

(Date)

Father

(Date)