

TEMPORARY ORDERS

Separate forms from packet before filing.

SOUTHERN ARIZONA LEGAL AID, INC.

TEMPORARY ORDERS IN DIVORCE/FAMILY LAW CASES

MOTION AND FILING COURT PAPERS

USE AND DISCLAIMER

These forms shall not be used to engage in the unauthorized practice of law. Court cases can be very complicated, and even if you are representing yourself you should see a lawyer for legal advice as to how the law applies to you, and what is best in your particular situation. This might save you time, money, trips to the courthouse, and avoid serious mistakes. There are lawyers who will help you help yourself. This means that they will only charge you for giving you the help you need, and you can complete the court papers on your own or ask the lawyer for help with your papers.

There are professional mediators in the community who can help you with your problems. They help you solve your present problem, and anticipate future problems and how to solve them. Mediators work with both parties in a dispute to help resolve areas of disagreement or trouble.

A list of individuals, agencies and other resources available to help people resolve legal problems is available at the Self-Service Center.

HOW TO ASSEMBLE THESE DOCUMENTS

This packet contains general information, instructions and court forms to complete and file. Look at the lower right-hand corner of the document for the document description. Documents that end with "info" are instructions and/or general information. Documents that end with "form" are court forms that MUST be completed and filed with the court.

Title	File Name
Use and Disclaimer (1 page)	pat to-use and disclaimer.info
General Information & Instructions on Temporary Orders (4 pages)	pat to-information.info
General Information Regarding Forms (2 pages)	pat to-instructions.info
Local Rule 8.4 (3 pages)	local rule 8.4.info
Motion for Temporary Orders (4 pages)	pat to-motion temporary orders.form
Request for an Order to Appear Hearing Date (1 page)	pat to-request hearing date.form
Order to Appear (1 page)	pat to-order to appear.form
Affidavit of Financial Information (7 pages)	pat to-financial affidavit.form
Resolution Statement (5 Pages)	pat to-resolution statement.form
Temporary Order (4 pages)	pat to-temporary order.form

**GENERAL INFORMATION & INSTRUCTIONS
ON
TEMPORARY ORDERS**

INTRODUCTION

Once a divorce petition has been filed and served on the other party, there is a minimum 60-day waiting period before the divorce can be finalized. This time period can be longer if the other party contests any portion of the divorce. Frequently, situations arise which may require the Court to issue orders directing one party or the other to do certain things while the divorce is pending. These are called **Temporary Orders**. For example, the Court may award one parent **temporary** custody of the minor children and order the other party to pay **temporary** child support to that parent until the final divorce decree is issued. If you are requesting custody of the child(ren), the judge is required to make orders regarding child support. The final decree or order may or may not be the same as the temporary order, although it usually is the same or similar.

In addition to child custody and support, the Court may issue temporary orders for parenting time, spousal maintenance (alimony), exclusive use of the family residence or vehicle, or it can even order one party to pay certain bills or debts.

WHO CAN REQUEST TEMPORARY ORDERS USING THIS PACKET?

You can use the forms & instructions in this packet only if the following factors apply to your situation:

- You or the other party has filed a Petition for Divorce, Separation or Annulment or a Petition to Establish Custody (outside of wedlock) or Paternity Petition AND
- You need to get temporary court orders about property or debt, spousal maintenance (alimony), child custody/parenting time/support or some other matter while you wait for the divorce or other requested order to be final.

If you only want a temporary order for child support, you should file a Motion for Simplified Temporary Child Support Order *instead* of a Motion for Temporary Orders. The Simplified Temporary Child Support process usually does not require as much time or paperwork as the Motion for Temporary Orders. The forms and instructions on filing a Motion for Simplified Temporary Child Support can be found in the packet entitled “**Simplified Temporary Child Support.**”

WHEN SHOULD YOU REQUEST TEMPORARY ORDERS?

Generally, you should not request Temporary Orders unless you really need them. Since many divorces will be decided by Default and become final in 60-70 days after the other party is served, it is usually better to wait it out and get what you want in the final decree. However, if you absolutely cannot wait this long, you can file a Motion for Temporary Orders any time after the divorce petition or Petition to Establish Custody was filed and until the final decree or other order is issued. There are, however, two logical times to request Temporary Orders: 1) at the beginning of the case, or 2) if the other party files a Response to the petition and contests it.

1. **At the Beginning** - If you are unable to support yourself or your children or if your spouse will not leave the family residence and you cannot live together while the divorce is pending, you may wish to request Temporary Orders at the same time you file your Petition for Dissolution (divorce) or Petition to Establish Custody.
2. **If the Other Party Files a Response** - If the other party files a Response to the petition, you cannot use default procedures. This means that the other party is contesting some portion of the petition and the final decree or order will probably not be issued in the usual time period. If you file for Temporary Orders after the other party files a Response and the court grants the Temporary Orders, the other party may be more willing to try to settle the case, since he/she may be paying temporary spousal maintenance and may not have to pay it permanently.

STEPS FOR REQUESTING TEMPORARY ORDERS

Step 1 Complete All of the Forms that Apply to Your Situation. You will need to complete all of the forms that correspond to your request for Temporary Orders. Before you complete the Affidavit of Financial Information, make sure to make an extra blank copy, as you will need to send it to the other party later.

Every person requesting temporary orders must complete:

- Motion for Temporary Orders**
- Request for Order to Appear Hearing Date**
- Affidavit of Financial Information**
- Order to Appear**
- Temporary Orders**

If you are requesting child support, you must also complete:

- Parent's Worksheet on Child Support***
- Order of Assignment***
- Child Support Order***
- Obligee/Obligor Fact Sheet***

If you are filing your Motion at the same time that you are filing your first divorce, separation, annulment, or custody papers, you must also complete:

- Affidavit of Service***

*The documents marked with a star are not found in this packet. If you are requesting child support, the **Parent's Worksheet, Order of Assignment, Child Support Order, and Obligee/Obligor Fact Sheet** can be found in the packet entitled **CHILD SUPPORT**. The **Affidavit of Service** can be found in the packet entitled **SERVICE ON THE OTHER PARTY**.

Step 2 Make Copies of All the Forms. Once you have completed all of the forms, make 3 copies of the forms to make sure that you have enough copies. Write or stamp "copy" at the top of each copy so that you and the clerk can determine which documents are original and which are copies. Assemble the original and copies so that you have 4 sets: one is for the Clerk of the Court, one for the judge, one for you, and one for the other party. The following explains what each packet should contain:

Set 1: Originals for the Clerk of Court

- Original **Motion for Temporary Orders**
- Original **Request for Order to Appear Hearing Date**
- Original **Affidavit of Financial Information**
- Self-Addressed, stamped Envelope

Set 2: Originals and/or Copies for the Judge in the Following Order:

- Copy of **Motion for Temporary Orders**
- Copy of **Request for Order to Appear Hearing Date**
- Original **Order to Appear**
- Copy of **Affidavit of Financial Information**
- Original **Parent's Worksheet on Child Support** (only if you are asking for temporary child support)
- Original **Temporary Order**
- Original **Order of Assignment** (only if you are asking for temporary child support)
- Original **Obligee/Obligor Fact Sheet** (only if you are asking for temporary child support)

Set 3: Copies for You

- Copy of **Motion for Temporary Orders**
- Copy of **Request for Order to Appear Hearing Date**
- Copy of **Order to Appear**
- Copy of **Affidavit of Financial Information**
- Copy of **Parent's Worksheet on Child Support** (only if you are asking for temporary child support)
- Copy of **Temporary Order**
- Copy of **Order of Assignment** (only if you are asking for temporary child support)
- Copy of **Obligee/Obligor Fact Sheet** (only if you are asking for temporary child support)

Set 4: Copies for the Other Party

- Copy of **Motion for Temporary Orders**

- Copy of **Request for Order to Appear Hearing Date**
- Copy of **Order to Appear**
- Copy of **Affidavit of Financial Information**
- Blank **Affidavit of Financial Information**
- Copy of **Local Rule 8.4**
- Copy of **Parent's Worksheet on Child Support** (only if you are asking for temporary child support)
- Copy of **Temporary Order**
- Copy of **Order of Assignment** (only if you are asking for temporary child support)
- Copy of **Obligee/Obligor Fact Sheet** (only if you are asking for temporary child support)

Step 3 File the Papers for Temporary Orders - You will have to "follow your request" through the court system, starting at the Clerk of the Court office. The Clerk will file the original of the Motion for Temporary Orders, Request for Order to Appear Hearing Date, and Affidavit of Financial Information (Set 1). The Clerk will also date-stamp a copy of the same documents in your set (Set 3) so that you can show when they were filed. This means that you should initially hand the Clerk:

- ✓ Set 1 (including the self-addressed, stamped envelope)
- ✓ the copy of the Motion from Set 3
- ✓ the copy of the Affidavit from Set 3
- ✓ Set 2 for the Judge

The Clerk will forward Set 2 to the judge. Seven (7) days after filing (sooner if an expedited hearing is requested), call the Clerk of the Court at (520) 740-3210 and ask if the Order to Appear has been signed by the judge. If so, the Clerk will mail you copies of all the documents you filed or you can come by the Clerk's office and pick them up. If the judge feels that your request is valid, the judge will schedule a Resolution Management Conference and/or a Hearing and issue an Order to Appear. The Order to Appear tells the other party that he or she must come to a hearing to tell the Court why the Temporary Orders should not be granted. Depending on your circumstances, you may request a **normal hearing** or an **expedited hearing**.

Normal Hearing - normally a hearing or a resolution management conference (RMC) on a Motion for Temporary Orders is scheduled within 30 days. Unless you specify an expedited or emergency hearing, the court will schedule the hearing for a date that it has available within 30 days.

Expedited Hearing - if your situation is such that you need the Temporary Orders in a hurry, you can request an expedited hearing. They may be set earlier if a genuine emergency exists, the judge's calendar permits, and you can serve the other party. Not all matters require the court's immediate attention, so you should only request an expedited hearing if it is necessary in your case.

Step 4 Serve the Motion, Request for Order to Appear Hearing Date, Order to Appear, and any other required documents (Child Support Worksheet, Financial Affidavit, etc.) on the Other Party - you are responsible for making sure that the other party receives copies of the documents you filed (Set 4). This is called "service."

If you request Temporary Orders at the beginning of the case, copies of these papers can be served on the other party along with the other divorce papers or custody petition. Forms and information on serving the other party at the beginning of the case can be found in the packet entitled **Service on the Other Party**. You should file an Affidavit of Service (this form can be found in the packet **Service on the Other Party**) with the court before your hearing date. If you cannot file the Affidavit of Service before the hearing, bring it to the hearing.

If you request Temporary Orders after the divorce papers or custody petition have been served on the other party, you must also send these papers to the other party. You may mail the papers by first-class mail (through the US Postal Service) to the other party's address (the address they used on the Response or, if they have not filed a response, the address where you know they are living) or personally deliver the papers to the other party. If the other party has filed a Response through an attorney, you may mail the papers to the address the attorney used on the Response or personally deliver them to the attorney at his or her office.

You must mail or deliver these papers to the other party or their attorney in sufficient time for him or her to attend the scheduled conference and/or hearing. The Court will usually require that the other party receive the papers at least ten (10) business days prior to the conference and/or hearing. It is usually best if you serve, mail or deliver the papers on the same day that you file them with the court.

Step 5 Meet & Confer with the Other Party– At least five (5) days prior to the scheduled Resolution Management Conference or Hearing, you must meet with the other party, unless there is domestic violence in your relationship AND you are both representing yourselves in this case. This means that you should contact the other party and ask to arrange a meeting to discuss whether there are any issues in the Motion for Temporary Orders that you agree on and can resolve. You may contact the other party by phone, letter, or in person, so long as there are not orders of protection or injunctions against harassment that prevent either of you from contacting the other. If the other party refuses to meet with you, make sure to write down the date and time of your contact with them and how they refused your request to meet. You may need to give this information to the judge or hearing officer later.

Step 6 Complete the Required Disclosure – At least five (5) days prior to the scheduled Resolution Management Conference or Hearing, you are required to exchange several types of documents and information with the other party. This exchange of information is called *disclosure*. If you fail to give or send the required documents and information to the other party or their attorney, the Court may issue sanctions against you. If the other party fails to give or send the required documents and information to you, you may ask the Court to issue sanctions against the other party. The forms and instructions on Disclosure are located in the packet entitled “**Disclosure.**”

Step 7 Submit Your Resolution Statement – At least five (5) days prior to the scheduled Resolution Management Conference or Hearing, you must send your Resolution Statement to the other party (or their attorney) and the Judge assigned to your case. The form and instructions on filling out the Resolution Statement can be found in this packet.

Step 8 Attend the Resolution Management Conference and/or Hearing – Be sure to write down the date, time and place of your resolution management conference and hearing, and arrive on time. Dress neatly. Do not wear shorts, halter tops, “suggestive” clothing or hats to court. **DO NOT BRING CHILDREN TO COURT.**

If a resolution management conference is set, the Court will try to see if you and the other party can come to some sort of an agreement. The resolution management conference is generally short. Please note that you should have filled out and filed the Resolution Statement prior to attending the resolution management conference (see Step 7 above). If you cannot come to an agreement at the resolution management conference, you will also have to go to court for a hearing.

At the hearing, both parties will be given the opportunity to tell the Court why the Temporary Orders should or should not be granted. Be prepared to present your evidence about why the Judge should order the temporary relief you requested. Tell the Judge about the case, and why the temporary orders are necessary. Bring all paperwork with you that you think is applicable, such as reports about the children, financial records, paycheck stubs, costs of medical and dental insurance for the children, etc. If the hearing takes longer than the time allotted, the judge may continue the hearing to a later date. At the end of the hearing the judge may announce the decision in court or take the matter under advisement and issue a written decision at a later time. Take the Temporary Order form to the hearing for the judge to complete and sign after ruling.

GENERAL INFORMATION REGARDING FORMS FOR REQUESTING TEMPORARY ORDERS WHILE YOU WAIT FOR YOUR FINAL DIVORCE OR OTHER CUSTODY ORDER

Fill out all the forms completely and in black ink. The forms you will complete are:

PIMA COUNTY LOCAL RULE 8.4

- You must serve a copy of this Rule and the other papers you complete on the other party.

MOTION FOR TEMPORARY ORDERS

- Write in your name address and phone number and the case number that has been assigned to your divorce or other family law case. If you have an atlas number (from a child support enforcement case with the same child involved in this case), write in the atlas number.
- Decide what you want temporary orders for, and check those boxes in the upper right hand corner of the page. If you are asking for an expedited hearing, check the box.
- Complete the rest of the Motion, checking the appropriate blocks and completing all the requested information.
- Check only those blocks and complete only those blanks that apply to your situation.
- You must sign the Motion.
- IF YOU ARE REQUESTING TEMPORARY CUSTODY AND PARENTING TIME ORDERS:* Your motion must include specific information about the custody, parenting time, and visitation schedule you are requesting for both parties.
- IF YOU ARE REQUESTING A TEMPORARY CHILD SUPPORT ORDER:* If you are only requesting child support in your Motion for Temporary Orders, you should use the **Simplified Child Support Packet** and should not file a Motion for Temporary Orders. However, if you are requesting temporary child support along with another temporary order (for example, child custody, parenting time, spousal maintenance, exclusive use of the home, etc.), you need to make sure to do the following in addition to filing the Motion:
 - o File a completed Child Support Worksheet in accordance with the Arizona Child Support Guidelines
 - o Provide a copy of the following to the other party at least 10 days prior to the date of the Resolution Management Conference or hearing on your Motion, and provide a copy of the following to the Court on the day of your hearing:
 - Complete tax returns for the past two calendar years (if you filed taxes)
 - W-2 forms from the past two calendar years (if you received W-2s)
 - K-1 forms from the past two calendar years (if you filed W-2s)
 - pay stub that shows year-to-date earnings from your current job
 - Information showing year-to-date salaries, wages, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, and recurring gifts or prizes for the current year (if you receive any)
 - Information showing year-to-date social security benefits, worker's compensation benefits, unemployment insurance benefits, and disability insurance benefits for the current year (if you receive any)
 - Information showing year-to-date spousal maintenance received for the current year (if you receive any)
 - Proof of court-ordered child support and spousal maintenance that you have paid in any other case
 - Proof of all medical, dental, and vision insurance premiums that you have paid for any

child listed in this case

- Proof of any child care expenses paid by you for any child listed in this case
- Proof of any expenses paid by you for private or special schools or other educational needs of any child listed in this case
- Proof of any expenses paid by you for the special needs of a gifted or handicapped child listed in this case

Failure to give copies of these documents to the other party at least 10 days prior to the hearing or to give copies of these documents to the court at the time of you hearing may result in sanctions against you. Sanctions may include prohibiting you from making statements related to this information in court, granting the other party's request, or holding you in contempt, among others.

- *IF YOU ARE REQUESTING A TEMPORARY SPOUSAL MAINTENANCE ORDER:* Your Motion must include the specific amount of spousal maintenance you are requesting, and how long you are requesting that spousal maintenance be paid (i.e. 12 months, 3 years, permanently).
- *IF YOU ARE REQUESTING TEMPORARY PROPERTY, DEBT, or ATTORNEY'S FEES ORDERS:* Your Motion must include the specific order you are requesting (for example, exclude the other party from your residence, divide some of the furniture or vehicles, divide some of the money in bank accounts, divide responsibility for ongoing debt or payments, etc.). If you are asking that the other party pay for you pay for or hire an attorney, you must state the specific amount of money you are requesting.

REQUEST FOR ORDER TO APPEAR HEARING DATE

- Complete the top portion of the form with your name and address, the names of the parties and the case number of your divorce or other family law case, and the atlas number (if you have one from a child support enforcement case with the same child).
- Write the date you are filing the documents on the blank line just above paragraph 1.
- Check the box to the left of "Temporary Orders" in paragraph 1.
- In paragraph 2, write the name of the Judge or Commissioner that heard any previous matters in your case. If there were no previous matters heard by a Judge or Commissioner, write "N/A".
- In paragraph 3, write the estimated time that you think it will take for the entire temporary orders hearing – think about how many witnesses you plan to call and think about how many witnesses you think the other party will have. You can estimate the amount of time in hours or days.
- In paragraph 4, check the box that corresponds to whether you require a court reporter. Please be aware that all court hearings are digitally recorded. This means that you can later order a digital recording of your hearing. If you request a court reporter, there would be an additional person in the court room who transcribes everything said during the hearing.
- In paragraph 5, check the box to the left of "Temporary Orders" and any other relief you are seeking.
- In paragraph 6, check the box that corresponds to whether you will be presenting evidence – either through documents or through witness testimony.
- In paragraph 7, write the name of the opposing party's attorney on the line if the opposing party is represented by an attorney. If the opposing party is not represented by an attorney, write "N/A".
- Date and sign the document. Mark the box corresponding to whether you are the Petitioner or Respondent in this case.

ORDER TO APPEAR

- ❑ This is the document the judge's administrative assistant will complete to schedule the hearing for the temporary orders. You should complete the top portion of this form with your name and address, the names of the parties, the case number of your divorce or other family law case, and your atlas number (if you have one), but leave the rest blank for the judge or court staff to fill out.

AFFIDAVIT OF FINANCIAL INFORMATION (AFI)

- ❑ Fill out and file the **Affidavit of Financial Information** with your Motion. Follow the instructions on the form.

PARENT'S WORKSHEET ON CHILD SUPPORT, CHILD SUPPORT ORDER, ORDER OF ASSIGNMENT, and OBLIGEE/OBLIGOR FACT SHEET

- ❑ If you are requesting child support, please obtain the packet entitled **Child Support and the Child Support Guidelines**. You should calculate child support in accordance with the Parent Worksheet. You should bring that worksheet as well as a **Child Support Order, Order of Assignment and Obligee/Obligor Fact Sheet** for the judge to sign. **Please remember that if you are requesting custody, you must complete the documents related to child support.**

RESOLUTION STATEMENT

- ❑ This form tells the other party what your position is on each issue in your case. The exchange of this information by the parties helps the parties and the Court determine which issues are unresolved.
- ❑ Fill out and make 2 copies of this form. Send the original form to the Judge assigned to your case and send a copy to the other party (or their attorney) at last five (5) days prior to your Resolution Management Conference or evidentiary hearing.
- ❑ Question 2: If you have forgotten the meaning of any of the custody terms or you do not remember what the Pima County Access Guidelines say, you should consult the packet entitled "**Child Custody and Parenting Time**".
- ❑ Question 4: Arizona law states that a party may be entitled to past support. A.R.S. 25-320(B) & (C). Past support is an amount of money that is owed to one party now because that party has supported a child or children without any assistance from the other party for an amount of time in the past (before a child support order was entered). There are two calculations or "periods" for past support:

(1) The period of *the date of filing of the Petition for paternity through present*. This calculation is used in cases when the parties are or were living together until shortly before the Petition for Paternity was filed.

(2) The period of *the date of separation of the parties (but not more than 3 years before the date of filing of the Petition for Paternity) through present*. This calculation is used if the parties have lived apart for a significant amount of time before the Petition for Paternity was filed.

In answer to Question 4, you should write in the appropriate period starting date according to the facts in your case on the line requesting "the period of _____". You should write "present" for your ending date on the line requesting "through _____" because you do not know when child support will be entered. Because you do not know when a child support will be entered, you should also write "unknown" on the line requesting "the amount of \$ _____".

TEMPORARY ORDER

This is the document the judge will sign at the end of your scheduled court hearing. Complete the top part of the Order with your name and address, the names of the parties, the case number, and the atlas number (if you have one). The Temporary Order is not valid until signed and dated by the judge at the court hearing, and you may not be granted all that you requested.

ARIZONA SUPERIOR COURT, PIMA COUNTY

LOCAL RULE 8.4

(8.4) Affidavits Required; Pleading and Practice

(a) Financial Affidavits; Production of Documents.

(1) *Forms of Financial Affidavits.*

There shall be two forms of Financial Affidavits, a "Financial Affidavit; Child Support" and a "Financial Affidavit; Spousal Maintenance". Wherever the term Financial Affidavit is used in this Rule, it shall refer to the relevant court-approved Financial Affidavit. In any proceeding where the establishment or modification of child support or a request for an award of attorney's fees and/or expenses is in issue, but not spousal maintenance, the "Financial Affidavit; Child Support" shall be filed. In all other proceedings where the establishment or modification of spousal maintenance alone, or in combination with child support or a request for an award of attorney's fees and/or expenses is in issue, the "Financial Affidavit; Spousal Maintenance" shall be filed. No filing or appearance fee shall be charged for the filing of the opposing party's Financial Affidavit, unless otherwise provided by law.

(2) *Duty to Document Change in Financial Circumstances in the Financial Affidavit.*

In any proceeding for establishment or modification of child support or spousal maintenance, a request for an award of attorney's fees and/or expenses, or a proceeding for failure to pay any of the foregoing, a party may not present to the court by way of testimony any change in his or her financial circumstances between the date of the Financial Affidavit and the date of the hearing or trial, unless an amended Financial Affidavit setting forth the changes has been filed or good cause is shown.

(3) *Documents to be Provided to the Other Party.*

(a) In any proceeding for establishment or modification of child support, spousal maintenance or attorney's fees and expenses, within the time provided by this Rule, each party shall provide to the other party copies of the following documents:

- (i) That party's most recently filed federal and state income tax returns;
- (ii) That party's four most recent consecutive wage statements from all employment;
- (iii) That party's most recent W-2, 1099, and K-1 forms;
- (iv) For establishment or modification of child support proceedings, employer provided statement of cost of health and dental insurance coverage for the parties' minor children.

The Order to Show Cause shall specifically direct both parties to comply with this Rule. The Order to Show Cause shall not require the production of any additional documents, but this does not preclude the applicant from requesting additional documents through discovery procedures.

(b) Time.

Wherever this Rule requires a party to provide documents or the relevant Financial Affidavit to the other party, it shall mean that a copy is to be provided to the other party no later than four (4) court days prior to the date set for hearing or two (2) court days after service of the Order to Show Cause, whichever is later.

(c) Order to Show Cause for Temporary Order.

Where a petition for an Order to Show Cause is being made for temporary spousal maintenance, child support, or a request for an award of attorney's fees and/or expenses, the applicant shall file the original petition and the relevant Financial Affidavit with the Clerk of the Superior Court. A copy of the petition and relevant Financial Affidavit shall be provided to the assigned division, if any, at the time of the request for issuance of the Order to Show Cause. A copy of each shall also be served upon the opposing party, along with a blank copy of the relevant Financial Affidavit and a copy of Rule 8.4. The opposing party shall respond by filing the relevant Financial Affidavit, a copy of which he or

she shall provide to the assigned division, applicant's attorney, or, if unrepresented, to the applicant within the time provided by this rule.

(d) Petition for Modification of Maintenance or Support.

(1) Petition for Modification of Spousal Maintenance

A petition for modification of a prior order for spousal maintenance shall set forth verbatim in the body of the petition the order sought to be modified or comply with Rule 8.3(c). The applicant shall file the original of the petition and two relevant Financial Affidavits: Spousal Maintenance. The first Financial Affidavit shall demonstrate the current financial circumstances of the party seeking the modification. The second Financial Affidavit shall demonstrate the financial circumstances of the party seeking the modification as of the date of the order sought to be modified, unless a copy was previously filed in the court file, in which case such Financial Affidavit shall be attached to the petition for modification. A copy of the petition and the Financial Affidavits shall be provided to the assigned division at the time of the request for issuance of the Order to Show Cause. A copy of each Financial Affidavit shall be served upon the opposing party, along with blank copies of the relevant Financial Affidavits and a copy of Rule 8.4. The opposing party shall respond by filing the relevant Financial Affidavits, which he or she shall provide to the applicant's attorney, or if unrepresented, the applicant, within the time provided by this Rule.

(2) Petition for Modification of Child Support

A petition for modification of a prior order for child support shall set forth the amount of child support which is currently in effect or shall set forth verbatim in the body of the petition the order sought to be modified or comply with Rule 8.3(c). The applicant shall file the original of the petition and a Financial Affidavit: Child Support, which reflects the current circumstances of the party seeking a modification of an existing child support order. A copy of the petition and the Financial Affidavit shall be provided to the assigned division at the time of the request for issuance of the Order to Show Cause. A copy of each shall be served upon the opposing party, along with a blank copy of the relevant Financial Affidavit and a copy of Rule 8.4. The opposing party shall respond by filing the relevant Financial Affidavit, which shall be provided to the applicant's attorney, or if unrepresented, the applicant, within the time provided by this Rule. This provision does not apply to modifications filed pursuant to the Simplified Procedures outlined in Section 22.b. of the Arizona Child Support Guidelines.

(e) Failure to Pay Child Support, Spousal Maintenance, or Attorney Fees and Expenses.

In an action for failure to pay child support, spousal maintenance, or attorney's fees and expenses, the opposing party shall file with the Court the relevant Financial Affidavit, which he or she shall provide to the applicant's attorney, or, if unrepresented, the applicant, within the time provided by this Rule, along with copies of the following documents:

- (1) That party's most recently filed federal and state income tax returns;
- (2) That party's four most recent consecutive wage statements from all employment;
- (3) That party's most recent W-2, 1099, and K-1 forms.

The Order to Show Cause shall specifically direct the respondent to comply with Rule 8.4. The Order to Show Cause shall not require the production of any additional documents, but this does not preclude the applicant from requesting additional documents through discovery procedures.

(f) Failure to Comply.

If either party fails to comply with any part of this Rule, upon the complying party's request or the court's own motion and in the absence of good cause shown, the court may: (1) vacate or continue the hearing; (2) enter an interim award of relief in favor of a complying party and against a non-complying party based on the complying party's Financial Affidavit; (3) award a complying party his or her attorney's fees and expenses incurred in preparing for and attending the hearing, and/or; (4) enter other appropriate relief. For purposes of making an interim award the court may, on its own motion, examine either party if it deems such examination necessary. The non-complying party may be precluded from introducing any evidence and cross-examining the complying party for purposes of making an interim award.

(g) Petitions to Modify Child Custody.

No hearing for modification of a child custody order or decree shall be set unless there is compliance with A.R.S. Section 25-411 and the following:

- (1) Any party seeking a modification of child custody shall file with the Clerk of the Court the following:
 - (i) Petition for Modification of Child Custody, either verified by the moving party or supported by the requisite affidavit(s) pursuant to A.R.S. Section 25- 411; and
 - (ii) Form of notice to all persons entitled to notice pursuant to A.R.S. Section 25-1035; and
 - (iii) Affidavit required by A.R.S. Section 25-1039.
- (2) The Clerk of the Superior Court shall issue the Notice of Filing Petition for Modification of Child Custody.
- (3) The petition, affidavits and notice shall be served on all persons entitled to notice, pursuant to the appropriate provisions of Rules 4 or 5, Arizona Rules of Civil Procedure.
- (4) Unless otherwise ordered by the Court, all persons entitled to notice shall file within twenty (20) days from the date of service a response and/or controverting affidavits. A copy of each document shall be provided to the Presiding Judge of the Family Law Divisions and the opposing party's attorney or, if unrepresented, the opposing party.
- (5) No sooner than five (5) days after expiration of the time permitted for the filing of the response and/or the controverting affidavits, either party or attorney shall provide the approved form for a Request for Order Granting or Denying Custody Hearing to the Presiding Judge of the Family Law Divisions or a designee.
- (6) The court shall, in accordance with A.R.S. Section 25-411 and without argument or hearing, determine whether a hearing should be granted. A copy of the Court's determination shall be mailed by the court to all persons entitled to notice.

(h) Request for Order to Show Cause Hearing Form.

An approved form for a Request for Order to Show Cause Hearing shall be submitted with each petition for order to show cause or request for order to appear, however designated. The Request for Order to Show Cause Hearing shall indicate, at a minimum, the nature of the proceeding, the identity of the judicial officer who heard any previous matters, the estimated time for the entire hearing, the relief sought, whether a court reporter is requested, and the identity of opposing counsel. A copy of the Request for Order to Show Cause Hearing shall be provided to the opposing party or counsel with his or her copy of the petition for order to show cause or request for order to appear, however designated.

(i) Hearings on Motions.

Matters brought before the court by notice of hearing on a motion or notice of hearing on any other application for relief, however designated, shall be heard by oral argument without testimony at the hearing. Matters that will entail testimony at the hearing shall be brought before the court by petition for order to show cause or request for order to appear or other notice that testimony will be offered.

(j) Stipulation and Orders.

Rule 5(j), Arizona Rules of Civil Procedure, is interpreted to require that a proposed order must be separate only if an order is for final judgment.

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Petitioner/Plaintiff

Case No. _____

Atlas No. _____

and

Respondent/Defendant

MOTION FOR TEMPORARY ORDERS

Check all that apply:

For Spousal Maintenance (alimony)

For Property and/or Debt

For Child Custody/Parenting Time

For Child Support

Other: _____

EXPEDITED HEARING REQUESTED

REQUIRED INFORMATION FROM ME, UNDER OATH:

1. Information about the Petition for Paternity, Child Custody and/or Child Support that was filed **(NOTE: you cannot file for a temporary or a temporary/emergency order unless you or your spouse completed or are completing and filing all the paperwork for a divorce or you have filed a Petition to Establish or Modify Child Custody, Parenting time and/or Support)**

a. Date petition was filed: _____

b. Name of court where petition was filed: _____

The allegations of the Petition for Dissolution or for Child Custody/Parenting Time/Support are incorporated herein by reference.

c. Information about any other court hearings scheduled in this case (if any are scheduled): _____

_____.

2. **(You must check here, and this must be true)** To the best of my knowledge, no temporary orders regarding these matters have been entered in any other court, and no court proceedings are pending for temporary orders.

3. The minor children affected by this Motion, if any, are:

Name: _____

Name: _____

Birth date: _____

Birth date: _____

Current Address: _____

Current Address: _____

County of residence: _____

County of residence: _____

Father: _____

Father: _____

Mother: _____

Mother: _____

Name: _____

Name: _____

Birth date: _____

Birth date: _____

Current Address: _____

Current Address: _____

County of residence: _____

County of residence: _____

Father: _____

Father: _____

Mother: _____

Mother: _____

4. I am the fit and proper person to be awarded temporary custody of the minor child(ren) and such custody is in the best interest of the child(ren).

5. The opposing party should be granted reasonable temporary parenting time or as follows:

6. The opposing party should pay temporary child support to me in accordance with the Arizona Guidelines for Child Support.

7. I currently lack sufficient property to provide for my reasonable needs and/or I am unable to support myself through appropriate employment.

8. The opposing party is able bodied and employed or otherwise employable and thus is financially capable of providing temporary spousal maintenance to me.

9. The opposing party refuses to voluntarily provide support for the family.

THIS IS WHAT I WANT THE COURT TO ORDER:

9. **CHILD CUSTODY:** The temporary care, custody and control of the minor children common to or adopted by the parties who are identified above to be awarded to me or to my spouse.

10. **PARENTING TIME:** Temporary parenting time with the children by the opposing party as follows:

Transportation: Mother or Father shall pick up the child(ren).

Mother or Father shall return the child(ren).

Holidays and Birthdays: (explain specifically): _____

During the summer months (explain specifically):

Telephone Calls:

The other parent is permitted to contact the child(ren) by phone once per day during the child(ren)'s waking hours OR

Other: _____

11. **CHILD SUPPORT:** An order requiring the opposing party to pay to me a reasonable sum for temporary child support as determined by the Arizona Child Support Guidelines, according to the Parent's Worksheet for Child Support that I am submitting with this Motion.

12. **SPOUSAL MAINTENANCE:** An order requiring the opposing party to pay to me a reasonable sum for temporary spousal maintenance in the amount of \$_____ per month for _____ months/years, as supported by a review of the Affidavit of Financial Information I am submitting with this Motion.

13. **MEDICAL INSURANCE AND/OR COSTS:** An order requiring the opposing party to provide temporary medical, dental and health insurance for my benefit and for the children, at no cost to the moving party, OR to pay all the medical, dental and health expenses reasonably incurred by me for myself and minor children.

14. **PROPERTY:** An order granting the temporary exclusive use and possession of the following property:

A. To me: (list property, including residences and cars)

B. To my spouse (list property, including residences and cars)

15. **DEBTS:** An order requiring payment of the following debts, until further order of this court, as follows (attach additional pages if necessary):

A. TO BE PAID BY ME:

DEBT	AMOUNT	TO WHOM OWED
_____	_____	_____

B. TO BE PAID BY THE OTHER PARTY:

DEBT	AMOUNT	TO WHOM OWED
_____	_____	_____
_____	_____	_____
_____	_____	_____

16. **OTHER:** I further request the Court for an order as follows (Please explain here in detail what else if anything you want the judge to order on a temporary basis and why you need the order.):

17. **EXPEDITED HEARING REQUEST:** I respectfully request that the Court shorten the time for the hearing on the Motion for Temporary Orders for the following reasons:

- I am in dire need of funds with which to:
 - support myself and/or my minor child(ren)
 - pay my rent and/or utility bills and I face imminent eviction or loss of utility service
 - pay my mortgage payment and I face imminent foreclosure
 - pay my car payment and I face imminent repossession
 - Other (specify) _____

There has been domestic violence in our relationship and I fear for my safety and/or that of my child(ren).

I fear that the other party may abduct the minor child(ren) and remove the child(ren) from this jurisdiction.

Other (specify): _____

/ / /

I REQUEST THE COURT:

1. To order the opposing party to appear before this Court and enter a temporary order granting what I requested, pending a final order of the Court in this proceeding.
2. To grant such other and further relief as this Court deems just and proper under the circumstances.

OATH AND VERIFICATION

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

Signed on _____ (date).

 Petitioner/Plaintiff Respondent/Defendant

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Petitioner/Plaintiff

Case No. _____

Atlas No. _____

and

REQUEST FOR AN ORDER TO APPEAR HEARING DATE

Respondent/Defendant

It is hereby requested that, pursuant to Local Rule 8.4(d), the Order to Appear filed with the Clerk of the Court on _____ be set for hearing.

1. Type of Order to Appear:

Pre-Judgment/Pre-Decree

Post-Judgment/Post-Decree

Temporary Orders

Other: _____

2. Previous matters were heard by Judge/Commissioner _____.

3. Estimated time for ENTIRE hearing _____.

4. Court Reporter required? Yes No

5. Relief sought: (Check all that apply)

Temporary Orders

Child Custody

Spousal Maintenance

Discovery

Decree/Judgment

Child Support

Wage Assignment

Injunction

Modification

Parenting Time

Contempt/Sanctions ADR

Enforcement

Other: _____

6. Will this be an evidentiary hearing? Yes No

7. The opposing party is represented by: _____.

DATED: _____

 Petitioner Respondent

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Petitioner/Plaintiff

Case No. _____
Atlas No. _____

and

Respondent/Defendant

ORDER TO APPEAR FOR MOTION FOR TEMPORARY ORDERS

NOTICE: THIS IS AN IMPORTANT COURT ORDER THAT AFFECTS YOUR RIGHTS. READ THIS ORDER CAREFULLY. IF YOU DO NOT UNDERSTAND THIS ORDER, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

Petitioner has filed a Motion for Temporary Orders. Based on the Motion, and the documents filed with it, and pursuant to Arizona Law,

IT IS ORDERED THAT YOU, _____, appear at the time and place designated below so that the Court can determine whether the relief asked for in the Motion for Temporary Orders should be granted.

INFORMATION ABOUT COURT HEARING TO BE HELD:

DATE AND TIME OF HEARING: _____

NAME OF JUDICIAL OFFICER: _____

PLACE OF HEARING: Superior Court Pima County, 110 W. Congress, Tucson, AZ 85701

IT IS FURTHER ORDERED that a true copy of this Order to Appear and a true copy of the Motion and other documents filed with the Motion shall be served by the moving party on the parties who are required to appear and a true copy of these documents shall be mailed immediately to parties who have appeared in this action, in accordance with the Arizona Rules of Family Law Procedure, Rule 43.

DATED this ____ day of _____, 20____.

Judge/Commissioner of the Superior Court

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Petitioner/Plaintiff

Case No. _____

Atlas No. _____

and

Respondent/Defendant

AFFIDAVIT OF FINANCIAL FINANCIAL INFORMATION

Affidavit of _____
(Name of Person Whose Information is
on this Affidavit)

IMPORTANT INFORMATION ABOUT THIS DOCUMENT

WARNING TO BOTH PARTIES: This Affidavit is an important document. You must fill out this Affidavit completely, and provide accurate information. You must provide copies of this Affidavit and all other required documents to the other party and to the judge. If you do not do this, the court may order you to pay a fine.

I have read the following document and know of my own knowledge that the facts and financial information stated below are true and correct, and that any false information may constitute perjury by me. I also understand that, if I fail to provide the required information or give misinformation, the judge may order sanctions against me, including assessment of fees for fines under Rule 31, Arizona Rules of Family Law Procedure.

Date

Signature of Person Making Affidavit

INSTRUCTIONS

1. Complete the entire Affidavit in black ink. If the spaces provided on this form are inadequate, use separate sheets of paper to complete the answers and attach them to the Affidavit. Answer every question completely! You must complete every blank. If you do not know the answer to a question or are guessing, please state that. If a question does not apply, write "NA" for "not applicable" to indicate you read the question. Round all amounts of money to the nearest dollar.

2. Answer the following statements **YES** or **NO**. If you mark **NO**, explain your answer on a separate piece of paper and attach the explanation to the Affidavit.

[] YES [] NO 1. I listed all sources of my income.

[] YES [] NO 2. I attached copies of my two (2) most recent pay stubs.

[] YES [] NO 3. I attached copies of my federal income tax return for the last three (3) years, and I attached my W-2 and 1099 forms from all sources of income.

1. GENERAL INFORMATION:

- A. Name: _____
- B. Date of Birth: _____
- C. Current Address: _____

- D. Date of Marriage: _____
- E. Last date when you and the other party lived together: _____
- F. Full names of child(ren) common to the parties (in this case), their dates of birth, and last 4 digits of Social Security Number(s):

Name	Date of Birth	Last 4 Digits of SSN
_____	_____	_____
_____	_____	_____
_____	_____	_____

- G. The name, date of birth, relationship to you, and gross monthly income for each individual who lives in your household:

Name	Relationship to You	Date of Birth	Monthly Income
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- H. Any other person for whom you contribute support:

Name	Age	Relationship to You	Reside With You (Y/N)	Court Order to Support (Y/N)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

- I. Attorney's Fees paid in this matter \$ _____ . Source of funds _____

2. EMPLOYMENT INFORMATION

- A. Your job/occupation/profession/title: _____
 Name and address of current employer: _____

 Date employment began: _____
 How often are you paid: Weekly Every other week Monthly Twice a month
 Other _____
- B. If you are not working, why not? _____
- C. Previous employer name and address: _____

 Previous job/occupation/profession/title: _____
 Date previous job began: _____ Date previous job ended: _____
 Reason you left job: _____

 Gross monthly pay at previous job: \$ _____
- D. Total gross income from last three (3) years' tax returns (attach copies of pages 1 and 2 of your federal income tax returns for the last three (3) years):
 Year _____ \$ _____ Year _____ \$ _____ Year _____ \$ _____
- E. Your total gross income from January 1 of this year to the date of this Affidavit (year-to-date income):
 \$ _____

3. YOUR EDUCATION/TRAINING: List name of school, length of time there, year of last attendance, and degree earned:

- A. High School: _____

- B. College: _____

- C. Post-Graduate: _____

- D. Occupational Training: _____

4. YOUR GROSS MONTHLY INCOME:

- List **all** income you receive from **any** source, whether private or governmental, taxable or not.
 - List all income payable to you individually or payable jointly to you and your spouse.
 - Use a monthly average for items that vary from month to month.
 - Multiply weekly income and deductions by 4.33. Multiply biweekly income by 2.165 to arrive at the total amount for the month.
- A. Gross salary/wages per month \$ _____
 ****Attach copies of your two most recent pay stubs.****
 Rate of Pay \$ _____ per hour week month year
- B. Expenses paid for by your employer:
- | | |
|---------------------------------------------------|----------|
| 1. Automobile | \$ _____ |
| 2. Auto expenses, such as gas, repairs, insurance | \$ _____ |
| 3. Lodging | \$ _____ |
| 4. Other (Explain) _____ | \$ _____ |
- C. Commissions/Bonuses \$ _____
- D. Tips \$ _____
- E. Self-employment Income (See below) \$ _____
- F. Social Security benefits \$ _____
- G. Worker's compensation and/or disability income \$ _____
- H. Unemployment compensation \$ _____
- I. Gifts/Prizes \$ _____

- J. Payments from prior spouse \$ _____
- K. Rental income (net after expenses) \$ _____
- I. Contributions to household living expense by others \$ _____
- M. Other (Explain:) _____ \$ _____
 (Include dividends, pensions, interest, trust income, annuities or royalties.)

TOTAL: \$ _____

1. SELF-EMPLOYMENT INCOME (if applicable):

If you are self-employed, attach a copy of the Schedule C for your business from your last tax return and the most recent income/expense statement from your business.

If self employed, provide the following information:

Name, address and telephone no. of business: _____

Type of business entity: _____

State and Date of incorporation: _____

Nature of your interest: _____

Nature of business: _____

Percent ownership: _____

Number of shares of stock: _____

Total issued and outstanding shares: _____

Gross sales/revenue last 12 months: _____

INSTRUCTIONS

Both parties must answer item 6 if either party asks for child support. These expenses include only those expenses for children who are common to the parties, which means one party is the birth/adoptive mother and the other is the birth/adoptive father of the children.

6. SCHEDULE OF ALL MONTHLY EXPENSES FOR CHILDREN:

- **DO NOT LIST** any expenses for the other party, or child(ren) who live(s) with the other party, **unless** you are paying those expenses.
- Use a monthly average for items that vary from month to month.
- If you are listing anticipated expenses, indicate this by putting an asterisk (*) next to the estimated amount.

A. HEALTH INSURANCE:

- 1. Total monthly cost \$ _____
- 2. Premium cost to insure you alone \$ _____
- 3. Premium cost to insure child(ren) common to the parties \$ _____
- 4. List all people covered by your insurance coverage: _____

5. Name of insurance company and Policy/Group Number: _____

B. DENTAL/VISION INSURANCE:

- 1. Total monthly cost \$ _____
- 2. Premium cost to insure you alone \$ _____
- 3. Premium cost to insure child(ren) common to the parties \$ _____
- 4. List all people covered by your insurance coverage: _____

5. Name of insurance company and Policy/Group Number: _____

C. UNREIMBURSED MEDICAL AND DENTAL EXPENSES:
 (Cost to you after, or in addition to, any insurance reimbursement)

1. Drugs and medical supplies \$ _____
 2. Other _____ \$ _____

TOTAL: \$ _____

D. CHILD CARE COSTS:

1. Total monthly child care costs \$ _____
 (Do not include amounts paid by D.E.S.)
 2. Name(s) of child(ren) cared for and amount per child:
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____
 3. Name(s) and address(es) of child care provider(s):

E. EMPLOYER PRETAX PROGRAM:

Do you participate in an employer program for pretax payment of child care expenses (Cafeteria Plan)?
 YES NO

F. COURT ORDERED CHILD SUPPORT:

1. Court ordered current child support for child(ren)
not common to the parties \$ _____
 2. Amount of any arrears payment \$ _____
 3. Amount per month actually paid in last 12 mos. \$ _____
****Attach proof that you are paying****
 4. Name(s) and relationship of minor child(ren) who you support
 or who live with you, but are **not** common to the parties.

G. COURT ORDERED SPOUSAL MAINTENANCE/SUPPORT (Alimony):

1. Court ordered spousal maintenance/support you actually
 pay to previous spouse: \$ _____

H. EXTRAORDINARY EXPENSES :

1. For **Children** (Educational Expense/Special Needs/Other): \$ _____
 Explain: _____

 2. For **Self**: \$ _____
 Explain: _____

INSTRUCTIONS

Both parties must answer items 7 and 8 if either party is requesting:

- Spousal maintenance
- *Division of expenses*
- Attorneys' fees and costs
- Adjustment or deviation from the child support amount
- Enforcement

7. SCHEDULE OF ALL MONTHLY EXPENSES:

- Do NOT list any expenses for the other party, or children who live with the other party unless you are paying those expenses.
- Use a monthly average for items that vary from month to month.
- If you are listing anticipated expenses, indicate this by putting an asterisk (*) next to the estimated amount.

A. HOUSING EXPENSES:

1. House payment:
 - a. First Mortgage \$ _____
 - b. Second Mortgage \$ _____
 - c. Homeowners Association Fee \$ _____
 - d. Rent \$ _____
2. Repair & upkeep \$ _____
3. Yard work/Pool/Pest Control \$ _____
4. Insurance & taxes not included in house payment \$ _____
5. Other (Explain) _____ \$ _____

TOTAL: \$ _____

B. UTILITIES:

1. Water, sewer, and garbage \$ _____
2. Electricity \$ _____
3. Gas \$ _____
4. Telephone \$ _____
5. Mobile phone/pager \$ _____
6. Internet Provider \$ _____
7. Cable/Satellite television \$ _____
8. Other (Explain:) _____ \$ _____

TOTAL: \$ _____

C. FOOD:

1. Food, milk, and household supplies \$ _____
2. School lunches \$ _____
3. Meals outside home \$ _____

TOTAL: \$ _____

D. CLOTHING:

1. Clothing for you \$ _____
2. Uniforms or special work clothes \$ _____
3. Clothing for children living with you \$ _____
4. Laundry and cleaning \$ _____

TOTAL: \$ _____

E. TRANSPORTATION OR AUTOMOBILE EXPENSES:

1. Car insurance \$ _____
2. List all cars and individuals covered:

3. Car payment, if any \$ _____
4. Car repair and maintenance \$ _____
5. Gas and oil \$ _____
6. Bus fare/parking fees \$ _____

7. Other (explain): _____ \$ _____

TOTAL: \$ _____

F. MISCELLANEOUS:

- 1. School and school supplies \$ _____
- 2. School activities or fees \$ _____
- 3. Extracurricular activities of child(ren) \$ _____
- 4. Church/contributions \$ _____
- 5. Newspapers, magazines and books \$ _____
- 6. Barber and beauty shop \$ _____
- 7. Life insurance (beneficiary: _____) \$ _____
- 8. Disability insurance \$ _____
- 9. Recreation/entertainment \$ _____
- 10. Child(ren)'s allowance(s) \$ _____
- 11. Union/Professional dues \$ _____
- 12. Voluntary retirement contributions and savings deductions \$ _____
- 13. Family gifts \$ _____
- 14. Pet Expenses \$ _____
- 15. Cigarettes \$ _____
- 16. Alcohol \$ _____
- 17. Other (explain): _____ \$ _____

TOTAL: \$ _____

8. OUTSTANDING DEBTS AND ACCOUNTS: List all debts and installment payments you currently owe, but **do not include items listed in Item 7** "Monthly Schedule of Expenses". Follow the format below. Use additional paper if necessary.

Creditor Name	Purpose of Debt	Unpaid Balance	Min. Monthly Payment	Date of Your Last Payment	Amount of Your Payment

Name: _____
 Mailing Address: _____
 City, State, Zip Code: _____
 Daytime Phone Number: _____
 Evening Phone Number: _____
 Representing Self, Without Lawyer

ARIZONA SUPERIOR COURT, COUNTY OF PIMA

 Petitioner/Plaintiff

Case No. _____
 ATLAS No. _____

**PROPOSED PATERNITY RESOLUTION
 STATEMENT OF:**

 Respondent/Defendant

FATHER
 MOTHER

The undersigned party provides the following specific positions on each of the issues in this case (BE SPECIFIC):

- IV-D Case:
 I receive or have received public assistance that may include AFDC, TANF, or AHCCCS for my children or me.
 I have a case with the Division of Child Support Enforcement.

- Custody: The other parent and I have the following natural or adopted children in common:

Child(ren)'s Name(s)	Date of Birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I want the child[ren] to live primarily with Mother Father and have parenting time with Mother Father as follows (check all that apply):

- In accordance with the Pima County Guidelines for reasonable parenting time.
- Every other weekend from: _____ at _____ a.m./p.m. to _____ at _____ a.m./p.m.
- One-half of the holidays on an alternating basis.
- For _____ weeks in the summer from _____ to _____ (inclusive).
- Spring Break from school.

Other: _____

Mother Father Both parents should make the decisions about the child(ren), such as schools, doctors, etc.

This should be a sole custody joint custody arrangement.

3. Child Support: My position on the financial factors necessary to calculate child support under the statewide child support guidelines is as follows (complete in full):

Father's Gross Monthly Income: \$ _____

Mother's Gross Monthly Income: \$ _____

Father has _____ other child(ren) not listed above who live(s) in his household.

Father has _____ other child(ren) not listed above for whom he pays court-ordered child support in the amount of \$ _____ per month.

Mother has _____ other child(ren) not listed above who live(s) in her household.

Mother has _____ other child(ren) not listed above for whom she pays court-ordered child support in the amount of \$ _____ per month.

Medical Insurance should be paid by Mother Father. The monthly cost for the child(ren) is \$ _____.

Monthly Child Care Costs for _____ child[ren] is \$ _____.

Extra Education Expenses or Extraordinary Child Adjustments: I believe the court should add the following to the child support calculation (leave blank if none claimed):

Description	Monthly Amount
_____	\$ _____
_____	\$ _____
_____	\$ _____

Uninsured Medical Expenses should be paid:

Pro rata based upon each party's income as provided in the guidelines; or

Other: _____% paid by Father and _____% paid by Mother.

Tax Exemptions for the child[ren] should be divided (check one):

Pro rata based upon each party's income as provided in the guidelines; or

Other: _____

4. Past Support should be paid by Mother Father for the period of _____ through _____ in the amount of \$ _____.

5. Direct payments for support have been received by me paid by me for the period of _____ through _____ in the amount of \$ _____.

6. [] Past Medical Expenses have been incurred by me (and not reimbursed by insurance) for the period of _____ through _____ in the amount of \$ _____ and the other parent should be ordered to reimburse me for _____% of those expenses.

7. [] Expenses for pregnancy, childbirth, and genetic testing have been incurred by me (and not reimbursed by insurance) in the amount of \$ _____ and the other parent should be ordered to reimburse me for _____% of those expenses.

8. Attorneys' Fees: If the case is settled today, I want the court to order (choose one):

[] Each party to pay his or her own attorneys' fees and costs.

[] Mother to pay \$ _____ of my attorneys' fees and costs within _____ days.

[] Father to pay \$ _____ to other party for attorneys' fees and costs within _____ days.

9. Name Change: I want the child(ren)'s names to be changed as follows:

10. Other Issues: Briefly state the other issues that you believe must be resolved to fully settle this case:

11. Settlement: I verify that the above statements are true upon my best information and belief and I am willing to settle and resolve this case based upon the information provided above. I will be prepared to show documentation to support my position at the time of the conference or hearing.

Date

Signature of [] Mother [] Father

Name: _____
Address: _____
City, State, ZIP: _____
Daytime Telephone No: _____
Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Petitioner/Plaintiff
and

Respondent/Defendant

Case No. _____
Atlas No. _____

TEMPORARY ORDER RE:

- For Spousal Maintenance
- For Property and/or Debt
- For Child Custody/Visitation
- For Child Support
- Other

PENDING FINAL ORDER OR DECREE

NOTICE: THIS IS AN IMPORTANT COURT ORDER THAT AFFECTS YOUR RIGHTS. READ THIS ORDER CAREFULLY. IF YOU DO NOT UNDERSTAND THIS ORDER, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

FINDINGS OF THE COURT:

1. A Motion for Temporary Orders was filed with the Court on (date) _____ by _____ . The Court read the Motion and associated documents, scheduled a hearing, took testimony as appropriate, considered all relevant matters, and issues a temporary order as follows.
2. This court has jurisdiction to enter temporary orders regarding property, debt, spousal maintenance/support, child custody, visitation, and/or child support, and has jurisdiction over the parties under the law. 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 property, debts, spousal maintenance/support, child custody, visitation and/or child support.
3. This order is in the best interest of the following children who are covered by this Order:

Name _____	Date of Birth _____
Name _____	Date of Birth _____
Name _____	Date of Birth _____
Name _____	Date of Birth _____
4. **(Applicable only if child support, spousal maintenance/support, and/or medical insurance premiums are ordered to be paid or reimbursed).** This order is based on the best interests of the minor child(ren), and/or on the inability of the party who shall receive payments to support him/herself or maintain this action without financial assistance from the other party ordered to pay.

5. **Deviation from Child Support:** The court, having considered the best interests of the child(ren), deviates from the guidelines for the following reasons:
- Application of the guidelines is inappropriate.
 - Application of the guidelines is unjust.
 - The parties have signed a written agreement with knowledge of the amount of support that would have been ordered by the guidelines but for the agreement.

The court makes the following findings regarding the deviation:

- The child support order would have been: \$ _____
- The child support order after deviation is: \$ _____
- All parties have signed the agreement free of duress and coercion.

6. **Adjustments to Child Support Amount: (The court must make written findings if any of the following are made: physical custody adjustment, court approved discretionary visitation adjustment and/or other adjustments):**

7. **Supervised or No Visitation:** (if applicable) Supervised visitation between the child(ren) and the Mother or Father or Other, **OR** no visitation by Mother or Father or Other is in the best interests of the child(ren) for the following reasons: _____

ORDER OF THE COURT:

It is hereby ordered, *pendente lite*, as follows:

1. **SPOUSAL MAINTENANCE** in the amount of \$ _____ per month, shall be paid by _____ to _____ commencing on the _____ day of every month, beginning _____ 20____ and continuing each month until further order of this court.

2. **MEDICAL AND DENTAL INSURANCE AND/OR COSTS:** _____ is ordered to provide medical and dental insurance for _____ and the minor children. All uninsured medical and dental expenses for _____ and the minor children shall be paid as follows: _____% Father, and _____% Mother.

3. **PETITIONER SHALL BE GRANTED TO THE EXCLUSIVE USE AND POSSESSION OF:** (List property here):

- Residence located at: _____
- Car described as: _____
- Other: _____

- RESPONDENT SHALL BE GRANTED TO THE EXCLUSIVE USE AND POSSESSION OF:** (List property here):

- Residence located at _____
- Car described as: _____
- Other: _____

4. **THESE COMMUNITY DEBTS** shall be paid by **PETITIONER**:

DEBT	AMOUNT	TO WHOM OWED
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

THESE COMMUNITY DEBTS shall be paid by **RESPONDENT**:

DEBT	AMOUNT	TO WHOM OWED
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. **CHILD CUSTODY**: The temporary care and custody of the minor children common to or adopted by the parties who identified above shall be awarded to _____.

6. **PARENTING TIME**: Temporary parenting time with the children shall be awarded to _____ as follows:

During the summer months:

For Holidays and Birthdays:

For Telephone Calls:

The other parent is permitted to contact the child(ren) by phone once per day during the child(ren)'s waking hours OR

Other: _____

Transportation will be provided as follows:

Mother or Father shall pick up the child(ren).

Mother or Father shall return the child(ren).

Other:

7. **SUPERVISED OR NO PARENTING TIME:**
 Supervised Parenting Time between the children and Mother or Father or Other is appropriate at this time because _____

Name of Supervisor: _____
Frequency of Parenting Time: _____

Additional restrictions: _____

No Parenting Time between the children and Mother or Father or Other is appropriate at this time because: _____

8. **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 until further notice of the court. Child Support is based on the information in the Child Support Worksheet attached hereto and incorporated by reference. All child support payments shall be made through the Clerk of the Court/ Clearinghouse, plus an applicable statutory fee by the Order of Assignment signed this date.

9. **OTHER ORDERS:**

DONE IN OPEN COURT this date: _____.

Judge/Commissioner of the Superior Court