

DIVORCE - WITH MINOR CHILDREN

4

The Court Order

Part 4: To get the Divorce Order
(Instruction Packet)

SELF-SERVICE CENTER

DISSOLUTION (DIVORCE) OF A NON-COVENANT MARRIAGE -- WITH MINOR CHILDREN FOR PETITIONER OR RESPONDENT

PART 4 -- THE COURT ORDER (DIVORCE DECREE)

This packet contains instructions and procedures to complete the ***“Decree of Dissolution of Non-Covenant Marriage (Divorce) – With Minor Children”***. The documents should be in the following order:

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INSTRUCTIONS: HOW TO FILL OUT YOUR DECREE OF DISSOLUTION (DIVORCE) FOR A NON-COVENANT MARRIAGE -- WITH MINOR CHILDREN

Use these instructions **only** with the *“Decree of Dissolution of a Non-Covenant Marriage (Divorce) With Minor Children.”* If there are no minor children, by birth or adoption, common to you and your spouse, use the form for a *“Decree of Dissolution of a Non-Covenant Marriage Without Minor Children.”*

What the Decree Means to You. The Decree is the Court Order that legally ends your marriage. The Decree, once the judge or commissioner has signed it, is important because it determines the rights and responsibilities of both you and your ex-spouse. It tells the parties what they can and cannot do. If either party does not do what the Decree tells him/her to do, then the other party may ask the court for help. **This is a very important document.** Once it has been signed by the judge, your rights and responsibilities are affected forever.

Failure to do what the Decree tells you to do could get you into trouble with the court. This does not mean that the court will police whether you are following the Decree. It does mean you or your ex-spouse can request a Contempt Order or an Order to Enforce parts of the Decree if you or your ex-spouse fail to do what the Decree tells you to do.

Getting Your Divorce Finalized. Before your divorce can become final, a judicial officer must sign what we call a Decree of Dissolution of Marriage. The Decree tells you who gets the property, who pays the debts, who gets custody, who pays support and so forth.

Divorce by Default. If you have a Default Hearing, you must repeat as closely as possible what you requested in your Petition. You cannot mark something different in the Decree from what you asked for in the Petition, unless your spouse has provided written consent. If you try to do this, the judicial officer will not sign the Decree. If you want to change your requests to the court, you must file an amended Petition. It is a good idea to have your Petition handy when you follow the instructions to fill out your Decree.

The Decree. Fill out the Decree before you go to your hearing or before you give it to the judge to sign. Do not fill in the judge's signature and date. If the judge disagrees with anything you have written, he or she will change it before signing the Decree.

Instructions For Filling Out The Decree

(The section number in front of each paragraph below corresponds with the section number on the Decree. For example: Read Section 1-3d below. Turn to Sections 1-3d on the Decree. Each section below will help you fill out each section of the Decree.) **TYPE OR WRITE IN BLACK INK ONLY.**

SECTION: INSTRUCTION:

- (A)** Write in the name of the person filing the document or the lawyer's name, current address, city, state, zip code, and the telephone number. If you have an ATLAS number, write in the number. If you are represented by an attorney write in the lawyer's state bar number, then indicate whether you represent yourself or if you are the lawyer whether you represent Petitioner or Respondent.
- (B)** Write in the Name of the Petitioner and the Name of the Respondent and the case number in the space provided. This should appear the same way it does on the Petition.
- (C) THE COURT FINDS:**
1-3.a-d. This section tells you that before the judge or commissioner signs the Decree, he/she will have determined that the court has the legal power to make the orders in your case. It also says that the Petitioner or the Respondent lived in Arizona at least 90 days before the Petition for divorce was filed, and that the parties are unable to get back together and save their marriage.

Also, if you served the other party by publication, the court cannot sign a Decree that divides community property and/or debt, or order the other party to pay spousal maintenance/ support (alimony).

- 3.e. Community Property and Debt.** Mark the first box **only** if you and your spouse did not get any property together while you were married and do not owe money to anyone for property or services you got while you were married. Otherwise, mark the box that tells the court that the parties have not agreed to a division, but the community property is divided pursuant to the Decree.
- 3.f. Pregnancy.** Mark the first box if the wife is not pregnant. Mark the second box if the wife is pregnant and then mark whether the husband is the father. Mark the third box if the parties had any children together that were born before the marriage. Then list the name and date of birth for those children.
- 3.g. Spousal Maintenance/Support.** Mark this box if you have requested spousal maintenance/ support (alimony) in the Petitioner you have had a trial and the judge has ordered one party to pay spousal maintenance/support.
- 3.h. Parent Information Program.** Mark this box only if the Petitioner has completed the Parent Information Program class and has filed the Certificate of Completion with the court. If the Petitioner has not attended the class, check the appropriate box. Follow the same instructions for the Respondent. Leave the box empty for the judicial officer to check as to whether the person will be denied any requested relief to enforce or modify the decree until the class has been completed.
- 3.i. Deviation from Child Support.** Leave this section blank. The judicial officer will fill in this section if there is a deviation for child support.
- 3.j. Physical Custody Adjustment.** Leave this section blank. The judicial officer will fill in this section if there is an adjustment.
- 3.k. Ability to Pay Child Support.** Leave this section blank. The judicial officer will fill in this section.
- 3.l. Custody of the Minor Child(ren).** Mark this box only if custody was contested (you and the other party did not agree about custody), or if you and the other party have agreed to joint custody. You must write the reasons in the space provided. See the Parenting Time Guidelines for help.
- 3.m. Supervised or No Parenting Time.** Mark this box only if you asked for supervised or no parenting time by the non-custodial spouse in your Petition, or the parties have agreed to this, or the judge has ordered supervised or no parenting time after a trial. You must have a very good reason for such a request and you must write the reasons in the space provided. See the Parenting Time Guidelines for help.
- 3.n. Domestic Violence.** If the parties are going to have joint custody of the child(ren), check the box to say whether there has been no domestic violence or if domestic violence has occurred it has not been significant. Then explain why joint custody is in the best interest of the child(ren) even though domestic violence has occurred.

(D) THE COURT ORDERS:

- 1. MARRIAGE IS DISSOLVED.** This section ends your marriage.
- 2. NAMES.** Write in the former name of the wife/husband here **ONLY** if wife or husband wants to use and/or be called by the former/maiden name. (The law does not require you to use your former/maiden name.)
- 3. ENFORCEMENT OF TEMPORARY ORDERS.** If the court ordered temporary payment of child support, spousal maintenance/support (alimony), debt division, or other temporary orders, fill in the dates of ALL of the temporary orders. This section allows you to enforce nonpayment of those debts.

- 4. CHILD CUSTODY, PARENTING TIME, AND CHILD SUPPORT.** This section deals with child custody, parenting time and child support, pregnancy and paternity.
- 4.a. PREGNANCY AND PATERNITY.** If the wife is pregnant, write in the expected date of birth for the unborn child. You must also write the names of the minor child(ren) common to the marriage, either natural or adopted, and the child(ren)'s date(s) of birth in the space provided.
- 4.b. CHILD CUSTODY.** The custody box you mark should be the same as what you asked for in your Petition for Dissolution, unless you and the other party have signed a Joint Custody Agreement and you are attaching it to the Decree OR you have had a trial and the judge has ordered something different than what is in your Petition.
- 1) For sole custody of the child(ren), mark who is to have sole custody, Petitioner or Respondent. Then mark **only** one of the three types of parenting time: 1) parenting time to the parent not having custody; or 2) supervised; or 3) no parenting time. If both spouses agree to a Parenting Plan, both must complete the Plan and sign it. If only one spouse agrees to the Parenting Plan and you have a default divorce hearing, you still must complete the Parenting Plan and tell the Court what you think should be the parenting time arrangement. If parenting time is supervised and you have a default hearing or you agree, write in the name of person who will supervise the parenting time and any restrictions. Mark who will be paying for the costs of supervision. If no parenting time is to be given to the Petitioner or the Respondent, check this box.
 - 2) For Joint Custody you should not have marked box 1 above. Remember, you must attach a copy of the Joint Custody Agreement and Parenting Plan as Exhibit B signed by both parents, which the judicial officer must approve if you want Joint Custody. The Agreement will be included as part of the Court Order ending your marriage.
- 4.c. CHILD SUPPORT:** Mark who is to pay the child support and how much to the other party based on the request in the Petition for Dissolution, or on the party's agreement. Otherwise, leave the space blank and the judicial officer will fill in the amount. Remember, if you are the person who filed for divorce, you are the Petitioner, and your spouse is the Respondent.
- 4.d. MEDICAL, DENTAL, VISION CARE INSURANCE, PAYMENTS, AND EXPENSES:** Mark who will be responsible for medical, dental, and vision care insurance. Mark what percent each party will pay for uninsured expenses.
- 5. SPOUSAL MAINTENANCE (ALIMONY).**
- a. Mark this box if neither party is requesting spousal maintenance.
 - b. Mark this box if you requested spousal maintenance (alimony) in the Petition and you have a Default Hearing. (You cannot get spousal maintenance if the other party was served by publication.) **OR**, Mark this box if the parties agreed that one party would pay the other party spousal maintenance. Then mark who is to pay the spousal maintenance and who will receive the spousal maintenance. If the parties agree, put in the amount and the date the spousal maintenance will end. Otherwise, you should leave the amount and number of months of spousal maintenance blank until the judge approves the request. Be prepared to tell the judge what amount you are asking for, for what period, and why.
- 6. PROPERTY, DEBTS and TAX RETURNS.**
- 6.a.** Mark the first two boxes, if each party will pay the debts that are unknown to the other party. By marking the third box under 6.a., you are telling the court you do **not** want to pay for bills your spouse got after you separated. Write the approximate date you separated on the line provided.
- 6.b.** Mark this box if there is property and debts to be divided, even if you have already divided the property. You can give the court this information on **"EXHIBIT A: COMMUNITY PROPERTY AND DEBTS"** that

you must attach to the Decree if you mark this box. Instructions for Exhibit A are included at the end of this instruction.

- 6.c.** This states that you and your spouse get to keep property that you owned from the marriage or that was a gift to you during the marriage. You also can keep any personal items, clothing, and any other property you own that is not considered community property.
- 6.d.** This means either spouse can record the Decree if there is a transfer of title to certain property, like a house. This section also requires each spouse to sign documents to transfer other property, like titles to cars, and so forth. If you have a quit claim deed that transfers property from one spouse to the other spouse, attach a copy of the deed to the Decree, and check this box. Write in the date that both parties shall transfer all real and personal property.
- 6.e.** Mark this box and tell the court whether the parties will file joint or separate tax returns for previous years if taxes have not been paid. For this calendar year, and future calendar years neither you nor your spouse can file joint tax returns. According to the IRS, State law governs whether you are married, divorced, or legally separated. If you are divorced under a final decree by the last day of the year, you are considered unmarried for the whole year. See a lawyer or accountant for advice if you are not sure which box to check OR call the IRS at 1-800-829-4477 or visit their INTERNET site at <http://www.irs.ustreas.gov> for help.
- 7.** **FINANCIAL INFORMATION EXCHANGES:** This shows that the parties must share/exchange financial information every 24 months. This information is important in determining amounts of child support or other related issues.
- 8.** **TAX EXEMPTIONS:** Decide which parent will claim the children on income tax forms, for which year. Federal and state laws apply here. If you are not sure what to do, ask a lawyer or an accountant for help.
- 9.** **CHILD(REN) TO WHOM THE DECREE DOES NOT APPLY:** Mark this box **only** if a child(ren) was born during the marriage, but is not common to the marriage. Mark which party should have no legal rights to the minor child(ren). If you mark this box, list the name of any such minor child(ren) with the date(s) of his/her birth(s) in the space provided. Also, mark if the wife is pregnant with a child not common to the marriage, and include the expected due date of the child.
- 10.** **FINAL APPEALABLE ORDER.** This decree/order/judgment is a final order and may be appealed.
- 11.** **OTHER ORDERS.** List any other orders that are not described in the Decree.
- (E) SIGNATURES SECTION:**
- Do not sign or date the Decree for the judge or commissioner
 - If there is a Default Hearing, you, the Petitioner, must mail a copy of the Decree to the Respondent, after the judge has signed it.
- (F) “EXHIBIT A: COMMUNITY PROPERTY AND DEBT” SECTION**
IF YOU MARKED the first box of **3.e.** ON YOUR DECREE AND HAVE NO COMMUNITY PROPERTY OR DEBTS, **STOP HERE.** You have completed your Decree. If you have community property or community debt listed in your Petition, you should copy the information from that part of your Petition to Exhibit A. **REMEMBER:** if you are going by default, the division of property must be identical to the list in your petition. You cannot add new community property to the list, although you can give your spouse more property than that listed on your petition. You should also make sure it is very clear who gets what property. That means you should describe the property in detail and then designate whether Petitioner gets it or Respondent gets it.

- 1. Division of Community Property.** Mark the first box about community property, if you have community

property. Mark the box next to each type of community property you own, and describe the property. Then mark the box showing which party the property is being given to.

2. **Mark the box** “award each party the personal property in his or her possession,” if you want the court to order this. Mark the box “continued on reverse side or see attached list” if this is true.
3. **Retirement, Pension, Deferred Compensation.** Decide what you want to do about these assets. Generally, each spouse is entitled up to a half interest in the pension or retirement or deferred compensation benefits of the other spouse based upon the length of time the parties were married. This is **very complicated, and very important** to both spouses. If you are entitled to any interest in your spouse’s retirement assets, you may be required to file a **Qualified Domestic Relations Order**.
This is a very important document. The Court and the Self-Service Center do not have this document. See a lawyer for help. Check the box that describes what you asked for in the Petition or what the parties have agreed to.
4. **Division of Real Property:** Use this section if you own a home or real estate together. This information, including the address and legal description should also be the same as what you provided in the Petition. Decide which spouse gets the property, OR whether it should be sold and any proceeds divided.
5. **Division of Debts:** List all debts you listed on your Petition for Dissolution. You can update the amounts owed, only if the amounts are less than those amounts in the Petition or the parties agree to update the amounts. Then put which debts are to be the responsibilities of which party.
6. **Also,** decide if you want the order to divide debts incurred by a spouse that are not listed to be paid by the spouse who incurred the debt. Remember, just because the Decree orders either spouse to pay debts does not mean that the creditor cannot pursue collection from the other spouse, even after the divorce decree.
7. **Separate Property.** List your separate property and the other party’s separate property. Then check the box to say who gets the property.
8. **Separate Debt.** List your separate debt and the other party’s separate debt. Then check the box to say who pays the debt.

PARENTING PLAN AND JOINT CUSTODY AGREEMENT

Now you must complete the Parenting Plan to decide how custody, parenting time, and all the details will work after the divorce. The best thing to do is for both parents to complete this plan together. Read the Parenting Time Guidelines to help you. If you want Joint Custody, both parents must complete and sign the Parenting Plan AND the Joint Custody Agreement. All the documents you need for child custody, child parenting time and child support are in the Self-Service Center Divorce Packets.

REMINDER:

1. **Be sure to attach “EXHIBIT A” about property and debts to your decree.**
2. **Be sure to attach the Child Support Worksheet, and the Parenting Plan, if you have marked joint custody or if the parties have signed a Parenting Plan.**
3. **Be sure to include a quit claim deed, if a quit claim deed has been signed.**

SELF-SERVICE CENTER

**PROCEDURES: HOW TO GET YOUR DECREE OF DISSOLUTION
SIGNED BY THE JUDGE**

STEP 1 **Make two (2) copies of each of the following documents:**

<i>"Decree of Dissolution"</i>
<i>"Parenting Plan"</i>
<i>"Child Support Worksheet"</i>

STEP 2 **Make three (3) separate packets for the documents you copied:**

Packet 1 should contain the following **ORIGINAL** documents:

Original <i>"Decree of Dissolution"</i>
Original <i>"Parenting Plan"</i>
Original <i>"Child Support Worksheet"</i>

Packet 2 should contain **COPIES** of the following documents (for you.)

Copy of <i>"Decree of Dissolution"</i>
Copy of <i>"Parenting Plan"</i>
Copy of <i>"Child Support Worksheet"</i>

Packet 3 should contain **COPIES** of the following documents (for the other party.)

Copy of <i>"Decree of Dissolution"</i>
Copy of <i>"Parenting Plan"</i>
Copy of <i>"Child Support Worksheet"</i>

STEP 3 Take the documents to your court default hearing or to your trial for the Judge to review and sign if he or she approves them. If you are filing a Consent Decree, follow the instructions that are in the Stipulation to Consent Decree packet, form DR71p.

SELF-SERVICE CENTER

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY PARENTING TIME GUIDELINES

1. PURPOSE

These Guidelines are designed to provide assistance to the parents in the resolution of issues relating to parenting time and to provide assistance to the court in formulating access orders when the parents are unable to reach an agreement. The underlying purpose of any such agreement or order is to provide for the best interest of each minor child after giving full consideration to the facts and issues that are relevant to each family.

2. USES AND LIMITATIONS

These Guidelines are designed to be used by parents, their attorneys, family counselors and the Conciliation Services of the Court. Effective use of these Guidelines requires that each parent review the Guidelines from beginning to end prior to reaching any conclusion as to the appropriate resolution of each case. These Guidelines will have limited benefit unless each parent reviews the Guidelines fully. After the Guidelines have been reviewed, the parents should develop a child care plan that will be in the best interest of their own minor child(ren). To use these Guidelines properly, the parties are encouraged to seek the assistance of Conciliation Services. Conciliation Services are available in the form of either counseling or mediation of custody issues.

To facilitate negotiation by parties, a proposed plan of parenting time should be exchanged between the parents whenever the custodial arrangement is at issue. The custodial plans should be as detailed as reasonably possible, while at the same time allowing flexibility for changes, both by the parents and by the minor child(ren) if sufficiently mature.

The parents should meet annually or as needed to schedule the coming year. The use of a calendar for scheduling purposes is highly recommended. The parents' work schedules and the minor child(ren)'s school and extracurricular activities need to be considered when developing such a plan. This is especially true for those parents who do not enjoy a traditional work week. The plan should assign responsibility for transportation, cleaning (both clothes and child(ren)), homework and meals. While parenting time should be an enjoyable and enriching experience to both parents and minor child(ren), it is an obligation and responsibility for each parent as well as a right and a privilege. Both parents must also have a good faith commitment to developing and carrying out a parenting time plan. Arizona law requires that the court, "shall determine custody," in every custody order and in every modification of a custody order. While a court may enter an order regarding parenting time without the direct use of the word "custody," the order must, at some point, designate one parent as the custodial parent or must designate specific periods of time that each parent is the custodial parent.

3. ASSUMPTIONS

These Guidelines are based on the premise that:

- A. Both parents are fit.
- B. Both parents desire to have an ongoing relationship with each minor child.
- C. Both parents are able to carry out the childcare plan.
- D. Any negotiated solution with meaningful input from the parents and, where applicable, the minor child(ren), is preferred to a court imposed solution.
- E. It is usually in the minor child(ren)'s best interest for each parent to have frequent, meaningful and continuing access to the minor child(ren).

- F. That the minor child(ren) need(s) reliability, predictability and consistency on the part of each parent.
- G. That frequent, meaningful and continuing access to each parent offers the minor child(ren) a sense of significance--"I am a person, I am important and I count."
- H. That the minor child(ren) need(s) continuous access, direct experience and openness of communication with each parent and an absence of involvement in the mutual blaming of the parents.

4. GENERAL RULES

Experience has dictated a number of common sense guidelines that should be followed in every case. Some of these guidelines are also supported by law. Except as otherwise ordered by the court:

- A. Both parents are entitled to access to records and information on the medical care of the minor child(ren) directly from the health care provider as well as from the other parent. Each parent should notify the other promptly of any significant medical treatment.
- B. Both parents are entitled to access to all school records of the minor child(ren) directly from the school as well as from the other parent. School reports should be photocopied promptly after receipt and supplied to the other parent. Both parents should be notified promptly of all child-related activities which encourage or allow parental participation.
- C. Both parents are reminded that parenting time and child support, while they may be emotionally connected, are separate legal issues. Arizona law provides that parental access may not be denied due to the failure to pay child support. It also provides that child support may not be withheld due to the failure of a parent to allow access.
- D. Parents should share with each other their residence and work addresses and phone numbers.
- E. Each parent should encourage the child(ren) to initiate telephone and/or mail contact with the other parent on a regular basis.
- F. The parents should not discuss their marital problems with the minor child(ren). They should not try to turn the minor child(ren) against the other parent by discussing with the minor child(ren) the shortcomings of the other parent.
- G. The parents should not attempt to buy the favor of the minor child(ren) with presents, special treatment, special privileges or promises.
- H. Parents should not make their minor child(ren) choose between the two parents.
- I. Parents should not question the minor child(ren) regarding the activities of the other parent.
- J. Parents should not make promises that cannot be kept.
- K. Parents should not fight with the other parent in the presence of the minor child(ren).
- L. Parents should be prompt with appointments with the minor child(ren). It is unfair to keep a child waiting, and worse, to disappoint the minor child(ren) by not showing up at all. When unforeseen circumstances prevent compliance within approximately 15 minutes of the scheduled time of exchange, immediate notification should be given, if possible, and appropriate alternative arrangements should be made. Alternative arrangements may include delayed scheduling, make-up access, or skipped access. For those occasional circumstances when a parent cannot meet the prearranged schedule, that parent should

be responsible for the reasonable expenses incurred for child care, unless otherwise mutually agreed upon by both parents.

- M. Parents should coordinate plans regarding bedtime, discipline, homework schedule and other household rules.

5. FACTORS FOR BASIC AND OPTIONAL ACCESS

The plan for basic and optional access is designed to allow the parents, and the court if necessary, to select the proper child care plan depending upon the family circumstances. Basic access is designed to be just that, a minimum level of access which would apply to a large number of families without further modification. For families considering the optional access, consideration of the following factors are important:

- A. The geographic location of each parent;
- B. Each parent's willingness and ability to perform the child care duties associated with the minor child(ren), relative to the minor child(ren)'s stage of development such as feeding, changing, bathing, preparing the minor child(ren) for school, taking responsibility for the child(ren)'s homework, etc.;
- C. Each parent's ability to care for the minor child(ren)'s needs (historical involvement alone is not the critical focus; rather, a parent's willingness and ability to learn the necessary skills should be a determining consideration);
- D. The lack of hostility between the parents;
- E. The ability of both parents' work schedules and the minor child(ren)'s schedule to accommodate extended access;
- F. The minor child(ren)'s age(s) and strength of attachment to each parent;
- G. The minor child(ren)'s relationship with his/her friends; and
- H. The regular and consistent access that has been maintained by the visiting parent under the basic access plan along with a desire to increase the time commitment.

Arizona law establishes certain criteria to be met prior to the entry of an order for joint custody. Optional access which approaches an award of joint custody requires compliance with the statutory joint custody criteria.

6. PARENTING TIME

The following guidelines provide various programs for parenting time plans.

A. Infant up to Age Six Months

1. **Basic Access:** Ideally, access should be brief but frequent throughout the week. For those parents whose schedules permit, access is recommended three times a week at two hours each for the early months. As the child progresses to the age of six months, an additional four hours should be added during the day on the weekend. For those parents unable to have the frequent access, which is recommended, the alternative would be a four-hour access on the weekend.

2. **Optional Access:** Optional access includes one or more of the following: One access each week following birth and progressing to a total of three to four access times per week at four hours each with a weekend overnight suggested.

B. Six Months to Three Years

1. **Basic Access:** Provided regular access between parents and child(ren) has been maintained, access from six to twelve months should include the day of Saturday, and starting from twelve months to three years, access should progress up to alternate weekends (Saturday a.m. to Sunday p.m.) and one mid-week (not overnight).
2. **Optional Access:** Optional access includes one or more of the following: extending the weekend so that it begins on either Friday or Thursday; allowing additional weekday access; allowing a mid-week overnight access.

C. Three Years to Five Years

1. **Basic Access:** Alternating weekends; one mid-week (overnight optional) in alternate weeks. Holidays should be either shared or alternated.
2. **Optional Access:** Optional access includes one or more of the following: begin the weekend on Thursday; end the weekend on Monday or Tuesday; split or alternate the week; one to two mid-week overnights in alternating weeks.

D. Six Years to Twelve Years

1. **Basic Access:** Alternating weekends; one mid-week (overnight optional). Holidays should be either shared or alternated.
2. **Optional Access:** Optional access includes one or more of the following: begin the weekend on Thursday; end the weekend on Monday or Tuesday; split or alternate the week; one to two mid-week overnights in alternating weeks; add a third weekend per month.
3. **Comment:** As the child(ren) reach junior high, increasing consideration should be given to the child(ren)'s activities; a less structured and more flexible schedule is recommended. Regardless of how unstructured or flexible the schedule is, access must still occur on a regular basis.

E. Thirteen Years and Older

1. **Basic Access:** Alternating weekends; one mid-week (overnight optional). Holidays should be either shared or alternated.
2. **Optional Access:** Additional access as may be arranged between both parents and minor child(ren).
3. **Comment:** At this age, parents should make individual arrangements for each child regardless of the formal custody arrangements. All schedules, time-sharing, vacation schedules and holidays must remain flexible to accommodate the activities and interest of each child. Direct discussions are encouraged between parents and the child(ren) to formalize the parenting time plan for this age range. The basic access plan described above for this age range is simply a "minimum" plan for those families without any other agreement.

F. Child Care

When one parent will be absent from the home for an extended period of time, the minor child(ren) should spend the period of absence with the other parent, assuming such plan is appropriate for the minor child(ren). This also assumes that geographic location of both parents, the minor child(ren)'s age(s) and outside activities and the parent's work schedules all accommodate the arrangement.

The period of absence which triggers the exchange will vary depending upon the circumstances of the parties. As the hostility level between the parents is reduced, the period triggering the exchange is reduced. This allows additional access between parent and minor child(ren) and has additional advantage of eliminating the expense for extended care providers.

G. Holidays

Holidays are to be alternated or shared between the parents. The minor child(ren) should be with mother on Mother's Day and with father on Father's Day.

H. Extended Access/Vacation

Infants and children up to school age should be permitted to have extended access to the other parent on an increasing time basis. It is important to note that for children up to three years of age, the child(ren) should not be deprived of contact with the primary parent for more than one week at a time. For children ages three years to school age, the child(ren) ordinarily should not be deprived of access to the other parent for more than two consecutive weeks. For children six years and older, the basic vacation access should be in the range of two to four weeks with optional access extending up to ten weeks or so. For children in junior high and high school, parents should consider the comments in sections D and E above.

Each parent is entitled to two uninterrupted weeks for out-of-town travel. Except for the two weeks of out-of-town travel, the parent exercising the vacation access time is to allow the other parent the equivalent parenting time that the vacationing parent enjoys during the remainder of the year. The minor child(ren) should return from vacation at least one week prior to the start of school.

7. PARENT/CHILD ACCESS-LONG DISTANCE

Children under the age of five should not travel alone unless appropriate travel arrangements have been made. Access, including overnights, should be given when a parent is traveling to the community in which the child(ren) lives, provided a minimum of 48 hours notice is given to the other parent. If the parent and child(ren) travel to the other parent's community, similar access should be arranged. During periods of long distance access, access shall be given the other parent.

A. Pre-Kindergarten Age

Access should be provided during the summer and at other times with consideration given to access periods of two to six weeks.

B. Summer Access-School-Age Child

Summer access of four to ten weeks is suggested with consideration for the child(ren)'s employment, organized activities and other outside activities. Consideration should also be given to such factors as the amount of time that the child(ren) has been apart from the other parent, the facilities for the child(ren) available to the other parent who will have summer access, arrangements that are made for the child(ren)'s care during the summer access, as well as the need for establishing and/or maintaining a relationship with the parent who has summer access.

C. **School Year Access-School-Age Child**

School year access is suggested, provided it coincides with the child(ren)'s school holiday times.

D. **Additional Access**

Additional access during the school year is recommended, in particular, on the extended weekends (three-day weekends), provided that the additional access is logistically possible based upon the distance, available transportation, schedule of the children and the parties, and the lack of interference with the child's ongoing schooling.

8. **FACTORS FOR LIMITATIONS**

There are some families that cannot justify basic access, and reference should then be made to **ARS 25-403** and other applicable laws.

9. **DEFINITIONS**

In the absence of an agreement of the parties or an order of the court, the following terms shall have the meanings set forth below:

- A. **Day:** Up to eight consecutive hours;
- B. **Weekend:** From 5:30 p.m. Friday to 6:00 p.m. Sunday;
- C. **Mid-Week (Not Overnight):** From 5:30 p.m. to 8:00 p.m. In the absence of an agreement as to the day, this shall be on Wednesday;
- D. **Mid-Week (Overnight):** From 5:30 p.m. to 8:00 a.m. In the absence of an agreement as to the day, this shall be Wednesday night;
- E. **Holidays:** This typically includes Thanksgiving, Christmas and Spring break. It also includes such other holidays or days of special observance as per the agreement of the parties or order of the court;
- F. **Long Distance:** Either the court or the parties may define long distance after considering the distance between the parties, the time necessary for travel, the convenience and expense of travel, the availability of resources and other alternatives.

SELF-SERVICE CENTER
JOINT CUSTODY GUIDELINES

A.R.S. § 25-402 defines custody as follows:

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

The written joint custody proposal pays attention to the cooperative sharing of physical care responsibilities; it is a blend of specific information with generalized plans of action. It should reflect what the parents are currently doing or what they actually plan to do. It should reflect a commitment to the minor child(ren)'s needs as predominant. The sharing of physical care responsibilities should not avoid or cover up disagreement by the parents on one or more issues.

NOTE: In order for the court to approve a joint custody agreement, ARS 25-403 requires the court to make the following findings:

- 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 the areas of education, health care, and religious training are designated;
- c. A schedule of the physical residence of the minor child(ren), including holidays and school vacations is included;
- d. The plan includes a procedure for periodic review;
- e. The plan includes a procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved, which may include the use of Conciliation Services or private counseling; and
- f. The parties understand that joint custody does not necessarily mean equal parenting time.

PARENTS PLEASE NOTE: Per **A.R.S 25-403.09**, an award of joint custody does not diminish the responsibility of either parent to provide for the support of the child(ren).

The following represent items that should be included in the Joint Custody Proposal:

1. **The geographical location of the parents:** Where do parents live relative to one another? What are their addresses? Permanent or temporary?

2. **Arrangements regarding the residential requirements of the minor child(ren):** How much time will the minor child(ren) spend with each parent? Be as specific as possible, including days and times.
3. **Arrangements for holidays and vacations:** What are your plans for summer vacation and school breaks? List specific details including dates and times.
4. **Arrangements for education:** How will decisions be made for educational matters? For example, if preschool age, what school will the minor child(ren) attend? If private school, who pays what?
5. **Additional transportation arrangements:** Will any additional transportation arrangements be needed? If so, what will be the responsibilities of each parent?
6. **Determinations regarding minor child(ren)'s health care:** For example, how will medical decisions be made? Who will provide insurance? How are non-insured expenses paid? Who decides on seeking non-emergency treatment? Is there a dental plan? If not, who will pay what?
7. **Arrangements regarding extraordinary expenses:** For example, what financial arrangements are made for the minor child(ren) (such as each sharing extraordinary expenditures and the parent with whom the minor child(ren) resides bearing the ordinary ones during the minor child(ren)'s residency)? A fixed amount per month?
8. **Arrangements for minor child(ren)'s religious training, if any:** For example, how will decisions be made for religious training? What, if any, are the plans for religious training?
9. **Any other factors:** What other arrangements (such as music lessons, sports/activity fees, camp or Scouts) are needed?

The following items shall be included in the written Joint Custody Proposal:

- A. If major changes arise, such as moving or remarriage, and the present child care arrangements are no longer feasible, the parents shall agree to renegotiate the terms of the plan with the aid of a Conciliation Services counselor or independent mediator prior to any court actions being considered.
- B. A procedure for periodic review of the joint custody plan (e.g., parents agree to review the terms of the agreement every _____).
- C. A statement that parents understand that joint custody does not necessarily mean equal parenting time.

Self-Service Center (SSC)

HOW TO COMPLETE A PARENTS WORKSHEET FOR CHILD SUPPORT

Use the **FREE** online child support calculator at: <http://ecourt.maricopa.gov> to produce the **Parents Worksheet for Child Support** that **MUST** be turned in along with your other court papers.

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

- Go to: <http://ecourt.maricopa.gov>
- Click "**Child Support Calculator**" on right side of the web page.
- Fill in the information requested and print out the **Worksheet**.

Advantages of Using the Online Child Support Calculator

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

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

http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/Forms/FamilyCourt/fc_drs1.asp

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

You may also call 602-506-3762 for an appointment for assistance (in English or Spanish) at the Phoenix courthouse. Ask for the "Calculations Department". There is a FEE for this service.

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

PARENT'S WORKSHEET INSTRUCTIONS

This worksheet provides the information the court needs to determine child support amounts in accordance with Arizona's Child Support Guidelines. You may get a copy of the Guidelines from the Self-Service Center or on the Internet at <http://www.superiorcourt.maricopa.gov/sscDocs/pdf/drs10h.pdf>

COMPLETE THIS WORKSHEET IF:

- You are a party to a court action to establish child support **or** to modify an existing order for child support.

Need help with calculations? Use the free Online Child Support Calculator at the Superior Court's website at <http://ecourt.maricopa.gov> to perform the calculations for you. Click "Child Support Calculator and Worksheet" (on the right side of the page). You may print and use the worksheet produced by the calculator in place of the form included in this packet.

You may also call 602-506-3762 for an appointment for assistance (in English or Spanish) at the Phoenix courthouse location. Ask for the "Calculations Department". There is a fee for this service.

TO COMPLETE THIS WORKSHEET YOU WILL NEED TO KNOW:

- Your case number.
- Your monthly gross income and that of the other parent.
- The monthly cost of medical insurance for the minor children who are the subject of this action.
- Monthly childcare amounts paid to others.
- The number of days the minor child(ren) spend with the non-custodial parent.
- Monthly obligations of yourself and the other parent for child support or court-ordered spousal maintenance/support.

FOLLOW THESE INSTRUCTIONS WHICH ARE NUMBERED TO MATCH THE IDENTIFYING NUMBERS IN PARENTHESES ON THE FORM. TYPE OR PRINT NEATLY USING BLACK INK. The number *in brackets* after the instructions tells you where to look in the **Guidelines** for this item, for example, [Guidelines 5].

BASIC INFORMATION

- (1) Type or print the information requested at top left for the person who is filing this form. Check the appropriate box to indicate whether you are the Petitioner or Respondent in this case, and also whether you are represented by an attorney. (The spaces marked "for "Attorney Name", "Bar No.", etc, are used **only** if an attorney is preparing this form.)
- (2) Type or print the name of the county in which this worksheet is being filed. (This may already be printed on the form.)
- (3) Type or print the name of the persons shown as the Petitioner and the Respondent on the original petition to establish support or on the Order that established support.
- (4) Type or print your case number and the ATLAS number. If you do not have a case number, leave this item blank. If you do not have an ATLAS number, leave this item blank.

- (5) Enter the number of minor children from this relationship for whom support is being sought in this court action.
- (6) Check the box to indicate which parent has "primary custody". If not stated directly in a Court Order, who does(do) the minor children) live with most of the time?
- (7) Check the box to indicate which parent is completing this form.
- (8) Where did you get the figures you are supplying for the other party? Check the box to indicate whether those numbers are Actual, Estimated or Attributed. [See Guidelines 5.E.] Examples of ESTIMATED income: He was promoted to supervisor and I know that position pays more; she has the same job as my sister, who works at the same place and makes this amount. Example of ATTRIBUTED income: My ex-wife was a secretary earning \$1500/month. Now she has remarried and is staying home as a homemaker.

MONTHLY GROSS INCOME

-
- Terms such as "gross income" and "adjusted gross income" as used here do not have the same meaning as when they are used for tax purposes.
 - "Gross Income" is not your "take home pay", it is the higher amount shown before any deductions are taken out of your check.
 - If you are converting a weekly "gross income" figure to a "monthly gross income" figure, multiply the weekly amount by 4.33 (52 weeks divided by 12 months = 4.33 average weeks in a month).
-

- (9) Type or print the total amount of your Gross Income each month. Gross income means the amount before taxes and other deductions are taken out. For income from self-employment, rent, royalties, proprietorship of a business, joint ownership of a partnership or closely held corporation, gross income means gross receipts minus ordinary and necessary expenses required to produce income. What you include as "ordinary and necessary expenses" may be adjusted by the court, if deemed inappropriate for determining gross income for child support. Ordinary and necessary expenses include one-half of the self-employment tax actually paid.

Gross Income includes monies from:

- | | |
|--|--|
| <ul style="list-style-type: none"> • Salaries • Bonuses • Worker's Compensation Benefits • Wages • Dividends • Disability Insurance (including Social Security disability) • Annuities • Royalties • Commissions • Capital Gains • Interest | <ul style="list-style-type: none"> • Self-employment • Severance Pay • Unemployment Insurance Benefits • Income from a Business • Pensions • Rental Income • Prizes • Social Security Benefits • Trust Income • Recurring Gifts • Spousal Maintenance (alimony) (Item 11) |
|--|--|

Gross Income **does not include** benefits from public assistance programs such as Temporary Assistance for Needy Families (TANF), Supplemental Social Security Income (SSI), Food Stamps, and General Assistance (GA); and, it **does not include** child support payments received.

Also type or print the total monthly gross income for the other parent, to the best of your knowledge. If a parent is unemployed or underemployed, you may ask the court to attribute income to that parent by entering the amount of what you think that parent would be earning if he or she worked at full earning capacity. The court shall presume, in the absence of contrary testimony, that a non-custodial parent is capable of full-time employment at least at the federal adult minimum wage. [Guidelines 5.E.] This

presumption **does not** apply to non-custodial parents under the age of eighteen who are attending high school. If gross income is attributed to the parent receiving support, appropriate childcare expenses may also be attributed at Item 18.

If you are completing this Parent's Worksheet as part of a modification proceeding and your income is different from the court's most recent findings, you must attach documentation to verify your current income. The documentation should include: your most recent tax return, W-2, or 1099 forms and your most recent paycheck stub showing year-to-date information. If these are not available, provide other documentation such as a statement of earnings from your employer showing year-to-date income.

If you are completing this Parent's Worksheet as part of a modification proceeding and the income you show for the other party is different from that listed on the court's most recent findings regarding income of that parent, you must attach documentation of the amount or mark the box in Item 8 to show that the income amount is estimated or attributed and explain the basis for the amount shown.

ADJUSTMENTS TO MONTHLY GROSS INCOME

- (10-11) Type or print the total monthly amount of court-ordered spousal maintenance/alimony you and/or the other parent actually **pay to** a former spouse **or receive from** a former spouse. Also, the amount that is paid or received or *will be* paid or received in this court case each month. Spousal maintenance/alimony paid is a deduction from gross income. Spousal maintenance/alimony received is an addition to gross income. [Guidelines 2.C. and 6.A.]
- (12) Type or print the total amount of court-ordered child support you and/or the other parent actually pay [Guidelines 6.B.] each month for children of other relationships, And/Or, if you and/or the other parent are the custodial parent of minor child(ren) of other relationships, based on a "simplified application of the Guidelines", determine an adjustment to enter based on the amount of court-ordered child support you "contribute". [Guidelines 6.C.] Court-ordered *arrearage* payments are not included in either case.

EXAMPLE (copied directly from the Guidelines):

A parent having gross monthly income of \$2,000 supports a natural or adopted minor child who is not the subject of the child support case before the court and for whom no child support order exists. To use the Simplified Application of the Guidelines, locate \$2,000 in the Combined Adjusted Gross Income column of the Schedule. Select the amount in the column for one child, \$420. The parent's income may be reduced up to \$420, resulting in an Adjusted Gross Income of \$1,580.

- (13) You may ask the court to consider the financial obligation you have to support other natural or adopted minor children for whom there is no court order requiring you to pay support. If you choose to do this, the adjustment amount you may request is determined by a "simplified application of the guidelines". On the Schedule of Basic Child Support Obligations, find the amount that is closest to the adjusted gross income amount of the parent requesting an adjustment. Go to the column for the number of children in question. Enter the amount shown there in Item 13. [Guidelines 6.D.]
- (14) **Adjusted Gross Income.** For each parent, add or subtract the numbers in Items 10 through 13 from the number in Item 9. Write the results for each parent on the line in Item 14. This is the Adjusted Monthly Gross Income for each parent. [Guidelines 7]

COMBINED ADJUSTED MONTHLY GROSS INCOME

- (15) Add the two numbers in Item 14 together (the one for the father and the one for the mother). This total is the Combined Adjusted Monthly Gross Income.

BASIC CHILD SUPPORT OBLIGATION You **MUST** view the "Schedule of Basic Child Support Obligations" in the Guidelines (pages 20-29) to answer (16). See instruction DRS12h in this packet for options or view or download for free at: <http://www.superiorcourt.maricopa.gov/sscDocs/pdf/drs10h.pdf>

- (16) On the **Schedule of Basic Child Support Obligations** locate the amount that is closest to the Combined Adjusted Monthly Gross Income listed in Item 15. Go to the column for the number of minor children listed in

Item 5. This amount is your Basic Child Support Obligation; enter this amount for Item 16. [Guidelines 8]

PLUS COSTS FOR NECESSARY EXPENSES

Place in the column for the parent paying the expenses.

(17) Type or print the monthly dollar amount of that portion of the insurance premium that is or will be paid for court-ordered medical, dental and/or vision care insurance for the minor child(ren) who is/are the subject(s) of this order. [Guidelines 9.A.]

(18) If the parent with primary physical custody is working or if you have attributed income to that parent in Item 9, type or print the monthly cost of work-related child care that parent pays. If these costs vary throughout the year, add the amounts for each month together and divide by 12 to annualize the cost. [Guidelines 9.B.1.] (See Guidelines for rules and chart concerning income).

If the non-custodial parent pays for work-related childcare during periods of physical custody, the amount paid by that parent may also be included here (each month's amount added together and divided by 12 to annualize the cost)..

(19) Type or print the monthly costs of reasonable and necessary expenses for special or private schools and special educational activities. These expenses must be agreed upon by both parents or ordered by the court. [Guidelines 9.B.2.]

(20) If any of the children for whom support is being ordered are gifted or handicapped and have special needs that are not recognized elsewhere, the additional monthly cost of meeting those needs should be entered here. [Guidelines 9.B.3.]

(21) **MINOR CHILDREN 12 AND OVER.** If there are no minor children 12 or over, enter "0" or "N/A" and SKIP to Item 22. Average expenditures for minor children age 12 or older are approximately 10% higher than those for younger children, therefore the Guidelines call for an adjustment of up to a maximum of 10% to account for these higher costs. If support is being determined for minor children 12 or older, in the first blank, enter the number of minor children 12 or older. In the next blank enter how many percent (one, to a maximum of ten percent) you think the amount of child support should be adjusted (increased) due to the child or children being 12 or older.

If all minor children are 12 or over:

- Multiply the dollar amount from (16), the Basic Child Support Obligation, by the (up to 10) percent increase, which results in the monthly dollar amount of increase.
- Enter this amount for Item 21. The highest possible increase would be 10% of the basic child support obligation. [Guidelines 9.B.4.]

If at least one, but not all minor children are 12 or older:

- Divide the basic support obligation (Item 16) by the total number of children.
- Multiply that figure by the number of minor children 12 or over.
- Then multiply the result by the adjustment percentage (up to 10%), and enter this amount for Item 21. [Guidelines 9.B.4.]

EXAMPLE A: All minor children 12 or older, Basic Child Support Obligation \$300, and 10% Adjustment:

Multiply Basic Child Support Obligation by % Adjustment: $\$300 \times .10 = \30.00

EXAMPLE B: Three children, Two 12 or older, Basic Child Support Obligation \$300, 10% Adjustment:

Divide Basic Child Support Obligation by total number of children: $\$300 / 3 = \100

Multiply answer by the number of children 12 and older: $\$100 \times 2 = \200

Multiply result by the Adjustment Percentage: $\$200 \times .10 = \20.00

(22) Add the amounts from Items 17, 18, 19, 20 and 21, including both the amounts for you and the amounts for the other parent. Enter the total amount on the line in Item 22.

TOTAL CHILD SUPPORT OBLIGATION

- (23) Add the amounts from Items 16 and 22. Enter the total amount on the line in Item 23. This is the Total Child Support Obligation amount.

EACH PARENT'S PERCENTAGE (%) OF COMBINED INCOME [Guidelines 10]

- (24) For each parent, **divide** the amount written in Item 14 (Adjusted Gross Income) by the amount written in Item 15 (Combined Adjusted Gross Income). This will probably give you a decimal point answer less than 100%. However, if one parent earns all of the income for the family, this number will be 100%.

EXAMPLE: Item 14 = \$600
 Item 15 = \$1000 \$600 divided by \$1,000 = .60 or 60%

EACH PARENT'S SHARE OF THE TOTAL CHILD SUPPORT OBLIGATION

- (25) For each parent, multiply the number in Item 23 by the number for that parent in Item 24. This equals the dollar amount of each parent's share of the total child support obligation.

EXAMPLE: Item 23 = \$189
 Item 24 = 60% \$189 x .60 = \$113.40

ADJUSTMENT FOR COSTS ASSOCIATED WITH PARENTING TIME (VISITATION) (for NON-Custodial Parent)

- (26) If time with each parent is essentially equal, *neither* party receives a parenting time adjustment and you may SKIP to Item 27. [Guidelines 12]

Based on the information below, check the box to indicate whether "Parenting Time Table A" or "Parenting Time Table B" applies to the situation regarding the parent who does not have PRIMARY custody, that is, the parent that the children do NOT live with – or live with the LEAST amount of time.

To adjust for costs associated with parenting time, first determine the total number of parenting time days indicated in a court order or parenting plan or by the expectation or past practice of the parents. Using the definitions below, add together each block of parenting time to arrive at the total number of parenting time days *per year*. Only the time spent by a child with the non-custodial parent is considered. Time that the child is in school or in childcare is not considered.

For purposes of calculating parenting time/visitation days:

- A. A period of 12 hours or more counts as one day.
- B. A period of 6 to 11 hours counts as a half-day.
- C. A period of 3 to 5 hours counts as a quarter day.
- D. Periods of less than 3 hours may count as a quarter day if, during those hours, the non-custodial parent pays for routine expenses of the child, such as meals.

"**Parenting Time Table A**" assumes that as the number of visitation days approaches equal time sharing (143 days and above), certain costs usually incurred only in the custodial household are assumed to be substantially or equally shared by both parents. These costs are for items such as the child's clothing and personal care items, entertainment, and reading materials.

Parenting Time Table B: If, however, the assumption that such costs are duplicated and shared nearly equally by both parents, is proved *incorrect*, use "**Parenting Time Table B**" to calculate the visitation adjustment for this range of days (and check the box for "Table B" for item (26)).

PARENTING TIME TABLE A			
Number of Visitation Days	Adjustment Percentage	Number of Visitation Days	Adjustment Percentage
0 - 3	0	116 - 129	.195
4 - 20	.012	130 - 142	.253
21 - 38	.031	143 - 152	.307
39 - 57	.050	153 - 162	.362
58 - 72	.085	163 - 172	.422
73 - 87	.105	173 - 182	.486
88 - 115	.161		

PARENTING TIME TABLE B	
Number of Visitation Days	Adjustment Percentage
143 - 152	.275
153 - 162	.293
163 - 172	.312
173 - 182	.331

(27)

- For *your* entry for Item (27), add up the total parenting time days for the non-custodial parent.
- Determine whether Table A or Table B applies.
- Look at the appropriate table (“A” or “B”) and find the “Percentage Adjustment” that applies to the number of parenting time days.
- Multiply that percentage by the amount listed for Item (16)

EXAMPLE:

If the total amount of parenting time for the NON-CUSTODIAL parent amounts to 75 days and Table A applies, and the amount listed for Item (16), the Basic Child Support Obligation, is \$1000: Look at Table A to see in where “75” fits in. “75” falls between 73 and 87 days, and the Adjustment Percentage listed for that range of numbers is .105. You would then take the dollar amount listed for Item (16), and multiply it by that percentage.

In this example that would be:

Amount from Item (16)	\$1000
<u>x Adjustment Percent from Table</u>	<u>x .105</u>
Answer for Item (27)	105.00 or \$105.00

This is the amount you would enter as your answer for Item (27) for either the Father *or* the Mother (ONLY), whichever parent the children **don't** live with the majority of the time.

MEDICAL INSURANCE PREMIUM ADJUSTMENT

(28) If the parent who will be ordered to make the child support payment is the same parent who will pay the minor children's health, dental and/or vision care insurance premiums, enter the amount from Item 17 here.

NON-CUSTODIAL CHILD CARE ADJUSTMENT

(29) If the parent who will be ordered to make the child support payments pays for work-related child-care during periods of visitation, enter the amount from Item 18.

EXTRA EDUCATION ADJUSTMENT

(30) If the parent who will be ordered to make the child support payment is the same parent who will pay the children's reasonable and necessary expenses for attending private or special schools, enter the amount from Item 19 here.

EXTRAORDINARY/SPECIAL NEEDS CHILD

(31) If the parent who will be ordered to make the child support payment is the same parent who will pay the special needs of gifted or handicapped child(ren), enter the amount from Item 20 here.

ADJUSTMENTS SUBTOTAL

(32) For the non-custodial parent, add the amounts entered in Items 27, 28, 29, 30 and 31. Enter the total in Item 32.

PRELIMINARY CHILD SUPPORT AMOUNT

(33) For non-custodial parent: Subtract the amount in Item 32 from Item 25.
For custodial parent: Write in the amount from Item 25 for that parent.

SELF SUPPORT RESERVE TEST for Parent Who Will Pay Support

- (34) To calculate the amount to enter in the column for this item:
- Enter *the paying parent's* adjusted gross income from Item 14.
 - Subtract \$775 (the self-support reserve amount).
 - Enter the remainder in the appropriate column for either the Father or the Mother, for Item 34. [Guidelines 15]

If the resulting amount is less than the preliminary child support amount, the court may reduce the current child support order to the resulting amount after first considering the financial impact the reduction would have on the custodial household. The test applies only to the current support obligation, but does not prohibit an additional amount to be ordered to reduce an obligor's (the person obligated to pay) arrears. Absent a deviation, the preliminary child support amount or the result of the self-support reserve test is the amount of the child support to be ordered in Item 35 [Guidelines 15]

Payor's Adjusted Gross Income from Item 14: _____

SUBTRACT the Self Support Reserve Test Amount of \$775: **- \$ 775.00** _____

Enter the number remaining as your answer for Item 34: _____

(35) Who pays and how much? Check the appropriate box to indicate which parent should be ordered to pay child support. If the amount shown in Item 33 is *less than* the amount shown in Item 34, write in the amount shown for Item 33. **OR**, if the amount shown in 33 is *greater than* the amount from 34, you may write in the amount from 34 if you believe child support should be ordered for the smaller amount.

RESPONSIBILITY FOR VISITATION-RELATED TRAVEL EXPENSES

(36) For this Item, list the percentage you think each parent should pay toward the travel/transportation costs for expenses involving travel of more than 100 miles, one-way. The court will decide how to allocate the expense, but you may use the percentages listed in Item 24 for each parent's share of combined income as a guide. The allocation of expense does not change the amount of the support ordered in Item 35. [Guidelines 18]

RESPONSIBILITY FOR MEDICAL EXPENSES NOT PAID BY INSURANCE

(37) For this Item, list the percentage you think each parent should pay toward uninsured medical, dental and/or vision care expenses for the minor children. The court will decide how to allocate the expense, but you may use the percentages listed in Item 24 for each parent's share of combined income as a guide. [Guidelines 9.A.]

WHEN YOU HAVE COMPLETED THIS WORKSHEET:

If you have completed this worksheet to **establish** a child support obligation:

- Make a copy of the worksheet for your records;
- Make a copy to send or deliver to the other party and/or the state prior to the hearing;
- Take the original to court at the time of your hearing; and
- Take financial documentation to provide proof of the numbers you have given.

If you have completed this worksheet to **modify** a child support obligation:

- Attach any documentation required;
- Make a copy of the worksheet for your records;
- Make a copy of the worksheet to serve on the other party and/or the state; and
- Attach the original worksheet to the Request for Modification of Child Support and file it with the Clerk of Superior Court.

NOTE: DEVIATION FROM THE GUIDELINES AMOUNT

If you believe the amount of child support shown by this worksheet is too low or too high, the Court has the power to deviate from the guidelines (order support in a different amount), if an order would be unjust or inappropriate. A deviation can only be ordered if the court makes appropriate findings based upon evidence presented by either party or agreement of the parties. [Guidelines 20]