

YAVAPAI COUNTY
Self-Service Center

**INSTRUCTIONS: ASKING THE COURT TO AWARD NON-PARENT LEGAL
DECISION-MAKING**

TYPE OR PRINT NEATLY USING BLACK INK.

CONFIDENTIAL SENSITIVE DATA SHEET:

Most court files are open to the public for review. Use this form to keep your sensitive information confidential. By writing your sensitive data on this form and then writing "SEE CONFIDENTIAL SENSITIVE DATA FORM" on the papers you file with the court, the public will not have access to this information.

REQUEST FOR ORDER FOR PROTECTED ADDRESS:

You may file this form if your address is not known to the other party and you reasonably believe that physical or emotional harm may result to you or a minor child if your address is not protected. If the court grants this request, the other party will serve you by delivering your copy of any filed documents to the Clerk of the Superior Court. The Clerk will then mail you the papers at the address you provide. **YOU MUST KEEP YOUR ADDRESS CURRENT WITH THE CLERK.**

DOMESTIC RELATIONS COVER SHEET:

Complete the Petitioner and Respondent information and the attorney information if applicable. Also mark the appropriate box in the Nature of Action section. Leave the rest of the form blank.

SUMMONS:

There are two Summons forms in this packet. One is for the child(ren)'s mother, the other for father. Complete both forms as instructed below, unless one of the parents is deceased.

- Make sure your form is titled SUMMONS in the upper right hand part of the first page.
- In the top left hand corner of the first page, fill in your name, mailing address and daytime telephone number.
- Fill in the names of the mother and father; fill in your name as Applicant.
- If there has already been a case involving the child(ren) in Yavapai County, fill in that case number. If you don't know the number or if no case exists in Yavapai County, the filing clerk will locate the number or assign a new number.
- On the blank line below the box, fill in the name of the mother or father, depending on the instructions just below the line. **DO NOT SIGN THE SUMMONS.** This will be done by the Clerk at the time of filing.

PETITION TO ESTABLISH NON-PARENT LEGAL DECISION-MAKING:

- Make sure your form is titled PETITION TO ESTABLISH NON-PARENT LEGAL DECISION-MAKING in the upper right hand part of the first page.
- In the top left hand corner of the first page, fill in your name, mailing address and daytime telephone number.
- Fill in the names of the mother and father; fill in your name as Applicant.
- If there has already been a case involving the child(ren) in Yavapai County, fill in that case number. If you don't know the number or if no case exists in Yavapai County, the filing clerk will locate the number or assign a new number.

GENERAL INFORMATION

1. Complete the information about yourself as Applicant.
2. Complete the information about the mother. If mother is deceased, check the box.
3. Complete the information about the father. If father is deceased, check the box.
4. Fill in the information about the child(ren). Add extra paper for more than three children.
- 5.-8. These questions are required by Arizona law and must be answered in full. Read them carefully and answer them truthfully and to the best of your knowledge.

OTHER STATEMENTS

8. Explain in detail why you believe you stand *in loco parentis* to the child(ren). See the IMPORTANT INFORMATION sheet in this packet for a definition. Add extra paper if necessary.
9. Explain in detail why you believe the child(ren) should not be in the primary care of either legal parent. There must be clear and convincing evidence why legal decision-making with either parent would be bad for the child(ren). Use extra paper if necessary and you may wish to attach copies of any police reports or other evidence supporting your position. **Remember, the law presumes that legal decision-making with a parent is in the best interest of a child and will not give you legal decision-making unless you prove otherwise.**
10. No instructions needed.
11. Check the first box if no legal decision-making order has been entered or approved by a court within the past year. **OR**, if a legal decision-making order has been entered or approved by a court within the past year, explain in detail why you believe the child(ren) will be in danger if the legal decision-making is not changed. Use extra paper if necessary.
- 12A. Check the box to tell the Court if either legal parent is deceased.
- 12B. Check this box if the parents were not married when the child(ren) was/were born and the person you name in this Petition as the father has been legally identified as the father.
- 12C. Check this box if the legal parents are not married to each other when you file this Petition.
- 12D. Check this box if a dissolution of marriage or legal separation of the legal parents is pending at the time you file this Petition.
13. This statement tells the court you believe Yavapai County is the proper place to file this case. **This must be true.**

REQUESTS TO THE COURT:

You are asking the Court to grant legal decision-making for the child(ren) to you.

Mark the box in front of how you want parenting time determined for the Mother and the Father of the child(ren).

By signing this document, you are swearing that you are telling the truth about everything you have put in this Petition.

SIGNATURE: The Petitioner must sign in front of a notary, or a Deputy Clerk at the time of filing.

LEGAL DECISION-MAKING AND/OR PARENTING TIME PLAN. If you and the parent(s) have reached a Parenting Time agreement, complete this as a Joint Legal Decision-Making and/or Parenting Time Plan. If an agreement has not been reached, complete this form with your Proposed Legal Decision-Making and/or Parenting Time Plan. Instructions are included with the form.

ORDER REGARDING PETITION TO ESTABLISH NON-PARENT LEGAL DECISION-MAKING.

Complete the upper half of this document exactly as you did the same parts on the Petition. **DO NOT MARK ANY BOXES.** The Order will be signed by the Court after a decision about the legal decision-making is made.

EDUCATION ORDER: COMPLETE ONE OF THE TWO INCLUDED ORDERS: Beginning January 2024, all final orders involving legal decision-making and parenting time will require that the court also issue a separate education order. The Orders are for either **joint** legal decision-making or for **sole** decision-making. The education order will serve to guide the schools regarding education-related issues. Parents are required to provide a copy of the signed order to the child(ren)'s school(s).

PARENTING COORDINATOR INFORMATION SHEET

Read this information. A form to request a Parenting Coordinator is available in the Self-Service Center.

RESOLUTION STATEMENT

This form is not needed unless the Court requests it or the other party files a response. If this happens, follow the instructions provided with the form.

GO ON TO: WHAT TO DO AFTER I HAVE COMPLETED THE DOCUMENTS