

POST-DECREE MEDIATION

1

To Request Mediation for
CHILD CUSTODY and PARENTING TIME ISSUES
AFTER AN ORDER HAS BEEN ENTERED

(Forms and Instructions)

SELF-SERVICE CENTER
COURT FORMS AND INSTRUCTIONS TO PETITION FOR
POST-DECREE MEDIATION

CHECKLIST

You may use the forms and instructions in this packet if . . .

- ✓ You and the other party do **not** agree about the custody and parenting time issues in your case, **AND**
- ✓ You want to try mediation to resolve custody and/or parenting time issues, **AND**
- ✓ You have an existing case and case number in this Court and a final Judgment, Decree, or Order concerning custody or parenting time has previously been signed by a Judicial Officer. **AND**
- ✓ The prior case was for one of the following actions, involving the same minor child(ren) as in this case:
 - ***“Paternity,” OR***
 - ***“Paternity plus Custody, Parenting Time and/or Support,” OR***
 - ***“Legal Separation” or “Divorce” “With Children,” OR***
 - ***“Grandparent Visitation,”***

***NOTE:** If this is a PRE-Decree matter, meaning an Order, Judgment or Decree has **NOT** been previously signed by a Judicial Officer in this case, **STOP** - you must use the PRE-DECREE version of the MEDIATION packet instead.

WARNING! THERE IS A \$200 FEE FOR FAILURE TO ATTEND A SCHEDULED MEDIATION. IF YOU CANNOT ATTEND OR NO LONGER NEED MEDIATION, REFER TO THE INSTRUCTIONS FOR HOW TO PROVIDE PROPER NOTICE TO AVOID HAVING TO PAY THIS FEE.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Self-Service Center website at www.superiorcourt.maricopa.gov/SSC

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REQUEST FOR POST-DECREE MEDIATION

This packet contains court forms and instructions to file for post-decree mediation in a Family Court case involving custody and parenting time issues. Documents listed in **BOLD** are forms that are filed with the Court; Non-bold items are instructions or procedures pages. Do NOT copy or file those pages. The documents should appear in the following order:

Order	File No.	Title	# pages
1	DRADM9k	Checklist: <i>You may use these forms if . . .</i>	1
2	DRADM9t	Table of Contents (this page)	1
3	DRADM91h	Instructions and Procedures to Request Post-Decree Mediation	2
4	DRADM91f	“Request for Post-Decree Mediation”	1
5	DRAD21f	“Certificate of Service”	1

NOTE: Use either the “Request” above, or the “Joint Request”, below, but not both.

6	DRADM92h	Instructions and Procedures for the (optional) “Joint Request for Post-Decree Mediation”	2
7	DRADM92f	(optional) “Joint Request for Post-Decree Mediation” (Both parties must sign the Joint Request)	1

WARNING

YOU WILL HAVE TO PAY A \$200 FEE IF YOU FAIL TO ATTEND A SCHEDULED MEDIATION SESSION.

IF YOU CANNOT ATTEND, BOTH PARTIES MUST NOTIFY CONCILIATION SERVICES AND RECEIVE PERMISSION TO RESCHEDULE AT LEAST THREE FULL COURT DAYS BEFORE THE SESSION.

IF YOU REACH A FULL AGREEMENT ABOUT CUSTODY AND PARENTING TIME AND DO NOT PLAN TO COME TO THE MEDIATION SESSION, BOTH PARTIES MUST NOTIFY CONCILIATION SERVICES AS SOON AS POSSIBLE OF THE SETTLEMENT TO AVOID PAYING THIS FEE.

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

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INSTRUCTIONS and PROCEDURES TO REQUEST POST-DECREE MEDIATION

STEP 1 Determine if this is the appropriate paperwork.

All of the following statements must be true:

- There is an issue regarding custody and/or parenting time that you and the other party are unable to resolve.
- A final order regarding Custody and Parenting time has been previously filed with the court.
- You know where the other party is and are able to have them served with the papers.
- You and the other party do not wish to file the “**Joint Request for Post-Decree Mediation**” which does not have to be served on the other party (and which appears later in this packet).

NOTE: A Request for Mediation is not the appropriate paperwork to resolve the following issues:

- Child Support**
- Enforcement of current court orders**
- Cases in which there are allegations of child abuse or CPS involvement**
- Modification of custody order earlier than one year after the date of the previous order.**

*****If you file this Request in error, the mediation fee will NOT be refunded to you.*****

STEP 2 Complete the “*Request for Post-Decree Mediation*”.

Type or print clearly. Use black ink only. (Match the numbered instructions to the numbers on the “*Request for Post Decree Mediation*”).

- 1) Fill in the name, address, and phone number of the person requesting mediation. If your address is protected, write ‘Protected’ in the address field.
- 2) Fill in the name of the persons shown as “Petitioner” and “Respondent” in your pre-existing case.
- 3) Write in the case number in the space provided at the top right portion of the form. Your case number begins with “D”, “DR”, or “FC”. This is the same case number as your original divorce, paternity or other family court case.
- 4) Check the appropriate box in section 4 that tells the court whether you are divorced or have had paternity established or “Other” court order entered, such as for Grandparent Visitation.
- 5) Describe the disagreement between you and the other party.
- 6) Check the appropriate box in section 6 to indicate if you have ever participated in Mediation and list when and where any prior Mediation took place.
- 7) Complete the information about the other party. You must be able to provide the current address for the other party to use the mediation services of the Court.
- 8) Sign and date the “*Request for Post-Decree Mediation*”.

STEP 3 Make 3 copies of the completed “*Request for Post-Decree Mediation*”.

The fee for Post-Decree Mediation is \$100.00 per person. The party filing the *Request* will be responsible for paying \$100.00 at the time of filing. The other party will be ordered to pay \$100.00 upon being served the *Order to Appear* or at least 5 court days prior to the scheduled mediation. Cash, VISA/MasterCard debit or credit cards, money order, or personal in-state check **made payable to “Clerk of Superior Court”** are acceptable forms of payment. There will also be a substantial

“appearance fee” due from the Respondent, **if** he or she has not previously “made an appearance”, that is filed a response or other papers and paid a filing fee in this case. If you cannot afford the fee(s), you may request a deferral (payment plan) at the time filing. You may also be able to defer the fee required for the sheriff to serve the other party if you qualify. The fees quoted here are in effect at the time this document was revised. You should check the Clerk of Court’s website to make sure the fees have not changed. Their web address is: <http://clerkofcourt.maricopa.gov/fees.asp>

STEP 4 FILE: Take the original & 3 copies of the *“Request for Post-Decree Mediation”* to the Clerk of Court Filing Counter at any of the locations listed below. The Clerk will keep the original, date-stamp the 3 copies and return the copies to you.

Central Court Building, 201 West Jefferson Street, Phoenix, AZ 85003 (1st Floor)

Northwest Court Facility, 14264 West Tierra Buena Lane, Surprise, AZ. 85374

Southeast Court Facility, 222 East Javelina Drive, Mesa AZ 85210

Northeast Court Facility, 18380 North 40th Street, Phoenix, AZ 85032

STEP 5 Hand-deliver a copy of the Request to Conciliation Services along with your proof of payment or deferral of the mediation fee to any of the locations listed below.

Central Court Building, 201 West Jefferson Street, Phoenix, AZ 85003 (3rd Floor)

Northwest Court Facility, 14264 West Tierra Buena Lane, Surprise, AZ. 85374

Southeast Court Facility, 222 East Javelina Drive, Mesa AZ 85210

Northeast Court Facility, 18380 North 40th Street, Phoenix, AZ 85032

- Conciliation Services will keep a copy of your *Request* and note if you have paid or deferred your fee.
- The staff will prepare an *Order to Appear* that you will serve on the other party along with another copy of your *Request*.
- Keep the remaining copy for your records.

STEP 6 Serve the papers on the other party: You must arrange for service of the following papers on the other party:

- A copy of the *Request for Mediation*
- A copy of the *Order to Appear* for Mediation

STEP 7 File the Proof of Service with the Clerk of Court.

(1) Person Filing: _____
Mailing Address: _____
City, State, Zip Code: _____
Daytime / Evening Phone: _____
In this case I am: Petitioner or Respondent Represented by Attorney
Attorney Name: _____ Bar No: _____
Attorney Phone: _____ Atty. Email: _____
Atlas Number: _____

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Name of Petitioner (2) Case Number: _____ (3)

Name of Respondent (2)

REQUEST FOR POST-DECREE MEDIATION

A controversy exists between the petitioner and respondent regarding issues of custody and/or parenting time. I am requesting mediation of the issues, based on the following:

(4) **Check one box only.**

- We are divorced or legally separated from each other. **OR**
 An Order of Paternity has been entered by the court. **OR**
 OTHER (Describe): _____

If your Decree or Parenting Plan requires you to participate in mediation before filing papers with the Court attach a copy of the Decree or Parenting Plan.

(5) Describe the disagreement. Be brief and specific. (The disagreement must involve custody and/or parenting time of your minor children):

(6) Check one box only.

- We have not participated in mediation **OR**
 We have participated in mediation in the past.
When: _____ Where: _____
When: _____ Where: _____

(7) Information about the other party:

Name: _____
Address: _____
City, State, Zip _____
Telephone #'s _____
Attorney (if known) _____

Date: _____ (8) _____ (8)

Signature of Person Submitting Request

Signature of Attorney (if applicable)

CERTIFICATE OF SERVICE

This page must be completed and attached to the last page of your Petition for Mediation.

- **DO NOT USE IF FILING JOINT PETITION.**
- **NOT REQUIRED WHEN PARTIES SIGN AND FILE JOINTLY (TOGETHER).**

1. **I AM FILING FOR PRE-DECREE MEDIATION (and NOT using the Joint Petition).**

I have filed the ORIGINAL of the attached "**Petition for Pre-Decree Mediation**" with the Clerk of the Superior Court on this date: _____, 20____.
Month Day Year

I have mailed or delivered a COPY of the attached "**Petition for Pre-Decree Mediation**" to the Judge or other Judicial Officer assigned to this case, namely _____, on this date _____, 20____.
Name of Judicial Officer assigned to your case Month Day Year

OR

2. **I AM FILING FOR POST-DECREE MEDIATION (and not using the Joint Petition).**

I have mailed, personally delivered, or caused to be delivered a COPY of the attached "**Petition for Post-Decree Mediation**" to the other party (ies) and his/her lawyer (if applicable) listed below, on this date: _____, 20____.
Month Day Year

(You must mail or deliver a copy of all documents to the other side and his or her lawyer)

Name of Other Side

Name of Other Side's Lawyer

Address

Lawyer's Address

City, State, Zip

City, State, Zip

By signing below, I state under penalty of law that I have filed and/or mailed, delivered or caused to be delivered the attached document(s) as listed above. I understand that if I do not file/mail the attached document(s) as shown above, the Judicial Officer will not read my Petition.

Date

Your signature

SELF-SERVICE CENTER

INSTRUCTIONS and PROCEDURES to FILE JOINT REQUEST FOR POST-DECREE MEDIATION

STEP 1 Determine if this is the appropriate paperwork.

All of the following statements must be true:

- There is an issue regarding custody and/or parenting time that you and the other party are unable to resolve.
- A final order regarding Custody and Parenting time has previously been entered in this court.
- **Both** parties want to go to mediation *and* **both** parties **will sign** the Request.

NOTE: A Request for Mediation is not the appropriate paperwork to resolve the following issues:

- Child Support**
- Enforcement of current court orders**
- Cases in which there are allegations of child abuse or CPS involvement**
- Modification of custody order earlier than one year after the date of the previous order.**

*****If you file this Request in error, the mediation fee will NOT be refunded to you.*****

STEP 2 Complete the “*Joint Request for Post-Decree Mediation*”.

Type or print clearly. Use black ink only and match the numbered instructions to the numbers on the “*Joint Request for Post-Decree Mediation*”.

- 1) Fill in the name of the persons shown as “Petitioner” and “Respondent” in your pre-existing case.
- 2) Write in the case number in the space provided at the top right portion of the form. Your case number begins with “D”, “DR”, or “FC”. This is the same case number as your original divorce, paternity or other family court case.
- 3) Check the appropriate box in section 3 that tells the court whether you are divorced or have had paternity established or “Other” court order entered, such as for Grandparent Visitation.
- 4) Briefly describe the disagreement between you and the other party.
- 5) Check the appropriate box in section 5 to indicate if you have ever participated in Mediation and list when and where any prior Mediation took place.
- 6) Provide current addresses and phone numbers for each party.
- 7) Both parties sign and date the “*Joint Request for Post-Decree Mediation*”.

STEP 3 Make 3 copies of the completed “*Joint Request for Post-Decree Mediation*”.

The fee for Post-Decree Mediation is **\$200.00** (\$100.00 for each party). The full \$200 fee is due upon filing. Cash, VISA/MasterCard debit or credit cards, money order, or personal in-state check **made payable to “Clerk of Superior Court”** are acceptable forms of payment. There will also be a substantial “**appearance fee**” due from the Respondent, **if** he or she has not previously “made an appearance”, that is filed a response or other papers and paid a filing fee in this case. If you cannot afford the fee(s), you may request a deferral (payment plan) at the time of filing. The fees quoted here are in effect at the time this document was revised. You should check the Clerk of Court’s website to make sure the fees have not changed. Their web address is: <http://clerkofcourt.maricopa.gov/fees.asp>

STEP 4 FILE: Take the original & 3 copies of the “*Joint Request for Post-Decree Mediation*” to the Clerk of the Court Filing Counter at any of the locations listed below or on the next page.

The Clerk will keep the original, date-stamp the copies, and return the copies to you.

Central Court Building, 201 West Jefferson Street, Phoenix, AZ 85003 (1st Floor)

Northwest Court Facility, 14264 West Tierra Buena Lane, Surprise, AZ. 85374

Southeast Court Facility, 222 East Javelina Drive, Mesa AZ 85210

Northeast Court Facility, 18380 North 40th Street, Phoenix, AZ 85032.

STEP 5 Hand-deliver a copy of the *Joint Request to Conciliation Services*, along with your proof of payment or deferral of the mediation fee. Conciliation services is located at:

Central Court Building

201 West Jefferson, 3rd floor
Phoenix, Arizona 85003

Southeast Court Complex

222 East Javelina Drive, 1st floor
Mesa, Arizona 85210

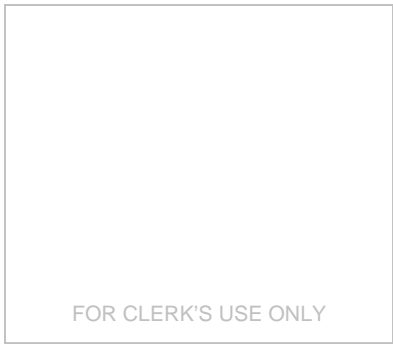
Northwest Court Complex

14264 West Tierra Buena Lane
Surprise, Arizona 85374

Northeast Court Complex

18380 North 40th Street
Phoenix, Arizona 85032

- Conciliation Services staff will prepare a *Notice to Appear for Mediation and Acknowledgment*.
- You will be asked to sign and date the Acknowledgment indicating your understanding of the fees, the date and time of the mediation and the consequences for failing to appear, including an **ADDITIONAL “NO SHOW” FEE FOR A PARTY WHO FAILS TO APPEAR.**
- Give a copy of the Joint Request to the other party and keep one for your own records.



FOR CLERK'S USE ONLY

**SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY**

Name of Petitioner (1)

Case Number: _____ (2)

Current Judge: _____

Name of Respondent (1)

**JOINT REQUEST FOR
POST-DECREE MEDIATION**

We, the petitioner and respondent, do not agree on issues of custody and/or parenting time but we do agree to participate in mediation. We ask for mediation of the issues, based on the following:

(3) Check one box only.

- We are divorced or legally separated from each other. **OR**
- An Order of Paternity has been entered by the court. **OR**
- OTHER (Describe): _____

If your Decree or Parenting Plan requires you to participate in mediation before filing papers with the Court attach a copy of that Decree or Parenting Plan.

(4) Describe the disagreement. Be brief and specific. (The disagreement must involve custody and/or parenting time of your minor children):

(5) Check one box only.

- We have not participated in mediation **OR**
- We have participated in mediation in the past.
When: _____ Where: _____
When: _____ Where: _____

(6) Address: _____
Petitioner

(7) Address: _____
Respondent

City, State, Zip: _____

City, State, Zip: _____

Telephone #: _____

Telephone #: _____

Date Signature of Petitioner (7)

Date Signature of Respondent (7)

Petitioner's Attorney (if applicable)

Respondent's Attorney (if applicable)