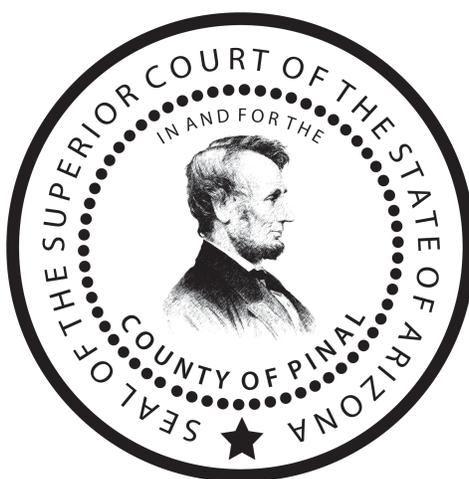


PETITION BY NON-PARENT TO ESTABLISH LEGAL DECISION- MAKING IN LOCO PARENTIS



PINAL COUNTY

INSTRUCTIONS AND FORMS

**Provided as a Public Service by
AMANDA STANFORD
Clerk of the Superior Court**

PETITION FOR LEGAL DECISION-MAKING IN LOCO PARENTIS (CUSTODY BY NON-PARENT)

CHECKLIST

You may use these forms in this packet if...

- ✓ You are not the legal or biological parent of the child(ren) but who has stood like a parent to the child(ren) and wish to petition for legal decision-making authority or placement of the child(ren), **AND**
- ✓ You are currently acting as a parent to the child(ren) and stand in loco parentis to the act as a parent to the child(ren), **AND**
- ✓ It would be significantly detrimental to the child(ren) to remain or be placed in the care of either legal parent who wishes to keep or acquire legal decision-making, **AND**
- ✓ A court has not entered or approved an order concerning legal decision-making (custody) or parenting time within **ONE** year before this petition is being filed with the court unless there is reason to believe the child's present environment may seriously endanger the child's physical, mental, moral or emotional health, **AND**

ONE of the following is true:

- One of the child's parents is deceased
- The child's legal parents are not married to each other at the time the petition is filed **OR**
- A proceeding for dissolution of marriage OR legal separation has been filed and/or is pending at the time this petition is being filed.

Under the law, there is a presumption that it is the child's best interest to award legal decision-making (physical custody) to a legal parent. To overcome this presumption, you must show by clear and convincing evidence that awarding legal decision-making (physical custody) to a legal parent is not in the child's best interests.

PETITION BY NON-PARENT TO ESTABLISH LEGAL DECISION-MAKING IN LOCO PARENTIS

This packet contains general information and instructions about filing a Petition by Non-Parent to Establish Legal-Decision Making in Loco Parentis. Be sure this packet contains the following documents:

Order	Title	# of Pages
1	Checklist: <i>Use these forms if...</i>	1
2	Table of Contents (this page)	1
3	Procedures: How to File Papers with the Court to Establish Legal Decision-Making In Loco Parentis (Custody by Non-Parent)	5
4	“Order to Appear <i>In Court on Petition by Non-Parent to Establish Legal Decision-Making in Loco Parentis (for Natural Mother)</i> ”	2
5	“Order to Appear <i>in Court on Petition by Non-Parent to Establish Legal Decision-Making in Loco Parentis (for Natural Father)</i> ”	2
6	“Order to Attend Parent Education Class”	2
7	“Affidavit Regarding Minor Children”	3
8	“Family Court Cover Sheet” (<i>No copies required</i>)	2
9	“Petition by Non-Parent to Establish Legal Decision-Making In Loco Parentis”	5

***NO COPIES REQUIRED. File original only. Do not serve on other party.**

You have permission to use these documents 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.

PROCEDURES

How to File Papers with the Court to Establish Legal Decision-Making *In Loco Parentis* (Custody by Non-Parent)

STEP 1: COMPLETE THE FORMS – TYPE OR PRINT IN BLACK INK DO NOT LEAVE ANY QUESTIONS BLANK

- Please answer all questions.
- If a question does not apply to your case mark “n/a” next to the question. By marking “n/a” next to a question this informs the Judge or Court that a question was “not applicable” and did not apply to your case or situation.
- If there is a question where the information is not known to you, please indicate “unknown to me”.

STEP 2: SIGN, DATE AND NOTARIZE DOCUMENTS

- Documents must be signed and dated in front of ANY Notary Public.
- Please make sure you have a US issued photo ID with you when having your documents notarized

STEP 3: MAKE COPIES OF DOCUMENTS

- **AFTER** your documents have been signed, dated and/or notarized make (3) copies of the following documents:
 - ✓ **Order to Appear**
 - ✓ **Order to Attend Parent Education Class**
 - ✓ **Affidavit Regarding Minor Children**
 - ✓ **Family Court Cover Sheet**
 - ✓ **Petition by Non-Parent to Establish Legal Decision-Making In Loco Parentis**
- Separate your documents into three (3) sets in the following Order:

Set 1: ORIGINAL DOCUMENTS

1. Order to Appear
2. Order to Attend Parent Education Class
3. Affidavit Regarding Minor Children
4. Family Court Cover Sheet
5. Petition by Non-Parent to Establish Legal Decision-Making In Loco Parentis

Set 2: COPIES FOR YOU THE PETITIONER

1. Order to Appear
2. Order to Attend Parent Education Class
3. Affidavit Regarding Minor Children
4. Petition by Non-Parent to Establish Legal Decision-Making In Loco Parentis

SET 3: COPIES FOR RESPONDENT (NATURAL MOTHER)

1. Order to Appear
2. Order to Attend Parent Education Class
3. Affidavit Regarding Minor Children
4. Petition by Non-Parent to Establish Legal Decision-Making In Loco Parentis

SET 3: COPIES FOR RESPONDENT (NATURAL FATHER)

1. Order to Appear
2. Order to Attend Parent Education Class
3. Affidavit Regarding Minor Children
4. Petition by Non-Parent to Establish Legal Decision-Making In Loco Parentis

STEP 4: FILING FEES

There is a filing fee to file the Petition by Non-Parent to Establish Legal Decision-Making In Loco Parentis and there may be other charges associated with this case. Please check online in our current Filing Fees section to determine your fee.

DEFERRAL OR WAIVER OF FILING FEES: If you cannot pay these fees, you may qualify for a deferral or waiver of fees. If you are seeking a deferral or waiver of fees, please have the Deferral or Waiver of Fees Application completed and submitted with your forms.

ONE of the following is required to be attached to the completed and notarized Application for Deferral or Waiver of Fees:

- A copy of your last two (2) paycheck stubs.
- A notarized statement of non-employment. Any persons you are living with at this time who is assisting you financially may sign a notarized document stating they are supporting you.
- If you receive Food Stamps, SSI, unemployment or any governmental assistance we will need a copy of your letter of assignment/award or verification of the amount of assistance you receive.

NOTE: At the time of filing your documents through a deferral, your fees are only deferred to a later date; **they are not waived.** Only the Judge can waive your fees.

STEP 5: FILE THE PAPERS WITH THE CLERK OF THE SUPERIOR COURT

OFFICE LOCATIONS / FILING IN PERSON AND / OR BY MAIL

You may file your documents at any of the Clerk of the Superior Court Office locations:

Florence	971 Jason Lopez Circle Bldg. A Florence, AZ 85132 Open Mon-Fri 8:00 to 5:00
Casa Grande	820 E. Cottonwood Ln Bldg. B Casa Grande, AZ 85122 Open Mon-Fri 8:00 to 5:00 closing 12:00 to 1:00 for lunch (Documents requiring a filing fee are not accepted after 4:30)

Apache Junction 575 N. Idaho Rd Ste. 109 Apache Junction, AZ 85119
Open Mon-Fri 8:00 to 5:00 closing 12:00 to 1:00 for lunch
(Documents requiring a filing fee are not accepted after 4:30)

Mammoth 118 Catalina Mammoth, AZ 85618
(Temporarily Closed)

FILING IN PERSON

To submit the Petition by Non-Parent to Establish Legal Decision-Making in Loco Parentis the following must be handed to the Clerk at the Filing Counter:

- ✓ Original plus three (3) Copies of:
 - **Order to Appear**
 - **Order to Attend Parent Education Class**
 - **Affidavit Regarding Minor Children**
 - **Family Court Cover Sheet** (*Original only*)
 - **Petition by Non-Parent to Establish Legal Decision-Making In Loco Parentis**

- ✓ Required Filing Fee (or) a completed Application for Deferral or Waiver of Filing Fees with **ONE** of the following attached to the Application:
 - A copy of your last two (2) paycheck stubs.
 - A notarized statement of non-employment. Any persons you are living with at this time who is assisting you financially may sign a notarized document stating they are supporting you.
 - If you receive Food Stamps, SSI, unemployment or any governmental assistance we will need a copy of your letter of assignment/award or verification of the amount of assistance you receive.

- ✓ One self-addressed **stamped** envelope for the return of the **Order to Appear** setting a court hearing.

FILING BY MAIL

If you are filing by mail the following documents must be mailed to:

Clerk of the Superior Court
P.O. Box 2730
Florence, AZ 85132

To file the Petition by Non-Parent To Establish Legal Decision-Making In Loco Parentis by mail, please mail the following documents:

- ✓ Original plus three (3) Copies of:
 - **Order to Appear**
 - **Order to Attend Parent Education Class**

- **Affidavit Regarding Minor Children**
 - **Family Court Cover Sheet** (*Original only*)
 - **Petition by Non-Parent to Establish Legal Decision-Making In Loco Parentis**
- ✓ Required Filing Fee (or) a completed Application for Deferral or Waiver of Filing Fees with **ONE** of the following attached to the Application:
- A copy of your last two (2) paycheck stubs.
 - A notarized statement of non-employment. Any persons you are living with at this time who is assisting you financially may sign a notarized document stating they are supporting you.
 - If you receive Food Stamps, SSI, unemployment or any governmental assistance we will need a copy of your letter of assignment/award or verification of the amount of assistance you receive.
- ✓ One appropriate sized self-addressed **stamped** envelope for the return of your conformed/stamped copies and the **Order to Appear** setting a court hearing.

STEP 6: WAIT FOR HEARING DATE AND COPIES IN THE MAIL (DO NOT SERVE PAPERS AT THIS TIME)

Once you have filed your paperwork in person or by mail, you will wait to serve the papers upon the responding parties. The Court must set a hearing date which you will receive a copy of in the mail in the envelope you previously provided to the court.

The document you will receive in the mail with your hearing date will be the **ORDER TO APPEAR**. This document will contain a hearing date and time to appear before the Judge.

You will receive three (3) copies in the mail of the Order to Appear:

- One copy of the Order to Appear is for you the Petitioner
- One copy of the Order to Appear is for the Respondent (Natural Mother)
- One copy of the Order to Appear is for the Respondent (Natural Father)

STEP 7: SERVE THE RESPONDING PARTIES

- Once you have received your hearing date in the mail you will need to serve the responding parties (natural mother and natural father) with the following stamped copies:
 - ✓ Order to Appear
 - ✓ Order to Attend Parent Education Class
 - ✓ Affidavit Regarding Minor Children
 - ✓ Petition by Non-Parent to Establish Legal Decision-Making in Loco Parentis
- Service means giving legal notice to the other party (or parties) that you have filed court papers.
- You must provide proof of service to the court.

- Listed below are the different methods of service you may use to serve the other parties:

ACCEPTANCE OF SERVICE: The other party must be willing to sign the “*Acceptance of Service*” form in front of a Notary Public and return it to you. The other party cannot sign the “*Acceptance of Service*” until after you have filed the court papers with the court. The other party’s signature on the “*Acceptance of Service*” does not mean that he/she agrees with the court papers. It means that the other party admits receiving the papers, without being served in person by the sheriff or a process server.

SERVICE BY REGISTERED PROCESS SERVER: This method requires you to hire, and pay, a registered process server to serve the other party with court papers. A process server is a person who will give the papers to the other party at home, work, or other location. The registered process server will give the Court a Sworn Affidavit of Service and/or Certificate of Service stating that the person was served. This method of service costs more than service by acceptance and requires the process server to find the other party. Service is complete at the time the process server hands the other party the court papers. If you decide to use this method, and the other party lives outside of Arizona, you would need to find a registered process server in the state where the other party lives.

SERVICE BY SHERIFF: This method requires you to contact the Sheriff’s Office in the county where the other party lives to arrange for a Sheriff’s deputy to give the other party the court papers. This method requires you to pay a fee to the Sheriff’s Office. The Sheriff’s Office will give the Court a Sworn Affidavit of Service stating that the person was served.

For more detailed information and forms on service, please refer to our [Service of Court Papers](#) packet on our website.

STEP 8: ATTENDING THE FIRST HEARING

The amount of time allowed for this first hearing is a (15) minute proceeding. If the Judge has determined that more time is needed, it will be stated on the *Order to Appear* the time allowed for your hearing.

If you were unable to complete service on one or all responding parties, it is important you still appear for your scheduled hearing. Not appearing for your scheduled hearing could result in your case being dismissed.

There are different outcomes that may be reached at the first hearing. One or more of the outcomes listed below could be ordered at the first hearing:

- A permanent or temporary order regarding the Legal Decision-Making in Loco Parentis for the minor child(ren)
- A future hearing date
- Onsite services (same day) through Conciliation Court Services
- A special appointment of a Best Interest Attorney for the minor child(ren)

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Regarding the Matter of:

Name of Petitioner

CASE NUMBER: DO2

and

**ORDER TO APPEAR
IN COURT ON PETITION BY NON-PARENT TO
ESTABLISH LEGAL DECISION-MAKING IN
LOCO PARENTIS**

Name of Respondent (Natural Mother)

HONORABLE: _____

Name of Respondent (Natural Father)

Name of Legal Guardian (if applicable)

**READ ME: This is an important Court Order that affects your rights. Read this Order carefully.
If you do not understand this Order, contact an attorney for legal advice.**

Based on the "Petition" and pursuant to Arizona law,

IT IS ORDERED THAT YOU _____

(Print the name of the Respondent (NATURAL MOTHER) here)

appear at the time and place stated below so the court can determine whether the relief asked for in the "Petition" should be granted.

INFORMATION ABOUT COURT HEARING TO BE HELD:

NAME OF JUDICIAL OFFICER: _____

DATE AND TIME OF HEARING: _____

PLACE OF HEARING: _____

PINAL COUNTY SUPERIOR COURT

ADDRESS OF HEARING: _____

Pinal County Justice Complex
971 N. Jason Lopez Circle, Building A
Florence AZ 85132

AMOUNT OF TIME FOR HEARING: This is a 15-minute proceeding. The court will determine if more time is needed. All parties, whether represented by attorneys or not, must be present. If there is a failure to appear the court may make such orders as are just, including granting the relief requested by the party who does appear.
Warning: Failure to Appear at this hearing may cause a civil warrant to be issued for your arrest.

That a true copy of this "Order to Appear" and a true copy of the Petition, Affidavit and related documents filed with the Petition shall be served by process server or sheriff by the moving party on the responding party (or parties).

DONE IN OPEN COURT: _____
(Judge/Commissioner of the Superior Court)

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Regarding the Matter of:

Name of Petitioner

CASE NUMBER: DO2

and

**ORDER TO APPEAR
IN COURT ON PETITION BY NON-PARENT TO
ESTABLISH LEGAL DECISION-MAKING IN
LOCO PARENTIS**

Name of Respondent (Natural Mother)

HONORABLE: _____

Name of Respondent (Natural Father)

Name of Legal Guardian (if applicable)

**READ ME: This is an important Court Order that affects your rights. Read this Order carefully.
If you do not understand this Order, contact an attorney for legal advice.**

Based on the "Petition" and pursuant to Arizona law,

IT IS ORDERED THAT YOU _____

(Print the name of the Respondent (NATURAL FATHER) here)

appear at the time and place stated below so the court can determine whether the relief asked for in the "Petition" should be granted.

INFORMATION ABOUT COURT HEARING TO BE HELD:

NAME OF JUDICIAL OFFICER: _____

DATE AND TIME OF HEARING: _____

PLACE OF HEARING: _____

PINAL COUNTY SUPERIOR COURT

ADDRESS OF HEARING: _____

Pinal County Justice Complex
971 N. Jason Lopez Circle, Building A
Florence AZ 85132

AMOUNT OF TIME FOR HEARING: This is a 15-minute proceeding. The court will determine if more time is needed. All parties, whether represented by attorneys or not, must be present. If there is a failure to appear the court may make such orders as are just, including granting the relief requested by the party who does appear.
Warning: Failure to Appear at this hearing may cause a civil warrant to be issued for your arrest.

That a true copy of this "Order to Appear" and a true copy of the Petition, Affidavit and related documents filed with the Petition shall be served by process server or sheriff by the moving party on the responding party (or parties).

DONE IN OPEN COURT: _____

(Judge/Commissioner of the Superior Court)

ORDER TO PARENT EDUCATION CLASS

THIS IS AN OFFICIAL ORDER. IF YOU DISOBEY THIS ORDER, THE COURT MAY FIND YOU IN CONTEMPT.

CASE NUMBER DO

Pursuant to A.R.S. '25-352, **IT IS ORDERED** you must attend and complete a parent education course within the following time limits:

1. **Petitioner:** You must complete the course within 45 days from the filing of the petition.
2. **Respondent:** You must complete the course within 45 days of being served with or accepting service of the petition. The Respondent must complete the course whether or not a response to the action is filed.
3. **Paternity Proceeding:** If paternity has been established, you must complete the class as described above. If paternity has not been established, you are welcome to complete the class at your earliest convenience. However, you are not required to complete the class until paternity has been established by the court.
4. **Compliance:** A.R.S. '25-353. Failure to comply - if a party fails to complete the educational program as ordered pursuant to section 25-352, the court may deny relief in favor of that party, hold that party in contempt of court or impose any other sanction reasonable under the circumstances. The court will be notified if you fail to complete the class. **Exceptions: If you have completed the class within less than 1 year or the court excuses a party's participation.**
5. **Class Fee:** Each party shall pay the \$40.00 fee to, or obtain a valid fee deferral from, the Clerk of the Superior Court (see attached *Notice* for fee payment instructions).
6. **Disability:** If, due to a disability, you need special accommodations for your attendance such as auxiliary aids, or materials in alternative formats, please contact Family Services of the Conciliation Court as soon as you receive this notice.
7. **Information:** Additional information about Parent Education is available at www.pinalcountyaz.gov/Judicial/ConciliationCourt.
8. **Registration:** You may register for the course online at www.pinalcountyaz.gov/Judicial/ConciliationCourt, or by phone at 520-866-7349.

Karl C. Eppich

Honorable Karl C. Eppich,
Presiding Judge, Family Court

Date

PARENT EDUCATION CLASS NOTICE

You have been ordered to attend a Parent Education Class. The Parent Education Class is taught by counselors from Family Services of Conciliation Court. You are required to complete the entire class to receive a copy of the *Notice of Completion and Certificate* that will be filed with the court. If you fail to comply, the Court may deny relief, hold you in contempt of court, or impose any other sanction reasonable under the circumstances. (A.R.S. 25-352)

The court will be notified if you fail to attend the class.

THIS IS A 3 STEP PROCESS.

1. **PAY** FOR THE CLASS WITH CLERK OF SUPERIOR COURT
2. **REGISTER** FOR THE CLASS WITH FAMILY SERVICES OF CONCILIATION COURT
3. **ATTEND** the 4 HOUR CLASS IN FLORENCE WITH PROOF OF PAYMENT

1. **Use one of the following methods to pay for the Class:** The cost is \$40.00 per person.

- **ONLINE:** Make payment to via website:
<https://client.pointandpay.net/recurring/PinalCountySuperiorCourtAZ>
- **PHONE:** Call 800.487.4567.
- **MAIL:** Mail personal checks, cashier's check or money order for \$40.00 payable to Clerk of the Superior Court at the following address:

Clerk of the Superior Court
Parent Education Course
P.O. Box 2730
Florence, AZ 85132-2730

Write your court case number and "**Parent Education Class**" on the cashier's check, money order or personal check. IMPORTANT: You MUST enclose a self-addressed stamped envelope so the clerk's office will mail your receipt to you.

- **IN PERSON:** Payments can be made by cash, money order, MasterCard, Visa, Discover and American Express with valid ID of card holder at any of our office locations listed below.

Clerk of the Superior Court Offices:

Florence - 971 Jason Lopez Cir., Building A, Tel: 520.866.5300

Apache Junction - 575 N. Idaho, Ste. 109 Tel: 520.866.5300

Casa Grande - 820 E. Cottonwood Ln., # B Tel: 520.866.5300

For information about obtaining a *fee deferral*, contact any clerk's office.

2. **Register for the Class with Family Services of Conciliation Court:** Sign up online at www.pinalcountyz.gov/Judicial/ConciliationCourt or by phone at 520-866-7349.

3. **Attend the Class:** Bring **photo I.D. and proof of payment** or fee deferral to the class. Please arrive 15 minutes early.

Justice Complex (Highway 79)
Pinal County Superior Courthouse
971 Jason Lopez Cir., Bldg. A
Florence, AZ 85132

No children are allowed in class

If you reside outside of Pinal County, you are still required to complete a parent education class (A.R.S. 25-352). Please visit the website for information:

www.pinalcountyz.gov/Judicial/ConciliationCourt

Name of Person Filing: _____
 Street Address: _____
 City, State, Zip Code: _____
 Telephone Number: _____
 Email Address: _____
 ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or Represented by Attorney
 If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
 PINAL COUNTY**

_____ CASE NUMBER: DO2
 Name of Petitioner

**AFFIDAVIT REGARDING
 MINOR CHILDREN**

 Name of Respondent (Natural Mother)

HONORABLE: _____

 Name of Respondent (Natural Father)

 Name of Legal Guardian (if applicable)

NOTICE: This "Affidavit Regarding Minor Children" is required for all legal decision-making cases. You must fill out this Affidavit completely, and provide accurate information. Use additional paper if necessary. You must give copies of this Affidavit and all other required documents to the other party, and to the judge.

- 1. CHILDREN OF THE PARTIES WHO ARE UNDER 18 YEARS OLD.** The following child(ren) are under age 18 and were born to, or adopted by, me and the other party:

Name: _____
 Birth Date: _____ Age: _____
 Name: _____
 Birth Date: _____ Age: _____

Name: _____
 Birth Date: _____ Age: _____
 Name: _____
 Birth Date: _____ Age: _____

- 2. INFORMATION REGARDING WHERE THE CHILDREN UNDER 18 YEARS OLD HAVE LIVED FOR THE LAST 5 YEARS:** (Attach additional pages if necessary)

Child's Name: _____
 Address: _____
 City, State: _____

Dates: From _____ To _____
 Lived with _____
 Relationship to Child: _____

Child's Name: _____
 Address: _____
 City, State: _____

Dates: From _____ To _____
 Lived with _____
 Relationship to Child: _____

Child's Name: _____
 Address: _____
 City, State: _____

Dates: From _____ To _____
 Lived with _____
 Relationship to Child: _____

Child's Name: _____
Address: _____
City, State: _____

Dates: From _____ To _____
Lived with _____
Relationship to Child: _____

3. COURT CASES IN WHICH I HAVE BEEN A PARTY/WITNESS THAT INVOLVED THE LEGAL DECISION-MAKING PARENTING TIME OF THE CHILD(REN): (Check one box)

I have or I have not been a party/witness in court in this state or in any other state that involved the legal decision-making parenting time of the child(ren) named above. (If so, explain on separate paper. If not, go on.)

Name of each child: _____
Name of Court: _____ Court Location: _____
Court Case Number: _____ Current Status: _____
How the child is involved: _____
Summary of any Court Order: _____

4. INFORMATION REGARDING PENDING COURT CASES RELATED TO THE LEGAL DECISION-MAKING OF THE CHILD(REN): (Check one box)

I do have or I do not have information about a legal decision-making parenting time court case relating to any of the children named above that is pending in this state or in any other state. (If so, explain. If not, go on.)

Name of each child: _____
Name of Court: _____ Court Location: _____
Court Case Number: _____ Current Status: _____
How the child is involved: _____
Summary of any Court Order: _____

5. LEGAL DECISION-MAKING OR PARENTING TIME CLAIMS OF ANY PERSON: (Check one box)

I do know or I do not know a person other than the Petitioner or the Respondent who has physical legal decision-making or who claims legal decision-making or parenting time rights to any of the children named in this Affidavit.
(If so, explain below. If not, go on.)

Name of each child: _____
Name of person with the claim: _____
Address of person with the claim: _____
Nature of the claim: _____

OATH OR AFFIRMATION AND VERIFICATION:

I swear or affirm that the information on this document is true and correct under penalty of perjury.

Date

Signature

State of Arizona)
)
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day of _____, 20____
(Day) (Month) (Year)

by _____
(Name of Signer)

(Affix notary seal here)

Notary Public (Notary's Signature)

Arizona Superior Court, Pinal County Family Court Cover Sheet

CASE NUMBER <u>DO 2</u> ATLAS NUMBER(S) _____	Judge _____
--	-------------

<p style="text-align: center;">PETITIONER'S NAME AND ADDRESS</p> Name: _____ Address: _____ City/State/Zip: _____ Phone Number: _____ Email Address: _____ DOB: _____	<p style="text-align: center;">RESPONDENT'S NAME AND ADDRESS</p> Name: _____ Address: _____ City/State/Zip: _____ Phone Number: _____ Email Address: _____ DOB: _____
<p style="text-align: center;">PETITIONER'S ATTORNEY</p> Name/State Bar #: _____ Address: _____ City/State/Zip: _____ Phone Number: _____	<p style="text-align: center;">EMERGENCY ORDER SOUGHT</p> <input type="checkbox"/> Order of Protection <input type="checkbox"/> Temporary Order <input type="checkbox"/> Other _____ (Specify)
<p>Do you or the other party need an interpreter?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> If yes, what language: _____	<p>FEEES: <input type="checkbox"/> PAID <input type="checkbox"/> NOT PAID - REASON</p> <p style="margin-left: 40px;"> <input type="checkbox"/> Political Subdivision/Government Agency <input type="checkbox"/> Deferred <input type="checkbox"/> Waived </p>

ACTION REQUESTED: Check Only One Box

- DISSOLUTION (Divorce)
- With Children
- Without Children

- Legal Separation
 - Paternity/Maternity
 - Annulment
 - Legal Decision-Making
 - Order of Protection
 - Foreign Judgment
 - Domesticated Decree
 - Foreign Judgment for Legal Decision-Making
 - Establish Support
 - Habeas Corpus
 - Visitation
 - Emergency Order of Protection
 - Other _____
- (Specify)

Name of Person Filing: _____
 Street Address: _____
 City, State, Zip Code: _____
 Telephone Number: _____
 Email Address: _____
 ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or Represented by Attorney
 If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
 PINAL COUNTY**

Regarding the Matter of:

 Petitioner (Person seeking legal decision-making)

 Petitioner (Spouse of person seeking legal decision-making)

 Respondent (Natural Mother)

 Respondent (Natural Father)

 Legal Guardian (if applicable)

CASE NUMBER: DO2
**PETITION BY NON-PARENT TO ESTABLISH
 LEGAL DECISION-MAKING IN LOCO PARENTIS
 A.R.S. §25-409**
 HONORABLE: _____

GENERAL INFORMATION:

1. **INFORMATION ABOUT ME (OR US), APPLICANT(S) FOR LEGAL DECISION-MAKING:**
 Name: _____
 Address: _____
 County of Residence: _____
 Date(s) of Birth: _____
 Occupation: _____

MY / OUR RELATIONSHIP TO CHILD(REN) FOR WHOM I WANT THE LEGAL DECISION-MAKING ORDER:

Parent(s) of mother of the child(ren) Grandparent(s) of mother of the child(ren)
 Parent(s) of the Father of the child(ren) Grandparent(s) of father of the child(ren)
 Other: (explain): _____

2. INFORMATION ABOUT THE MOTHER OF THE CHILD(REN):

Mother's Name: _____
Street Address: _____
City, State, Zip Code: _____
County of Residence: _____
Date of Birth: _____
Occupation: _____

3. INFORMATION ABOUT THE FATHER OF THE CHILD(REN):

Father's Name: _____
Street Address: _____
City, State, Zip Code: _____
County of Residence: _____
Date of Birth: _____
Occupation: _____

4. INFORMATION ABOUT LEGAL GUARDIAN(S) OF THE CHILD(REN) If any:

Guardian's Name: _____
Street Address: _____
City, State, Zip Code: _____
County of Residence: _____
Date of Birth: _____
Occupation: _____

5. INFORMATION ABOUT CHILD(REN) FOR WHOM I / WE WANT THE LEGAL DECISION-MAKING ORDER:

Name: _____
Birth Date: _____
Current Address: _____

County of Residence: _____
Living with Father Mother Other
If other, Who? _____

Name: _____
Birth Date: _____
Current Address: _____

County of Residence: _____
Living with Father Mother Other
If other, Who? _____

Name: _____
Birth Date: _____
Current Address: _____

County of Residence: _____
Living with Father Mother Other
If other, Who? _____

Name: _____
Birth Date: _____
Current Address: _____

County of Residence: _____
Living with Father Mother Other
If other, Who? _____

6. **LEGAL DECISION-MAKING, SUPPORT OR PARENTING TIME (VISITATION) CASES RELATED TO THE CHILD(REN).**

(Check one): I DO HAVE I DO NOT HAVE information about a legal decision-making, support or parenting time (visitation) court case relating to any of the children named above that is pending in this state or in any other state. (If so explain below. Attach extra pages if necessary). If "NOT", skip to #7.

***WARNING: If there is already a case pending or a signed Court Order for paternity, legal decision-making, support, parenting time (visitation) of the children for whom you are seeking legal decision-making, STOP! This Petition will not work for your situation. Please consult an attorney about filing as a *third party intervener* in the existing case to modify the existing Court Order.**

Name of each child: _____

Court State: _____ Court Location: _____

Court Case Number: _____ Current Status: _____

Nature of the court proceeding: _____

Summary of the Court Order: _____

7. **LEGAL DECISION-MAKING OR PARENTING TIME CLAIMS:** (Check one box): I DO KNOW I DO NOT KNOW a person other than the Petitioner(s) or the Respondent(s) who has physical legal decision-making or who claims legal decision-making rights to any of the children named in this Petition. (If so, explain below. Attach extra pages if necessary. IF "NOT", go on)

Name of each child: _____

Name of person with the claim: _____

Address of person with the claim: _____

Nature of the claim: _____

STATEMENTS TO THE COURT:

8. **VENUE:** This is the proper court to bring this lawsuit under Arizona law because it is the county of residence of any children named in this Petition or any children named in this Petition are currently present in this county.

9. **LEGAL REASONS I / WE SHOULD BE AWARDED LEGAL DECISION-MAKING:**
(A, B, C and at least one of the choices under D MUST BE TRUE for the Court to grant your request for legal decision-making. **EXPLAIN** why A and B are true. If you cannot, the Court may not grant your request. If C is not true, STOP! This form will not work for your situation)

A. I (we) stand *in loco parentis* (in the position of a parent) to the children. I (we) have a longstanding relationship with the child or children in which I have treated them as my own child(ren) and the child(ren) have treated me or us as parents. **Explain:** _____

B. It would be significantly harmful to the child or children to remain or be placed in the legal decision-making of either of the living parent, guardian or other persons with whom now residing who wish to obtain or retain legal decision-making. **Explain:** _____

C. There is **NO COURT ORDER** for legal decision-making, support, visitation for any of the children named in this petition and there is no court order for paternity *from this county*.

D. I understand that at least one of the following must be true for me (us) to qualify for legal legal decision-making and have marked the box(es) to indicate which are true.

- One of the legal parents is deceased.
- The child(ren)'s legal parents were not married to each other when this Petition was filed.
- The parents were married to each other when the Petition was filed but their divorce or legal separation case has been filed and is pending, not final (the court order has not been signed).

10. REQUEST TO THE COURT:

I / We request to the Court issue an order awarding sole legal decision-making of the child(ren) named above to me / us, the non-parent petitioner(s), as described above.

OATH AND AFFIRMATION OF NON-PARENT(S) PETITIONING FOR LEGAL DECISION-MAKING

I affirm under penalty of perjury that the statements are true and correct and complete to the best of my knowledge and belief.

Date

Signature

State of Arizona)

County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____

Name of Signer

Commission Expires

Notary Public

I affirm under penalty of perjury that the statements are true and correct and complete to the best of my knowledge and belief.

Date

Signature

State of Arizona)

County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____

Name of Signer

Commission Expires

Notary Public