

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

DR 1999-006307

01/12/2012

HONORABLE CHRISTOPHER WHITTEN

CLERK OF THE COURT
C. Soto
Deputy

IN RE THE MATTER OF
APRIL LYNN RUE

APRIL LYNN RUE
2039 S 172ND
GOODYEAR AZ 85338

AND

DAVID VERN RAUCH

DAVID VERN RAUCH
6302 N 61ST AVE
GLENDALE AZ 85301

KATHLEEN RAUCH
6721 N 44TH AVE
GLENDALE AZ 85301
MCSO INMATE MAIL
DAVID RAUCH #P808223
PHOENIX AZ 00000

MINUTE ENTRY

Courtroom OCH 201

Prior to the commencement of this proceeding April Lynn Rue, David Vern Rauch and Kathleen Rauch are sworn.

This is the time set for Evidentiary Hearing on Mother's Petition to Modification of Child Custody, filed October 11, 2011 and Grandmother's Petition for Grandparent Visitation filed November 10, 2011. Petitioner/Mother, April Lynn Rue, is present on her own behalf. Respondent/Father, David Vern Rauch, is present on his own behalf, appearing telephonically. Intervenor/Grandmother, Kathleen Rauch, is present on her own behalf.

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A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held with the Court regarding child custody, parenting time and grandparent visitation.

Based upon the matters discussed,

The parties reach an agreement on a temporary orders basis, which is dictated into the record in the presence of all parties and which can generally be summarized as follows:

IT IS ORDERED granting Mother sole custody of the minor children Elizabeth Rauch, born May 30, 1996 and Kathryn Rauch, born September 26, 1997.

- A. Both parents have the right to participate in school conferences, events and activities, and the right to consult with teachers and other school personnel.
- B. Both parents have the right to authorize emergency medical and dental treatment, if needed, and the right to consult with physicians or other medical practitioners. Each parent shall immediately advise the other parent of any emergency medical or dental care sought for the child. The parents shall also cooperate on health matters concerning the child and keep one another reasonably informed regarding the status of the child's health. The parents shall also keep one another informed as to names, addresses, and phone numbers of all medical and dental care providers.
- C. Each parent may take the child to a church or place of worship of his/her choice during the time that the child is in his/her care.
- D. Each parent shall promptly inform the other parent of important events involving the child.
- E. All communication regarding the child shall be between the parents. The parents shall not use the child to convey information or set up parenting time changes.
- F. Each parent shall be entitled to reasonable telephone contact with the child during their normal waking hours while he is in the care of the other parent. Each parent shall allow the child to freely and privately speak to the other parent. The access parent shall be responsible for ensuring a return call by the child to the other parent within a reasonable time in the event that a message is left or a call is initiated at an inconvenient time.

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- G. Neither parent shall make any derogatory comments about the other parent, or permit others to do so, in the presence of the child. Each parent shall encourage love and respect between the child and the other parent and neither shall do anything that may undermine the other parent's relationship with the child.
- H. Each parent shall ensure that while the child is in his/her care on school nights, he timely completes his homework assignments.
- I. Each parent shall inform the other parent of any change of address and/or phone number at least two days prior to the change.
- J. **PARENTAL ACCESS TO RECORDS AND INFORMATION:** Under Arizona law (A.R.S. § 25-403.06), unless otherwise provided by court order or law, on reasonable request, both parents are entitled to have equal access to documents and other information concerning the child's education and physical, mental, moral and emotional health including medical, school, police, court and other records. A person who does not comply with a reasonable request for these records shall reimburse the requesting parent for court costs and attorney fees incurred by that parent to make the other parent obey this request. A parent who attempts to restrict the release of documents or information by the custodian of the records without a prior court order is subject to legal sanctions.
- K. Neither parent shall discuss, or permit others to discuss, the issues in this case with the minor child. Neither parent shall share, or permit others to share, any pleadings, motions, minute entries or other documents related to this case with the minor child. Both parents shall ensure that the minor child has no access to any pleadings, motions, minute entries or other documents related to this case.
- L. Neither parent shall discuss custody or other legal issues with the child.
- M. Should either party travel with the child during his/her parenting time, he/she shall provide the other parent with a written itinerary at least three days in advance of the trip. The itinerary shall include transportation information and the address(es) and phone number(s) where the child can be reached.
- N. Both parents shall be listed as contacts on any forms or lists that require contact information including, but not limited to, forms or lists required by schools, extra-curricular activities, child-care providers and medical providers.

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- O. If either parent intends to relocate outside the State or more than 100 miles within the State, he/she shall provide at least 60 days advance written notice to the other parent and adhere to the provisions of A.R.S. § 25-408(B).

IT IS FURTHER ORDERED Father shall have no parenting time until the ultimate disposition of Father's criminal matters, including any possible appeals, have been finalized.

IT IS FURTHER ORDERED Paternal Grandmother shall have supervised visits with minor children until Father's criminal matters have been resolved. Supervision shall be provided by Robin Metz or Charles Metz or any person on the court approved list of supervisors. After the ultimate disposition of Father's criminal matters, Grandmother's visitation schedule will change to unsupervised one weekend per month including an overnight stay, to begin Saturday morning until 6:00 p.m. Sunday. Additionally she shall have two consecutive weeks with the minor children every summer.

Mother, Father and Paternal Grandmother, having previously been sworn, testify that they have heard, understood, and agree with the agreement as dictated into the record.

THE COURT FINDS that the parties have knowingly, intelligently, and voluntarily entered into a binding Rule 69 agreement, which will be enforceable by the Court consistent with the record.

THE COURT FURTHER FINDS that the agreement entered into between the parties is not unfair, and is reasonable and in the best interests of the parties' minor children.

IT IS ORDERED approving the agreement of the parties as dictated into the record this date as a binding agreement pursuant to Rule 69, Arizona Rules of Family Law Procedure.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

/S/ JUDGE CHRISTOPHER WHITTEN

JUDGE CHRISTOPHER WHITTEN
JUDICIAL OFFICER OF THE SUPERIOR COURT

9:29 a.m. Matter concludes.

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All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.