

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2007-004480

01/13/2014

HONORABLE JOSE S. PADILLA

CLERK OF THE COURT  
D. Berkland  
Deputy

IN RE THE MARRIAGE OF  
MICHELE AVA RALEY

KATHERINE KRAUS

AND

STEVEN CRAIG RALEY

STEVEN CRAIG RALEY  
17850 W PEAK VIEW RD  
SURPRISE AZ 85387

PARENTING SKILLS PROGRAM  
SUPERVISED VISITATION CENTERS  
1112 W CAMELBACK RD  
PHOENIX AZ 85013

MINUTE ENTRY

Courtroom 122 – NWR

9:10 a.m. This is the time set for Resolution Management Conference re: Petitioner's Petition to Modify Legal Decision Making, Parenting Time and Child Support, filed on August 14, 2013. Petitioner is present and is represented by counsel, Katherine Kraus.

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

Brief discussion is held with regard to Respondent/Father's whereabouts.

Counsel for Petitioner/Mother makes an oral motion for default or, in the alternative, requests the Court enter temporary orders.

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**IT IS ORDERED** granting counsel's oral motion for temporary orders.

**IT IS FURTHER ORDERED**, on a temporary basis, Petitioner/Mother shall have sole legal decision making of the minor child, Maggie Helena Raley, dob: December 11, 2002.

**IT IS FURTHER ORDERED** that Petitioner/Mother shall not remove the child from the following boundaries during her parenting time without the written consent of Respondent/Father or this Court:

- North: Anthem;
- Northeast: Cave Creek / Scottsdale;
- Northwest: Wickenburg;
- Southwest: Tonopah/Buckeye;
- Southeast: Chandler
- South: Ahwatukee
- East: Apache Junction;

**IT IS FURTHER ORDERED** abating Respondent/Father's parenting time under the current Order to reflect that all parenting time by Respondent/Father shall occur through a closed supervised facility such as Supervised Visitation Centers or Parenting Skills program. Respondent/Father's parenting time shall be defined as every other Saturday, from 10:00 a.m. until 2:00 p.m.

Respondent/Father shall contact **Parenting Skills at** (480) 967-6895 x102 2131 E. Broadway Rd. #14, Tempe, Arizona, or **Supervised Visitation Centers at (602) 22-2270**, located in Glendale (at 31<sup>st</sup> Avenue and Peoria) and Mesa, to arrange for an appointment.

**IT IS FURTHER ORDERED** that Respondent/Father shall be responsible for and pay 100% of the supervised parenting time fees until further order of the Court.

**IT IS FURTHER ORDERED** affirming all other orders currently in full force and effect.

**EVIDENTIARY HEARING SET**

**IT IS FURTHER ORDERED** setting the above-captioned matter for **Evidentiary Hearing re: Petitioner's Petition to Modify Legal Decision Making, Parenting Time and Child Support on April 30, 2014 at 3:00 p.m.** (1½ hours allotted) before the Honorable Jose S. Padilla, located at 14264 West Tierra Buena Lane, Courtroom 122, Surprise, Arizona 85374.

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Each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are advised the Court will utilize a portion of the time for its ruling. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

Each party is directed to provide the Court with their recent paycheck stubs, W-2's, and tax returns completed at the time of the hearing.

**IT IS FURTHER ORDERED** that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to the hearing.

**IT IS FURTHER ORDERED** that the Joint Pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances.
2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

**IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:**

1. Both parties shall exchange updated disclosure statements required by Rules 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits on or before **April 18, 2014**.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than **April 11, 2014**.
3. Counsel and both parties shall personally meet, face to face to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

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The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution/company or business/medical or health care provider/employer possessing any relevant information.

**IT IS FURTHER ORDERED** that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 70(D), Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

**EXHIBITS**

**IT IS FURTHER ORDERED** that, if either party has exhibits to be marked, counsel or the parties shall deliver said exhibits to the Clerk **at least five (5)** business days prior to trial. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

1. Counsel and/or the parties shall submit all exhibits to this Division by 5:00 p.m. on April 23, 2014. Exhibits shall not be filed at the Clerk of Court filing counter.

2. The exhibit packet shall contain a title page which states the case number, whether the exhibits are Petitioner's or Respondent's and the date for the hearing. Failure to clearly indicate which party is presenting the exhibits may result in the exhibits being marked incorrectly or not marked at all.

3. Each exhibit shall be stapled if it contains more than one page. Each exhibit shall be clearly separated from the other exhibits, preferably by placing a colored page in between each exhibit. Do not staple the colored pages to the exhibits. Do not write or type on the colored pages. The clerk will reuse the colored pages if they are left blank. Failure to clearly separate each exhibit may result in the exhibits being marked differently than counsel and/or the parties intended, such as multiple exhibits being marked as one exhibit.

4. The exhibits shall be marked in the order received. For example, if Respondent's exhibits are received first, Respondent's exhibits will be marked first, i.e., Respondent's exhibits 1 through 5, and Petitioner's exhibits will follow Respondent's exhibits in number, i.e., Petitioner's exhibits 6 through 10.

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5. Duplicate exhibits shall not be presented.
6. The parties shall provide the adverse party with a separate copy of all exhibits.

Information regarding exhibits for parties not represented by counsel:

The Court does not automatically review exhibits. Each party will need to offer his/her exhibits into evidence during the hearing by stating to the Court that he/she is offering exhibit(s) 1, 2, 3, etc. The party will need to explain the relevance of each exhibit to the Court. Exhibits that are not received into evidence during the hearing will be returned to the party at the conclusion of the hearing without the Court reviewing the exhibit(s).

**IT IS FURTHER ORDERED** that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

**NOTICE**

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

**SETTLEMENT**

**IT IS FURTHER ORDERED** in the event a full settlement is reached prior to the time of hearing, the parties or counsel, if represented, **shall** present the formal written Judgment or the agreement signed and notarized by all parties, **prior to 5:00 p.m. the day prior to** the scheduled hearing [if set on the Court's morning calendar the following day, e.g., 9:00 to 11:55 a.m.] or **not**

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later than 9:00 a.m. on the day of hearing [if the hearing is set on the Court's afternoon calendar, e.g., 1:30 to 4:55 p.m.].

**In the event the agreement has not been reduced to writing, all parties and their counsels, if represented, shall appear at the time designated for hearing to recite the agreement on the record and have it entered as the order of the court pursuant to *Rule 69*, (*Arizona Rules of Family Law Procedure hereinafter AzRFLP*).**

If the signed Judgment or agreement is not received by the Court pursuant to these guidelines, and the parties and/or their respective counsels, if any, fail to appear as ordered, the Court **shall dismiss the case in its entirety, without prejudice** and the matter **will not** be reinstated but for the most compelling of reasons. See *Rule 70(B)*.

**IF ONLY ONE PARTY APPEARS, THE COURT MAY ENTER A DEFAULT AGAINST THE ABSENT PARTY, AND ALLOW THE PARTY THAT APPEARS TO PROCEED BY DEFAULT AND/OR ISSUE A CIVIL ARREST FOR THE PARTY WHO FAILS TO APPEAR. IF BOTH PARTIES FAIL TO APPEAR, THE ENTIRE CASE MAY BE DISMISSED, WITHOUT FURTHER NOTICE TO EITHER PARTY.**

9:16 a.m. Matter concludes.

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