

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-005937

03/21/2012

HONORABLE CHRISTOPHER WHITTEN

CLERK OF THE COURT
K. Skelton
Deputy

IN RE THE MARRIAGE OF
LILLIAN C THOMPSON

DAVID D WHITE

AND

BRIAN DAVID VAUGHN

MARIA P STEIN

DOCKET-FAMILY COURT CCC
FAMILY COURT SERVICES-CCC

DECREE OF DISSOLUTION OF MARRIAGE

A successful settlement Conference in this matter was conducted on March 21, 2012.

After significant deliberation, the parties agree to and the Court makes the following findings and enters the following orders:

THE COURT FINDS as follows:

- A. At the time this action was commenced at least one of the parties was domiciled in the State of Arizona and that said domicile had been maintained for at least 90 days prior to the filing of the Petition for Dissolution of Marriage.
- B. The conciliation provisions of A.R.S. § 25-381.09 have either been met or do not apply.
- C. The parties were married on May 26, 2001. By operation of law, the marital community is deemed to have terminated on September 16, 2010.
- D. The marriage is irretrievably broken and there is no reasonable prospect for reconciliation.

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- E. There are two minor children, common to the parties, namely: Trevor N. Vaughn (born March 17, 2006) and Dillon R. Vaughn (born March 20, 2004).
- F. Mother is not pregnant.
- G. This was not a covenant marriage.
- H. To the extent that it has jurisdiction to do so, the court has considered, approved and made provision for the maintenance of each spouse and the division of property and debts.

DISSOLUTION OF MARRIAGE

IT IS ORDERED dissolving the marriage of the parties and restoring each party to the status of a single person.

CUSTODY AND PARENTING TIME

Jurisdictional Findings

THE COURT FINDS that Mother and Father have two minor children in common: Trevor N. Vaughn (born March 17, 2006) and Dillon R. Vaughn (born March 20, 2004). The parties and the minor children have resided in Arizona continuously for at least the six months preceding the filing of the petition for dissolution. This Court, therefore, has jurisdiction as Arizona is the “home state” of the minor children. *See* A.R.S. § 25-1031.

Best Interest Findings: A.R.S. § 25-403

The Court has considered the agreement of the parties, the recommendations of Dr. John Moran as described in his December 21, 2011 report, and the factors under A.R.S. § 25-403. The parties have stipulated to a finding that the agreed upon plan is in the best interests of the minor children.

THE COURT FURTHER FINDS that there is no history of significant domestic violence (A.R.S. § 25-403(E) and 25-403.03), any drug related offenses of either party (A.R.S. § 25-403.04) and any sexual offenses (A.R.S. § 25-403.05) sufficient to preclude the award of joint legal custody as agreed.

Legal Custody

THE COURT FURTHER FINDS that that based on the above, it is in children’s best interest that Mother and Father be awarded joint legal custody of Trevor N. Vaughn (born March 17, 2006) and Dillon R. Vaughn (born March 20, 2004).

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IT IS THEREFORE ORDERED awarding Mother and Father joint legal custody of Trevor N. Vaughn (born March 17, 2006) and Dillon R. Vaughn (born March 20, 2004).

Custody Terms

Mother and Father are appropriately addressing their own behavioral issues in counseling and it is recommended they continue in treatment until each of their counselors conclude that treatment goals have been met.

Trevor should engage counseling with a counselor mutually agreeable by the parents. Counseling does not appear necessary for Dillon at this time.

Co-Parenting:

- The parents share equal responsibility for driving transportation of the children. A parent may designate another responsible adult to transport the children; however, that person should be identified in advance of the scheduled exchange time. Neither parent shall permit the children to be transported by any person who is possessing, using, or who is under the influence of alcohol or any non-prescribed chemicals.

- Caretaker of First Choice Provision: If either parent is unavailable to care for the children overnight during their regularly scheduled access time, the non-custodial parent is entitled to be with the children before another family member (including a step-parent, fiancé, or grandparent) provides care or a paid childcare provider is employed. The Caretaker of First Choice Provision does not apply when the custodial parent is available and allows the children to sleep away from home, e.g., with friends or in a family member's home.

- Protecting the Children from Conflict: Both parents encourage the children to enjoy family time with the other parent in accordance with the Court Order.

Neither parent exposes the children to any incidents of domestic violence or extreme or hostile conflict. Neither parent shall expose the children to derogatory comments about the other parent, or the relatives or friends of the other parent. The parents shall neither argue nor insult each other in the presence of the children or allow a third party to do so. Neither parent shall frighten the children by saying things such as that the other parent is trying to take them away; the other parent does not love them, want to see them, or is interfering with visits.

The parents shall not discuss custody, visitation, or child support issues in the presence of or with the children. The parents shall ensure that the children are not exposed to any discussion

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of custody disputes or legal proceedings other than to assure the children that the parents are trying to work out appropriate arrangements so that they can have frequent and regular access to both parents.

The parents shall not question the children about where they want to live. The parents shall not question the children about the personal life of the other parent. The parents shall not express to the children how angry they are with the other parent; how they doubt the trustworthiness of the other parent; or how hurt and frustrated they are by the actions of the other parent.

- **Communication Between the Parents:** The parents are encouraged to communicate by phone if possible, or by email and/or facsimile if they cannot contain in-person conflict. The following guidelines are to be followed:

- One topic per email.
- The email should be one short paragraph, no more than five (5) sentences.
- The communication should be either; 1) future-focused regarding an emerging problem, or 2) informative, such as providing information from a medical appointment.
- The content of the email must pertain to the child.
- Each item should be said only once (no reiteration of what was already said).
- No abusive, insulting, sarcastic, or profane language.
- Parents should respond in a timely fashion, within 24 hours of when the email was sent.
- Each parent should initiate no more than two (2) emails per day, unless an emergency exists.
- Emails should be between parents rather than a stepparent to a parent.

- **Schoolwork and Activities.** Neither parent should enroll the children in extracurricular activities that require involvement of the other parent without prior expressed agreement by the other parent. Neither parent, parents' friends, nor parents' family should be excluded from any of the events involved in the children's school or extracurricular activities, unless otherwise prohibited by the Court.

- **Child's clothing and possessions.** Each parent should maintain clothing for the children so that they do not have to transition with additional clothing. Toys and other possessions are the children's property they may take back and forth as they wish. Toys and other possessions include, but are not limited to: electronic games, athletic equipment, uniforms, stuffed animals, favorite articles of clothing, art projects, and so forth.

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- Telephone access: On days when a parent does not have parenting time with the children, the non-custodial parent has the right to contact the children by telephone. If a parent sees that the other parent is calling, he or she may simply hand the phone to the children to answer. The custodial parent should insist that the children receive the phone call, excepting unusual circumstances. The call between the children and the non-custodial parent should be brief, for example, five minutes. If the children are not available and a message is left requesting a return call, the return call should be made within 24 hours. The children should be given privacy such that an adult does not overhear the conversation. In the event that a parent is traveling out of state with the children, their telephonic contact with the non-custodial parent should be daily when reasonably possible.

- Transportation and exchanges: When exchanges are necessary, they shall be conducted curbside with the receiving parent picking up the child from the other parent's home. The parents shall make every effort to be polite and respectful to each other. Interaction between the parents shall be restricted to the orderly exchange of the children. The parents are not to use exchanges of the children, or other circumstances in which the children are present to share information with one another, make requests of one another, engage in negotiation, or related activities.

- School Artwork: All school artwork shown in the school art show belongs to the children, and they shall decide where it is exhibited. The children's teachers may assist the children in deciding where to display their art.

- End of the School Year Folder: Mother shall have the contents of Trevor's folder in even years and Father shall have the contents of Dillon's folder in even years. In odd years, Father shall have the contents of Trevor's folder and Mother shall have the contents of Dillon's folder.

- Continuity of Care: In general, continuity in medical care or treatment is in the children's best interests. Therefore, the current treating professionals presumptively shall continue to provide healthcare services for the children. A change in treating professionals may occur if there are changed circumstances (such as a move or changes in insurance coverage), or the parents otherwise agree.

- The Medical Clearinghouse: For children, the family physician or pediatrician usually serves as a medical case manager. However, there are circumstances when other professionals may become involved. If a child is referred to a specialist, the specialist will generally report back to the primary healthcare provider. In other circumstances, this information exchange may not be part of normal protocol. Examples include a child being seen

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at an emergency department or urgent care center. In these circumstances, it is critical that the parent requests that the healthcare provider forward a consultation report to the primary care provider.

- **Don't Touch My Healthcare:** In high-conflict cases, the parent maintaining insurance coverage for the children may choose to restrict the other parent from having coverage information. This is contrary to the children's best interest. The parent maintaining coverage for the children should provide at least the following to the other parent:

- Name and address of insurance provider
- Policy and group ID numbers
- Contact phone information for confirmation of coverage or authorization
- Policy provisions such as through a policy booklet
- Insurance ID card

- **According to the doctor:** Medical instructions from a treating professional regarding an illness, injury, or treatment plan must be exchanged between parents. The parent receiving the information or instructions should disclose at least the following to the other parent:

- Prescription information, instructions, and possible side effects
- Treatment plan
- Warnings and symptoms
- Diagnosis
- Follow-up care and appointments

- **The doctor will see you:** While there are legitimate reasons why both parents may insist on being present at healthcare appointments, there is the risk that high-conflict parents may use the healthcare office as a forum for disputes. Both parents being present may often create issues at the treating professional's office, leading at times to restrictions placed by the office or termination of service, all of which is contrary to the children's best interests. Therefore, the parents have an affirmative obligation to behave appropriately when attending jointly any healthcare appointments for the children or to schedule separate appointments with the children's treating professionals.

- **I want a second opinion:** If a parent intends to seek a second opinion that is not restricted by Court order, conflict may be mitigated by including the following in the parenting plan:

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- If either parent wishes to secure a second opinion, that parent is required to provide notice to the other parent.
- The parent seeking the second opinion may select the professional at his/her expense (less any insurance coverage) after providing notice and disclosure to the other parent.
- An appointment for the child to be seen by the second-opinion professional may be set by the requesting parent, but the other parent shall have the opportunity to attend or consult separately with the second-opinion professional.
- The second-opinion professional shall be provided with all relevant records that address the healthcare issue of the child.
- If a child is seen by the second-opinion professional, invasive procedures shall be addressed with both parents before the procedure is implemented.
- The second-opinion professional should be encouraged to confer with the diagnosing professional and the primary healthcare provider.
- The issuance of a second opinion should be in writing, provided to both parents, and forwarded to the diagnosing professional and the primary healthcare provider.

- **International Travel:** The parents shall jointly file to obtain a passport for the children. The parents keep the passport in a special safe deposit box held in both parents' names, with the parties to equally share the expense. Both parents are entitled to a key to the safe deposit box and neither be permitted to remove the children's passport without the express written authorization of the other party, or by order of the Court. A parent who wishes to travel to a foreign country with the children must give reasonable (minimum of 30 days) advance notice of his or her plans to the non-traveling parent. If either parent disagrees with the other parent's plans for foreign travel with the children, the parties shall attempt to resolve the matter before filing any pleading with the Court. If the issue is presented to the Parenting Coordinator and not resolved, or if a parent disagrees with the Parenting Coordinator's recommendation, either party may request a hearing before the Court on the disputed subject. No later than 14 days before the planned departure date, the traveling parent must provide the other parent with an itinerary, including the name and location of the destination(s), the names of the transportation carriers along with the flight numbers, departure and arrival times, contact information for emergency contact, and the identity of planned caretakers who will care for the children while the traveling parent is in a foreign country. The parents recognize and agree that any foreign trip will require advance joint planning by both parents, including consideration of any inoculations or other medical/health treatment, whether mandatory or discretionary, recommended by the children's attending physician.

- **Internet and Social Networking Security: Parental Controls of Home Computers.** Both parents use parental controls on all computers that are accessible to the

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children. In the event an adult's computer does not have parental controls, it shall be password protected with a secure password unknown to the children. The parental controls shall include content and user-time limitations. Parents shall use only secure sites to download children's games and shall review the content prior to allowing the children to participate in any Internet game.

○ Children's participation in Facebook/My Space/Twitter and other interactive social networking Internet activities. The children may participate in obtaining these accounts (upon agreement by both parents), but (each) parent will have the children's password for any of these accounts and shall be able to completely monitor, and, if necessary, shut down the account. All accounts regarding the children shall be private accounts and shall not be open to public use. The parents will periodically monitor to determine whether the children's "friends" are appropriate and shall block any "friend" that the parent deems inappropriate.

○ Use of photographs of children on the Internet. In the event either parent desires to post photographs of the children on a social networking or other Internet site, that parent will maintain the privacy of the site by blocking unknown persons and will block "friends of friends." Additionally, any photograph of the children shall be appropriate for age and content and shall not include any nudity or partial nudity. The parent will take any other necessary security precautions as may be required from time to time.

○ Inappropriate Adult Activities. The children shall not be exposed to any pornography in either parent's home or any situation where inappropriate sexual material or conduct shall be viewed. Any pornographic material in either parents' home shall be stored in a secure location, which cannot be accessed by the children, when the children are in that parents' care. The parents will monitor any virtual interactive games the children may be involved in for appropriate content and activity.

Relocation- Neither parent shall relocate the residence of the children outside of the state of Arizona or to a distance greater than 100 miles from the current residential locations unless that parent first secures the written consent of the other or secures a court order authorizing the move.

Mediation Or Conciliation Services- The parties shall participate in mediation through a private mediator or through this Court's Conciliation Services to resolve any disputes, problems or proposed changes regarding this child custody order or parenting time before seeking further relief from the Court.

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Parenting Time

As a term of the overall custody orders, parenting time shall be exercised as follows:

- I. **Regular Access-** Mother and Father shall share equal parenting time on the following schedule. Parenting time is organized on a 5-2/2-5 schedule in which Dillon and Trevor are with Mother each Monday from 9:00 a.m. or beginning of school until Wednesday 9:00 a.m. or beginning of school, and with Father each Wednesday from 9:00 a.m. or beginning of school until Friday 9:00 a.m. or beginning of school, and the weekends are alternated. This is a 14-day (two-week) schedule, which continually repeats as follows:

Week One:

Father: Wednesday, Thursday, Friday, Saturday, Sunday
Mother: Monday and Tuesday

Week Two:

Father: Wednesday, Thursday
Mother: Friday, Saturday, Sunday, Monday, Tuesday

Week Three (Week One repeated):

Father: Wednesday, Thursday, Friday, Saturday, Sunday
Mother: Monday and Tuesday

Week Four (Week Two repeated):

Father: Wednesday, Thursday
Mother: Friday, Saturday, Sunday, Monday, Tuesday

SUN	MON	TUES	WEDS	THURS	FRI	SAT
			F	F	F	F
F	M	M	F	F	M	M
M	M	M	F	F	F	F
F	M	M	F	F	M	M
M	M	M				

II. Holiday Schedule-

- **Thanksgiving:** Alternated. Thanksgiving is defined as release from school on Wednesday, or 3 p.m. if there is no school that day, until Monday return to school, or 9:00 a.m. if there is no school that day. The children are with Mother for Thanksgiving

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in odd-numbered years and with Father for Thanksgiving in even-numbered years. If this results in Father losing a day of his regular access, then that day shall be added to Father's Summer Vacation access.

- ***Christmas Break:*** Defined as release from school until the night before return to school. The children are with Mother the first half of the winter holiday in even-numbered years until Noon then with Father for the 2nd half of the holiday. The schedule sequence reverses in odd-numbered years. If both parents are in town, the children are with the parent who has the second half of the holiday on Christmas Day from 2:00 p.m. until 6:00 p.m.
- ***Spring Break and Fall Break:*** At their current school, the boys are released from school for five (5) days for both spring and fall breaks. The same parent shall have both fall and spring breaks with both children in a school year. For the 2011-2012 school year, Mother shall have both breaks. For the 2012-2013 school year, Father shall have both. That alternating pattern will continue each school year thereafter.
- ***Three-Day Holidays:*** The weekly schedule prevails, and the children have holiday time with the parent with whom they spent the weekend. If this results in Mother losing a day of her regular access, then that day shall be added to Mother's Summer Vacation access.
- ***Early School Release Days:*** Follow the regular schedule.
- ***Mother's Day and Father's Day:*** Defined as Saturday at 6:00 p.m. until Monday at 9:00 a.m. or return to school or camp. The children are with the parent celebrating their special day.
- ***Easter:*** Defined as Saturday at 6:00 p.m. until Monday at 9:00 a.m. or return to school or camp; the children are with Father for Easter in odd-numbered years and with Mother in even-numbered years.
- ***Children's Birthdays:*** Follow regular schedule.
- ***Parent's Birthday:*** Defined as the day of the parent's birthday at 9:00 a.m. until the following day at 9:00 a.m. or return to school or camp. The children are with the celebrating parent.
- ***July 4th and Halloween:*** Alternated. July 4th is defined as July 4th at Noon until July 5th at 9:00 a.m. or return to camp; Halloween is defined as October 31st at Noon or release from school until November 1st return to school or Noon if the holiday occurs during a

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weekend. In even-numbered years, the boys are with Father for July 4th and with Mother for Halloween; in odd-numbered years the schedule reverses.

- **Personal Holiday:** Each parent is entitled to remove the children from school one day per year for personal reasons. The parent taking the personal holiday will inform the other parent 48 hours in advance of their intention to remove the children from school.

III. Summer Vacation- Each parent is entitled to 14 days of vacation time with the children each summer to be used consecutively or in a minimum of one-week blocks. Summer vacation periods should end concurrent to the a parent's regular weekly access time so that vacations periods are not "piggy-backed" onto regular access time and extended beyond 7 or 14 days in length. The parents shall exchange vacation schedules by May 1st of each year. If the parents' vacation plans are in conflict, in odd-numbered years Mother's schedule prevails, and in even-numbered years Father's schedule prevails.

CHILD SUPPORT

THE COURT FINDS that the parties' agreement that Father pay Mother child support in the amount of \$388.00 on the first of each month as and for child support, starting April 1, 2012 is reasonable and in the children's best interests.

This figure was arrived at using a Child Support Worksheet that is filed separately on this date, and which the Court hereby incorporates and adopts as its findings with respect to child support.

LET THE RECORD REFLECT an Order of Assignment is initiated electronically by the above-named deputy clerk.

Insurance and Unreimbursed Medical Expenses

IT IS FURTHER ORDERED that Father shall provide medical and dental insurance for the benefit of the parties' minor children, and shall provide an insurance card and claim filing information/forms to the other parent. All medical, dental and orthodontia expenses incurred for the health and protection of the child not covered by insurance shall be paid 69% by Father and 31% by Mother.

IT IS ORDERED that unless good cause is shown, any request for payment or reimbursement of uninsured medical, dental, and/or vision costs must be provided to the other parent within 180 days after the date the services occur. The parent responsible for payment or reimbursement must pay his or her share, as ordered by the Court, or make acceptable payment

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arrangements with the provider or person entitled to reimbursement within 45 days after receipt of the request.

Both parents must use their best efforts to obtain services that are covered by the insurance. A parent who is entitled to receive reimbursement from the other parent for medical costs not covered by insurance shall, upon request of the other parent, provide receipts or other evidence of payments actually made.

Tax Deduction For the Children As Dependents

IT IS ORDERED that the parties may claim the eligible dependents as follows: In 2011 Father shall be allowed to claim both children for tax purposes. In 2012 and 2013 each parent will be allowed to claim one child for tax purposes. This pattern will then repeat with Father claiming both children for tax purposes one year and then each parent claiming one child for tax purposes for the next two years.

IT IS FURTHER ORDERED that if Father is not current in the total Court-ordered child support obligation for the current calendar year and/or any Court-ordered arrearage payment due during the calendar year for which the exemption is to be claimed but nevertheless claims the children for tax purposes, Father shall pay directly to the Support Payment Clearinghouse 100 percent of any and all tax refunds that Father receives, which shall be applied first towards Father's current child support obligation, Father's current spousal maintenance obligation, and then towards any arrearage.

Exchange Of Income Information

IT IS FURTHER ORDERED that the parties shall exchange income information every 24 months. Said financial information shall include, but not be limited to: personal tax returns with all schedules, affidavits of financial information, earning statements and other such documentation necessary to establish or prove the income of either party. In addition, at the time of the exchange of financial information, the parties shall also exchange residential addresses and the names and addresses of their respective employers.

DIVISION OF PROPERTY AND DEBTS

The parties agreements regarding the resolutions of all property and debt disputes, as described in their October 21, 2011 agreement, filed separately on today's date, is fair and in the best interests of the children and is incorporated here by reference.

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ATTORNEY FEES AND COSTS

Both parties have requested an award of attorney fees and costs. An award of attorney fees and costs is governed by A.R.S. § 25-324. By agreement, Mother will pay Father \$2,500.00 towards his attorney's fees within forty-eight hours. Mother agrees to dismiss her request for attorney's fees and Father agrees to dismiss his claim for reallocation of the \$10,000.00 he was previously ordered to pay.

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*.

DATED the 21 day of March, 2012

/S/ JUDGE CHRISTOPHER WHITTEN

JUDICIAL OFFICER OF THE SUPERIOR COURT

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>.

/S/ Lillian C. Thompson

Lillian C. Thompson
Mother

/S/ David D. White

David D. White, Esq.
Council for Mother

/S/ Brian David Vaughn

Brian David Vaughn
Father

/S/ Maria P. Stein

Maria P. Stein, Esq.
Council

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FILED: Financial and Property Settlement Agreement; Child Support Worksheet