

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2006-006430

08/03/2007

HON. SARAH D. GRANT, RET.

CLERK OF THE COURT  
C. Castro  
Deputy

IN RE THE MATTER OF  
MELISSA CHRISTINE GILLILAND

GENENE M DYER

AND

JUSTIN K UTTER

STEPHEN J RENARD

CONCILIATION SERVICES-CCC  
FAMILY COURT SERVICES-CCC  
PARENTING SKILLS PROGRAM  
TASC INC  
675 E HIGHWAY 89A  
COTTONWOOD AZ 86326

MINUTE ENTRY

Courtroom 1102 -- Central Court Building

Prior to the commencement of today's proceedings, Petitioner's Exhibits 1 through 9 are marked for identification.

2:32 p.m. This is the time set for Evidentiary Hearing. Petitioner (Mother) is present with counsel, Genene M. Dyer. Respondent (Father) is present with counsel, Stephen J. Renard.

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

Discussion is held with the Court on the record.

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**The record shall reflect that Respondent (Father), Justin K. Utter acknowledges paternity of the minor children Austin Utter, born June 29, 1994; Tyler Utter, born July 8, 1995; and Camron Utter, born August 14, 1998.**

**IT IS ORDERED** *pendente lite* that Mother shall be designated as the primary residential custodian and the minor children shall reside with Mother at all time except for parenting time allocated to Father on alternating weekends.

Melissa Christine Gilliland is sworn and testifies.

Based upon the testimony presented,

**IT IS ORDERED** *pendente lite* that Father's parenting time shall be **supervised** through Parenting Skills Program. Father shall pay the costs of the supervised parenting time, subject to reallocation at the time of final resolution of this matter.

**IT IS FURTHER ORDERED** *pendente lite* that Father shall pay to Mother as and for child support the sum of \$750 per month, subject to reallocation at the time of final resolution of this matter.

**IT IS FURTHER ORDERED** it is the responsibility of the party obligated to pay child support to pay the support to **Support Payment Clearinghouse, P. O. Box 52107, Phoenix, Arizona 85072-2107**. The payment should show the case number and/or ATLAS case number and the name of the party paying support and the name of the party who will receive the payment.

**IT IS FURTHER ORDERED** that Father shall file and submit a copy thereof to this Division a Pre-Trial Statement and current Affidavit of Financial Information within thirty (30) days from the date of this minute entry.

It appearing to the Court that there exists one or more contested issues pertaining to the custody and/or parenting time of the minor children; the Court having determined that this is an appropriate matter to be referred to Conciliation Services for a non-confidential Parenting Conference; and the Court having contacted Conciliation Services in open court to determine a time for the conference,

**IT IS ORDERED** referring this matter to Conciliation Services for a non-confidential Parenting Conference on **Thursday, September 27, 2007, at 8:00 a.m.** In the event Conciliation Services feels it appropriate to conduct a Child Interview, they shall notify the parties at the conclusion of the Parenting Conference. A Report shall be prepared by the Conciliator and sent to the parties and the Court.

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**IT IS FURTHER ORDERED** that each party is directed to immediately go to Conciliation Services on the third floor of the Central Court Building, 201 West Jefferson, to complete the required documents. Should you fail to appear for your scheduled Parenting Conference Appointment, the Court may impose sanctions and/or require that you participate in private mediation.

**WARNING**

YOU WILL HAVE TO PAY A \$200 FEE IF YOU DO NOT ATTEND THE PARENTING CONFERENCE 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 PARENTING CONFERENCE SESSION, BOTH PARTIES MUST NOTIFY CONCILIATION SERVICES AS SOON AS POSSIBLE OF THE SETTLEMENT TO AVOID PAYING THIS FEE. A COPY OF THE WRITTEN SETTLEMENT, DATED AND SIGNED BY BOTH PARTIES, MUST BE DELIVERED TO CONCILIATION SERVICES.

*ISSUED: Referral to Conciliation Services Parenting Conference Form (2)*

**IT IS FURTHER ORDERED** that Father shall undergo random drug testing on the following basis:

- A. **Agency.** Father's random drug testing shall be conducted at the following testing agency or at a location of TASC, Inc. as indicated on the Referral Form:

**TASC, Inc.**  
**675 East Highway 89A**  
**Cottonwood, Arizona 86326**  
**Phone: (928) 649-1312**

- B. **First Test.** Father shall report to TASC no later than **close of business on Monday, August 6, 2007**, for his first test.
- C. **Scope.** Father shall undergo a full spectrum substance and drug test **Screen A** for each test ordered herein.
- D. **Cooperation.** Father shall cooperate fully as reasonably required by the testing agency to comply with this Order, including:

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1. Father shall provide such samples as are reasonably required by the testing agency to comply with this order.
  2. Father shall timely report for testing and provide samples as directed by the testing agency.
  3. Father shall present photo identification to the testing agency at the time of each test, along with any prescription medications currently being taken.
  4. Father shall sign and deliver such forms of consent, authorization and release of test results as shall be reasonably required by the testing agency to comply with this Order.
- E. **Cost.** Father shall pay the cost of his testing (\$25.00 per test) in money order or cashier's check at the time of testing.
- F. **Frequency & Duration.** Father shall be randomly tested not less than once per week until final resolution of this matter.
- G. **Positive/Diluted/Missed Test.** All parties are advised that the failure, neglect or refusal to participate in testing, or providing a diluted test sample at the time of testing, may be considered an admission by the party that the testing, if properly conducted, would have revealed the use of the substance(s) tested for, which finding is contrary to the best interest of a child.
- H. **Reporting.** The parties are hereby advised that test results ARE NOT confidential and will be filed in the Court file upon receipt by the Court. The results of each test shall be reported directly to counsel for both parties, or directly to the parties at the addresses provided by the parties to the testing agency, if unrepresented by counsel. The testing agency shall also provide this Court with a Cumulative Drug Test Summary Report.

*ISSUED: Court Ordered Substance Abuse Testing*

**The record shall reflect that the Court shall set a continued Evidentiary Hearing pending the outcome of the Parenting Conference Report, the Drug Test Summary Report, and Respondent's Affidavit of Financial Information.**

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The Court has considered the financial circumstances of both parties and the reasonableness of the positions each party has taken throughout the proceedings pursuant to A.R.S. §25-324, and good cause appearing,

**IT IS ORDERED** awarding Petitioner partial attorney's fees in this matter. Counsel for Petitioner shall file a "China Doll" affidavit and submit a copy thereof to this Division within thirty (30) days from the date of this minute entry.

There being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

**IT IS ORDERED** that the Clerk permanently release Petitioner's Exhibits 1 through 9, not offered in evidence to the counsel causing them to be marked.

*ISSUED: Exhibit/Record Release Form*

FILED: Exhibit Worksheet

2:49 p.m. Matter concludes.

**IT IS FURTHER ORDERED** signing this minute entry as a formal order of this Court pursuant to Rule 81(D), *Arizona Rules of Family Law Procedure* on this 3<sup>rd</sup> day of August, 2007.

/s/ Hon. Sarah D. Grant, Ret.

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JUDICIAL OFFICER OF THE SUPERIOR COURT