

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2005-001899

07/29/2011

HONORABLE DANIEL J. KILEY

CLERK OF THE COURT  
Y. Gano  
Deputy

IN RE THE MATTER OF  
FRANCISCA JUDITH MIRANDA

JOHN R WALSTON JR.

AND

JOSE VASQUEZ

BARRY L BELLOVIN

AG-CHILD SUPPORT-EAST VALLEY  
OFFICE

MINUTE ENTRY

Courtroom 601 – CCB

9:30 a.m. This is the time set for Evidentiary Hearing on the Verified Petition to Modify Custody and Visitation filed by Respondent on August 20, 2010 and Petitioner's Amended Response to Respondent's Petition Re: Modification of Custody and Parenting Time and Cross-Petition Re: Modification of Parenting Time and Child Support. Petitioner/Mother, Francisca Judith Miranda, is present with counsel, John R. Walston Jr. Respondent/Father, Jose Vasquez, is present with counsel, Barry L. Bellovin. The State is represented telephonically by Assistant Attorney General Jennifer Maholovich.

Court Reporter, Tara Kramer, is present.

A record of the proceeding is also made by audio and/or videotape.

Discussion is held with the Court regarding the status of the case.

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Francisca Judith Miranda (Mother) and Jose Vasquez (Father) are sworn.

After discussion the parties advise the Court that they have reached agreement on all of the issues, which is dictated into the record in the presence of both parties and counsel and which can generally be summarized as follows:

- Mother will continue to have sole legal custody and be the primary residential parent of the parties' minor children Jose Armando Vasquez (DOB: 11/9/00); Jesus Adan Vasquez (DOB: 10/3/02); and Adrian Francisco Vasquez (DOB: 11/17/04).
- Father will participate with the minor children in counseling for the purposes of reunification and therapeutic counseling, focusing on Father's parenting skills and anger management. Father and the minor children will participate in a minimum of eight one-hour sessions, every two weeks, at Father's sole expense. Mother will nominate at least three counselors to provide these counseling services; Father will select the counselor from the list of counselors nominated by Mother.
- During the pendency of the counseling sessions, Father will continue to exercise parenting time in accordance with the temporary parenting time order that was entered at the February 7, 2011 Resolution Management Conference, consisting of one weekend per month from Saturday at 10:00 a.m. until 7:00 p.m. on Sunday. Father shall exercise his parenting time in Maricopa County, with the paternal grandfather present at all times.
- Upon completion of the counseling set forth above, if no significant issues regarding bonding or attachment are reported in writing by the therapist to both parties, then Father should graduate to unsupervised parenting time with the minor children every other weekend, from Friday evening at 6:00 p.m. continuously until Sunday evening at 6:00 p.m.
- Father's unsupervised visitation may occur either in Maricopa or Yuma County, as long as Mother is able to verify the residence where the children will be staying and as long as the residence is appropriate for the children's sleeping arrangements and hygiene requirements. While the children are in Father's care, Mother may have telephone access to the children at her reasonable discretion.
- In the event the therapist conducting the counseling with Father and the minor children reports in writing to both parties that significant issues remain, then the minor children and Father will continue with counseling every two weeks until such time as the therapist reports in writing that, in his or her professional opinion, Father should graduate to unsupervised parenting time and that such unsupervised parenting time would be in the best interests of the minor children.
- Father shall be responsible for all travel and/or transportation costs in exercising his parenting time.

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- In the event Father is not present to commence his parenting time within 30 minutes of the time his parenting time was scheduled to begin, and absent an emergency of which Father gives Mother telephonic notice, Father's parenting time shall be vacated and reset to the next parenting time available.
- The parties agree to review the parenting plan in good faith approximately one year from today's date. This review shall include any additional proposals for a change in legal custody and/or changes to the parenting time schedule, including whether to add a holiday and/or vacation parenting time schedule. The parties shall review the parenting time schedule at a mediation through Conciliation Services, unless they mutually agree to meet together without the involvement of Conciliation Services.
- Any parenting time other than as set forth above would be by mutual agreement of the parties.
- Father presently has a child support arrearage balance of \$38,548.36. The State has ordered a report including a calculation of interest that will be lodged with the Court.
- Father will pay the sum of \$10,000.00 as a purge amount toward his arrearage. Father shall pay this sum as follows: \$6,000.00 within 10 days of today's date, \$2,000.00 within 60 days of today's date, and the final \$2,000.00 payable within 90 days of today's date. The payment shall be made through the Clearinghouse.
- The Order of Assignment in this matter will continue at the current level of \$761.00 as and for monthly child support, \$251.13 as payment toward the arrearage, and a \$5.00 handling fee, for a total sum of \$1,017.13 per month.
- A money judgment will be entered against Father in favor of Mother and counsel for the sum of \$38,548.36.
- The State shall lodge a proposed judgment for the Court's signature, which will include a provision that an affidavit of non-payment may be filed, if appropriate, so that a contempt hearing may be set in IV-D Court.
- Mother withdraws her request for the modification of child support. The parties may, in the future, seek a modification of child support, whether based on a modification of parenting time or otherwise, through the simplified modification process.
- Each party will bear his or her own costs and attorneys' fees incurred in connection with today's proceedings.
- This resolves all issues raised in the Verified Petition to Modify Custody and Visitation Petitioner's Amended Response to Respondent's Petition Re: Modification of Custody and Parenting Time; Cross-Petition Re: Modification of Parenting Time and Child Support.

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Petitioner/Mother and Respondent/Father both testify that they have heard and understood the agreement as dictated into the record, and that this is, in fact, their agreement.

**THE COURT FINDS** that the parties have reached an agreement as stated on the record. The terms of the agreement are in the best interests of the minor children and are fair and equitable.

**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.

By agreement of the parties,

**IT IS ORDERED** vacating the hearing in IV-D court on August 10, 2011 at 8:30 a.m. before Commissioner Holguin.

**LET THE RECORD REFLECT** that the Order of Assignment is signed by the Court in open Court and filed (entered) by the Clerk this date.

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

/s/ HONORABLE DANIEL J. KILEY

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HONORABLE DANIEL J. KILEY  
JUDGE OF THE SUPERIOR COURT

10:09 a.m. Matter concludes.

**LATER:**

The Court having been advised that there is an existing Order of Assignment in effect,

**IT IS ORDERED** vacating the Order of Assignment signed by the Court this date.

The parties are directed to the Family Court Filing Counter to obtain a certified copy of the existing Order of Assignment.

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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>.