

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-003879

07/25/2011

HONORABLE GLENN M. DAVIS

CLERK OF THE COURT
C. Danos
Deputy

IN RE THE MARRIAGE OF
CARMELINA LONG

CARMELINA LONG
2252 N 44TH STR #2064
PHOENIX AZ 85008

AND

CHARLES F LONG II

RYAN MICHAEL REPPUCCI

MINUTE ENTRY

Courtroom 604 – Central Court Building

Prior to commencement of this proceeding, Carmelina Long, Charles F. Long, Thea Lujan, Charles Long and Brianna Long are sworn.

Respondent's exhibits 1 through 21 are marked for identification.

1:37 p.m. This is the time set for trial. Petitioner/Mother, Carmelina Long, is present on her own behalf. Respondent/Father, Charles F. Long, is present with counsel, Ryan Michael Reppucci.

A record of the proceeding is made by audio and/or video tape in lieu of a court reporter.

Counsel for Respondent invokes the Rule of Exclusion of Witnesses. Witnesses Thea Lujan, Charles Long and Brianna Long are excused from the courtroom.

LET THE RECORD REFLECT that the parties stipulate that the submitted reports of Kimberly Carroll and Richard Slatin may be considered by the court as part of the record.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-003879

07/25/2011

Opening statements.

LET THE RECORD REFLECT that the court proceeds without the benefit of Child Protective Services' records as neither party subpoenaed the records or otherwise produced the records at this hearing.

Petitioner's case:

Brianna Long, having previously been sworn, testifies.

Charles Long, having previously been sworn, testifies.

Carmelina Long, having previously been sworn, testifies.

Respondent's exhibit 5 is received in evidence.

Respondent's exhibit 7 is received in evidence.

Petitioner rests.

3:41 p.m. Court stands at recess.

3:53 p.m. Court reconvenes with respective parties and counsel present.

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

Petitioner rests.

Respondent's case:

Thea Lujan, having previously been sworn, testifies.

Charles F. Long, having previously been sworn, testifies.

Respondent's exhibit 14 is received in evidence.

Respondent's exhibit 13 is received in evidence.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-003879

07/25/2011

Mother having advised the court that she has not received a copy of the exhibits marked for trial, and counsel having advised the court that the exhibits were mailed to Mother, counsel is directed to provide a copy of the exhibits to Mother.

Respondent rests.

Closing statements.

The court incorporates into the record as the court's findings, the reports of Dr. Carroll and the Parenting Conference report prepared by Mr. Slatin.

THE COURT FINDS that there was no substantiation of any abuse of the children by Father. There was no report of abuse by either child in their interview by Mr. Slatin.

IT IS ORDERED that any restrictions on his contact with the children are removed in compliance with Mother having primary custody and Father having parenting time with the children.

IT IS FURTHER ORDERED restoring Father's weekend parenting time in accordance with the most recent agreement of the parties. Father shall resume exercising parenting time for three weekends of every month with the children as stated below.

Father is encouraged to be flexible regarding exercise of his parenting time with Mikko and to schedule time with her that reflects and supports her engagement in school activities and peer relationship development that is appropriate at her age.

IT IS FURTHER ORDERED that Father shall have the children for one full week before school starts since Father has not had any extended vacation time with the children this summer. The children shall be with Father for one week to be returned to Mother's home the weekend before school starts. Father will pick up the children Friday, July 29, 2011 and return the children to Mother on Friday, August 5, 2011. If the children do not have school, the exchange will be at 3:00 p.m.

Because the orders entered today have changed the pattern with respect to Father's three-weekend schedule with the children each month,

IT IS ORDERED that beginning August 2011, Father will have parenting time with the children on the second, third and fourth weekends of the month.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-003879

07/25/2011

IT IS FURTHER ORDERED that absent events that take place on short notice, or emergencies that occur, communication regarding parenting time arrangements and exchanges shall be made between the parties by e-mail. Before the parties leave court today they are to exchange their e-mail addresses.

Pending further order of the court, Mother will continue to have sole custody subject to the rights and restrictions set forth below.

Parental Access To Records And Information- Both parents are entitled to have equal access to documents and other information concerning each child's education and physical, mental, moral and emotional health including medical, school, police, court and other records directly from the custodian of the records or from the other parent. A person who does not comply with a reasonable request shall reimburse the requesting parent for court costs and attorney fees incurred by that parent to force compliance with this subsection. A parent who attempts to restrict the release of documents or information by the custodian, without a prior court order, is subject to appropriate legal sanctions.

Educational Arrangements- Both parents have the right to participate in school conferences, events, and activities (including extra-curricular), and the right to consult with teachers and other school personnel.

Medical And Dental Arrangements- Both parents have the right to authorize emergency medical/dental treatment, if needed, and the right to consult with physicians and other medical practitioners. Both parents shall advise the other parent immediately of any emergency medical/dental care sought for each child, to cooperate on health matters pertaining to each child and to keep one another reasonably informed regarding the status of each child's health. Both parents shall keep each other informed as to names, addresses, and telephone numbers of all medical/dental care practitioners.

Parental Communication- It is in the furtherance of each child's best interests for the parents to confer and for the views of each parent to be considered. There shall be communication between the parents to address day-to-day and more significant issues. The parents shall develop their communication by utilizing e-mail as their primary method for communication. This shall afford a method that ensures both accountability and verifiability. Both parties shall maintain and regularly review their e-mail accounts. They shall each respond in a timely fashion, even if such response is merely to acknowledge the receipt of information. Each should print copies of all e-mails received and sent so that if an issue arises in the future that has been addressed through e-mail, each party shall have proof as to what was communicated.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-003879

07/25/2011

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.

Decision Making Authority- It is anticipated that parental decisions shall be required for major issues in raising the children and in meeting on-going needs. If/when they arise, the parents shall address the issues. Each shall give good faith consideration to the views of the other and put forth best efforts to reach a consensus decision. If the decision involves medical or schooling issues, the parties may further elect to seek input from treating physicians or educators. Both parents shall be provided with such input. If they cannot agree, since Mother is awarded sole legal custody, Mother shall make the final decision, reasonably and in good faith.

IT IS FURTHER ORDERED that neither parent shall make any false or negative statements about the other parent in the presence of the children or in any way impair the ability of the children to have a relationship with the other parent.

If the parties have the financial resources they may petition to the court to appoint a parenting coordinator who can help the parties coordinate the parenting time.

The court is not ordering attorney fees today. If the court makes a finding at the review hearing that there were unsubstantiated allegations counsel may be heard on the issue.

EVIDENTIARY HEARING SET

IT IS ORDERED setting an evidentiary hearing on **October 14, 2011 at 9:00 a.m. (one hour)** in this division before:

**The Honorable Glenn M. Davis
Maricopa County Superior Court
Central Court Building
201 W. Jefferson
6th Floor, Courtroom 604
Phoenix, AZ 85003**

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-003879

07/25/2011

Issues to be addressed at hearing:

- long-term parenting time for Father
- status of the CPS investigation
- child support and child support arrearages
- the results of the parties' psychological evaluations

Failure of a party to appear may result in the court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

IT IS FURTHER ORDERED:

1. **Time Allotted.** Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party presumptively will be allowed half of the available time to present all direct, cross and redirect examination and any argument. For each hour of trial time, this court generally allocates 25 minutes to each party. The parties are expected to complete the trial in the allotted time. If a party believes that more trial time is needed, he or she must file a motion at least 30 days before the trial setting forth good cause to enlarge the trial time. Failure to timely file such a motion will be deemed a waiver of any argument that more trial time is needed.

2. **Pretrial Statements.** The parties shall file and provide this Division with a copy of a **Joint Pretrial Statement** or **Separate Pretrial Statements** pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days before trial.

The Pretrial Statement shall include:

- a. All information required by Rule 76.
- b. A description of each disputed issue the court must decide, and a statement of each party's position on that issue. Absent good cause shown, failure to list an issue in the Pretrial Statement will be deemed a waiver of that issue.
- c. If there are disputed custody or parenting time issues, a specific proposal for custody and parenting time.
- d. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party.
- e. A list of witnesses to be called at the hearing. Absent good cause shown, failure to list a witness will result in that witness being excluded.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-003879

07/25/2011

f. A list of exhibits to be used at the hearing. Absent good cause shown, failure to list an exhibit will result in that exhibit being excluded.

g. A list of objections to the other party's exhibits. Any objection not listed in the Pretrial Statement will be deemed waived.

3. **Trial Exhibits.** Exhibits for use at trial shall be delivered to the Clerk of this Division at least **five (5) days** before trial for marking. **If exhibits are not delivered to the Clerk five days in advance, you may be required to use trial time for the marking of exhibits.** In addition, each party shall deliver a copy of his/her exhibits to the opposing parties at least five days before trial.

The parties should also provide a copy of exhibits to the judge on the day of the trial. This allows the judge to see the exhibits at the same time they are being presented to witnesses.

4. **Settlement.** Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the court as required by Rule 70, Arizona Rules of Family Law Procedure. If the parties reach a full settlement before trial, the court will vacate the trial only if (1) it receives a Notice of Settlement pursuant to Rule 70, Arizona Rules of Family Law Procedure, or (2) both parties inform the court of the settlement in an on-the-record telephonic conference. Oral notification to court staff or voicemail messages left with the court are insufficient. If the parties desire to place agreements on the record, they should contact this Division to schedule a telephonic conference.

5. **Continuances.** Motions to continue the trial filed more than 30 days before trial will not be granted absent a showing of good cause. Motions to continue the trial filed less than 30 days before trial will not be granted absent a showing of extraordinary circumstances.

6. **Disclosure and Discovery.**

a. Both parties shall complete all disclosure required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to trial.

b. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure shall be completed 15 days before trial.

7. **Discovery And Other Pre-Trial Disputes.** If the parties have a dispute concerning discovery matters, or any other pre-trial dispute that requires court intervention, they

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-003879

07/25/2011

may contact this division to schedule a telephonic conference before filing formal discovery motions. Before such telephonic conference, counsel or the parties shall personally consult with each other to either resolve the dispute or narrow the issues.

8. **Trial Record.** All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

There being no further need to retain the exhibits currently in the custody of the division clerk,

IT IS ORDERED that the Clerk permanently release those exhibits not offered or received in evidence to the counsel/party causing them to be marked, or to a written designee.

IT IS FURTHER ORDERED that counsel/party or written designee take immediate possession of all exhibits referenced above.

ISSUED: Exhibit Release Form.

FILED: Exhibit Worksheet.

5:03 p.m. Matter concludes.

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 / HON. GLENN DAVIS

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>.