

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2006-003338

08/23/2006

JUDGE PRO TEM ROSANN K. JOHNSON  
FOR HON. ROBERT A. COLOSI

CLERK OF THE COURT  
M. Black  
Deputy

ATLAS NO. 000921184600  
STATE OF ARIZONA, EX REL, DES  
MARIE ELENA WEISKOPF

JOHN R WALSTON JR.

AND

JASON CRONIN WEISKOPF

RICHARD R SEYFFER

AG-CHILD SUPPORT-SOUTH  
CENTRAL OFFICE  
SUPPORT SERVICES-CCC

MINUTE ENTRY

This matter came on regularly for hearing on a Petition to Establish Child Support. Present were Petitioner Marie E. Weiskopf, together with her counsel of record, J. Robert Walston, and Respondent Jason C. Weiskopf, together with his counsel of record, Richard Seyffer. Assistant Attorney General Anni Foster appeared representing the State of Arizona.

The Court having heard the testimony of both parties and having reviewed Exhibits 1 and 2, which were admitted into evidence without objection, finds as follows:

1. The parties separated in December, 2005.
2. The parties have one child in common, SAMUEL WEISKOPF, who is five years old, and is about to start kindergarten.
3. In June, 2006, Judge Ditsworth issued an interim child support order requiring Father to pay \$465.00 per month as and for child support. This order was retroactive to January 1, 2006.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2006-003338

08/23/2006

4. This matter was referred to the IV-D Commissioner to calculate child support in accordance with the present parenting schedules, wherein the parents share the child on a 50-50 basis, as set forth in the Minute Entry of June 28, 2006.
5. The parties disagree as to the amount to be attributed to Father as his income, the attribution of income to Mother, child care costs, and extra education expenses for the minor child.
6. The Court finds that Father's monthly income as a truck driver amounts to \$3,805.96.
7. The Court further finds that Mother earns \$15.00 per hour working for Brown Family Communities. She has worked there since June 12, 2006, and prior to that time, she did not work outside the home. Mother works as a housekeeper, office worker and care giver for a total of 24 hours per week.
8. Mother has sole custody of Samuel Weiskopf at present. Mother testifies that she believes she cannot work as much as 40 hours per week at this time, due to the need to transport Samuel to his many medical and therapeutic appointments. The Court further finds that given the scope of Samuel's needs for treatment and therapy, Mother cannot manage more than 24 hours per week at work at this time. Accordingly, her income is attributed at \$1,560.00 per month.
9. Mother testifies that she noticed that Samuel had unusual behaviors, including daily tantrums and biting. She has had him evaluated by a clinical psychologist, Christina Lebovitz, Ph.D. Her report regarding that assessment, dated June 1, 2006, is admitted as Exhibit 1.

Dr. Lebovitz noted that Samuel has a number of medical problems, including severe allergies to a number of foods, asthma which requires regular, ongoing treatment, rhinitis and dermatitis.

After testing using a number of modalities, Dr. Lebovitz found that Samuel's assessment was consistent with a diagnosis of high functioning autism. She opined that Samuel would need regular therapy, speech evaluation and therapy, as well as assistance with personal living skills (occupational therapy). She recommended that Samuel be placed in a small group setting at school this fall.

10. Mother reported that she was unable to place Samuel in a public school kindergarten setting for this fall, after contacting two public schools in her area (It is noted that an

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2006-003338

08/23/2006

Individual Education Plan (IEP) has not been developed for Samuel, inasmuch as he has just been assessed in June of 2006 as having special needs, and he is now at an age to enter the public school system).

11. Mother is able to place Samuel in kindergarten at St. Agnes Catholic School, where he would be placed in a small group setting. Samuel is registered there and, Mother testified, the Creighton School District has indicated support for Samuel there with a representative to be present, attending the IEP meetings regarding Samuel's Plan.
12. The Court finds that at this time, the placement at St. Agnes is appropriate and may be the only place Samuel has available to him given that his IEP remains to be prepared. This does not mean that Samuel will need to be in a private school setting during all of his school years. The parties may re-evaluate this situation prior to the start of the first grade. After Samuel has had an additional year of various therapeutic treatments, he may be able to perform well in a regular public school setting at a later time.
13. Accordingly, the Court approves the extra education cost of \$293.33 per month, which represents the \$3,520.00 annual tuition at St. Agnes School divided by 12. Mother further testified that she has also incurred expense for required uniforms and supplies for Samuel, amounting to \$596.00 for the year, or an additional \$49.56 per month.
14. According to the report prepared by Dr. Lebovitz, Samuel will need more assessments and weekly specific therapy appointments for speech therapy and occupational therapy, as well as medical appointments related to his allergies and asthma.
15. Mother testifies that she has child care available to her for Samuel through a private individual (Linda Galley) at a cost of \$5.00 per hour. The Court finds that Mother will require 15 hours per week, or \$324.75 per month\*. Mother testifies that she needed care for Samuel for one hour before school and four hours after school, for a total of five hours per day, on Monday, Tuesday, and Wednesday. [\*Adjusted for tax credit, \$274.75]
16. At present, the parties have an equal parenting time arrangement. The Court finds that the total child support obligation amounts to \$1,438.64. Father's share, at 70.93%, amounts to \$1,020.43. Mother's share, at 29.07%, amounts to \$418.21. Utilizing the Arizona State Guidelines concerning payment of child support, and particularly, Paragraph 12, entitled "Equal Custody," the Court finds that the

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2006-003338

08/23/2006

difference between the two child support obligations set forth above amounts to \$602.22. This number divided by two results in a figure of \$301.11. Father is therefore required to pay to Mother the sum of \$301.11 per month, effective September 1, 2006. A child support worksheet is attached hereto.

/s/ Rosann Johnson

9/1/06

Date: \_\_\_\_\_

\_\_\_\_\_  
ROSANN JOHNSON  
Judge Pro Tem

LET THE RECORD REFLECT that Judge Pro Tem Rosann Johnson has returned Exhibits 1 and 2.

FILED: Exhibit Worksheet

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

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2006-003338

08/23/2006

**SUMMARY SHEET**

Case No. FC2006-003338  
EFFECTIVE DATE: 9-1-06

No. of Children: One (1)

Age: Five (5)

	<u>Father</u>	<u>Mother</u>
<b>MONTHLY GROSS INCOME</b>	<b>3805.96</b>	<b>1560.00</b>
Spousal Maintenance		
Paid	_____	_____
Received	_____	_____
Child Support Paid/Contributed for <u>Other</u> Children	_____	_____
Cost of Supporting Other Children Not Covered by a Court Order	_____	_____
Adjusted Monthly Gross Income for Each Parent	<b>3805.96</b>	<b>1560.00</b>
<b>COMBINED ADJUSTED MONTHLY GROSS INCOME</b>	<b>5365.95</b>	
<b>BASED CHILD SUPPORT OBLIGATION One (1) CHILD</b>		<b>821.00</b>
<b>ADJUSTMENTS FOR NECESSARY EXPENSES</b>		
* Medical/Dental Ins. Premium for Children Paid by ___ Mother <u>X</u> Father		<b>-0-</b>
** Child Care Costs		<b>324.75</b>
Adjusted for Tax Credit	<u>X</u> Mother ___ Father	<b>274.75</b>
Extra Education Expenses paid by	<u>X</u> Mother ___ Father	<b>342.89</b>
Teen Adjustment Percentage: 10%		
Number of Children 12 and Over:	___ Mother ___ Father	_____
Extraordinary Child paid by	___ Mother ___ Father	_____
Supervision Costs paid by	___ Mother ___ Father	_____
<b>TOTAL CHILD SUPPORT OBLIGATION</b>		<b>1438.64</b>
Proportionate Share of Income	<b>.7093</b>	<b>.2907</b>
Parental Support Obligation * <b>parents have equal time</b>	<b>1020.43</b>	<b>418.21</b>
* <b>1020.43 - 418.21 = 602.22</b> <b>1/2 of 602.22 = 301.11</b>		
Costs Associated with Visitation	_____	_____
For ___ Days % x Basic Support =		
Visitation Table ___ A or ___ B		
Medical/Dental Insurance Premium Adjustment	_____	_____
Child Care Adjustment	_____	_____
Extra Education Expense Adjustment	_____	_____
Extraordinary Child Adjustment	_____	_____
Court-Ordered Supervision Costs Adjustment	_____	_____
Majority Age Child Income Adjustment	_____	_____
<b>PRELIMINARY CHILD SUPPORT AMOUNT</b>		_____
Court Ordered Arrears Actually Paid		
<b>SELF SUPPORT RESERVE TEST: 3805.96 - 775.00 = 3030.96</b>		
<b>TOTAL SUPPORT AMOUNT</b>	<b>301.11</b>	_____