

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2005-051620

10/07/2011

HONORABLE GERALD PORTER

CLERK OF THE COURT

T. Ross

Deputy

IN RE THE MATTER OF
KIRSTEN JOY SHAFER

KIRSTEN JOY SHAFER
23623 N SCOTTSDALE RD # D3
SCOTTSDALE AZ 85255

AND

CHRISTOPHER KENT HARVEY

MICHAEL J SHEW

ORDER TO FOLLOW POST-DECREE MODIFICATION OF CUSTODY REQUIREMENTS
OF RULE 91(D), ARFLP

The Court has received and reviewed the Post Decree Petition to Modify Custody and Parenting Time, filed by counsel for Petitioner on October 3, 2011. From that review, the Court finds that in substantial part, the Petition seeks to change the type of custody previously ordered in this case. As such, the filing party is required to comply with Rule 91(D), Arizona Rules of Family Law Procedure (ARFLP) and with A.R.S. §25-411(F) before the Court can properly consider the Petition or schedule further hearing. Further, if the Petition or separate Motion requests the granting of Temporary Orders, the Court finds that the requirement for compliance with Rule 91(D) and A.R.S. §25-411(F) is good cause to extend the time for hearing such request pursuant to Rule 47(D), ARFLP. Accordingly,

IT IS ORDERED as follows:

1. The Petition and a Notice of Filing Petition for Modification of Child Custody prepared in accordance with Rule 91(D), ARFLP and A.R.S. §25-411, together with a copy of

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this Order, shall be served upon the other party and any other persons entitled to notice (A.R.S. §25-1035(A)).

2. The other party shall then file a detailed Response and controverting affidavits (if any) no later than twenty (20) days after being served with the Petition, Notice and this Order.

3. No sooner than five (5) days after the expiration of the time for Response, either party may then file and deliver a copy to this division of a Request For Order Granting or Denying Custody Hearing (“Request for Ruling”). The requesting party shall also deliver a copy of the Petition, a copy of any Response filed, and a copy of the affidavit of service of the Petition to this division with the Request for Ruling.

4. To the extent that the Petition seeks other relief beyond a change in the type of custody, the court will schedule a hearing on those additional issues at the time a Request for Ruling is timely received by this division as ordered above. If no such Request is received within 120 days after the Petition is filed, the Petition will be deemed abandoned, no further hearings will be set, and the Petition will be subject to dismissal without further notice as provided in Rule 91(R), ARFLP.

DONE IN OPEN COURT this date: October 7, 2011

IT IS ORDERED signing this minute entry as a formal Order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/s/ HONORABLE GERALD PORTER

JUDGE OF THE SUPERIOR COURT