

Greg Sakall  
Judge, Division 23  
Pima County Superior Court  
110 W Congress  
Tucson, AZ 85701  
Telephone: (520) 724-8301  
[datascoe@courts.az.gov](mailto:datascoe@courts.az.gov)

**IN THE SUPREME COURT  
STATE OF ARIZONA**

In the Matter of	)	Arizona Supreme Court No. R-23-0007
	)	
PETITION TO AMEND RULES	)	
44.1(c), 45(c), 78(g), and RULE	)	Report and Recommendation of the
91.3, RULES OF FAMILY LAW	)	Committee on Family Court re:
PROCEDURE	)	Education Orders
	)	
_____	)	

On August 22, 2024, this Court ordered that Rules 44.1(c), 45(c), 78(g), and 91.3, Rules of Family Law Procedure, be amended on a permanent basis to provide for Education Orders in family law cases when the family court finds them to be in the child’s best interests. The Court also adopted Forms 19 and 20 under Rule 97, Rules of Family Law Procedure, be adopted on a permanent basis.

By a Referral Letter dated August 27, 2024, the Court also requested that the Committee on Family Court (“COFC”) conduct further review and present a report and recommendation by no later than July 1, 2025. This is that Report and Recommendation.

In response to the Referral Letter, COFC established an Education Orders Workgroup chaired by Hon. Randi Burnett, Pima County Superior Court's Family Law Presiding Judge. The Workgroup included family law judges and attorneys from across the state, as well as representatives from the Mesa Public School District and Tucson Unified School District. A copy of the Workgroup's extensive Report is attached as Exhibit A. The Report sets forth the ongoing widespread disagreement about whether Education Orders in family law cases should be permissive or mandatory, and proposes three options: (1) maintain the current rules as adopted by the Court in 2024, (2) modify the rules to adopt an improved mandatory rule (Exhibit A, Attachment A), or (3) modify the rules to adopt a compromise, hybrid approach (Exhibit A, Attachment B).

COFC considered the Workgroup's Report and recommendations at its regularly scheduled May 15, 2025, meeting. After discussion, COFC voted 12-1 to recommend that the Court maintain the current rules regarding Education Orders as adopted by the Court in 2024.

DATED this 19th day of May, 2025.

Greg Sakall

Chair, Committee on Family Court

**EXHIBIT A –  
COFC EDUCATION ORDERS WORKGROUP REPORT**

## **I. Brief History**

On January 4, 2023, the Hon. Bruce Cohen (ret.) submitted a rule change petition to amend rules 44.1(e), 45(c), 78(g), and 91.3 of the Arizona Rules of Family Law Procedure (petition R-23-0007). The proposal requested that family court judges be required to issue an “Education Order” any time final orders for legal decision-making or parenting time were entered. Judge Cohen submitted his proposal after communicating with multiple school districts throughout the state about the need for schools to have access to clear court orders regarding educational issues for children whose parents and caregivers were involved in a family law matter.

Additionally, the petition provided two proposed Education Order forms to be added to the family law forms section of the Arizona Rules of Family Law Procedure. These forms (Forms 19 and 20) were to be used as templates for judges, litigants, and practitioners throughout the state. Form 19 applied to situations where the parties shared joint legal decision-making and Form 20 was to be used when one party was awarded sole legal decision-making.

On August 24, 2023, the Arizona Supreme Court adopted Judge Cohen’s proposed rule changes on an emergency basis. The amended rules were effective as of January 1, 2024, and required that an Education Order be issued any time final orders on legal decision-making and parenting time were entered. Because the changes were made on an emergency basis, a public comment period on the amended rules was open through May 1, 2024, with review of the comments to occur at the Supreme Court’s August 2024 Rules Agenda meeting.

Seven comments were submitted during the comment period, all of which were critical of the emergency rule changes in some fashion. Practitioner comments focused on perceived issues with Forms 19 and 20 and

indicated that the forms were overbroad, inconsistent in areas, and were not being uniformly implemented. A detailed comment was submitted by 18 judicial officers from the Maricopa County Superior Court arguing that requiring Education Orders in every case created a separation of powers issue, was unnecessary in most cases, created additional burdens for both litigants and the judicial system, and that sections of Forms 19 and 20 were problematic. A comment from two Pima County judges and the former Family Court Conciliation Court Director of Pima County advocated for modifying the rule to make Education Orders permissive so that they were only issued when requested or in cases where the judicial officer determined the order was needed.

Additionally, a comment was submitted by the current Presiding Judge of the Family Bench in Pima County (Hon. Randi Burnett) and the current Presiding Judge of the Family Department in Maricopa County (Hon. Ronda Fisk). Judge Burnett and Judge Fisk worked with Judge Cohen and Judge Greg Sakall (current chair of the Committee on Family Court) to revise and refine Forms 19 and 20 to increase readability, increase efficiency, and provide universal rules that apply to parents in both joint and sole legal decision-making situations. A comment was also submitted by the Committee on Family Court expressing unanimous support for the proposed revisions to Forms 19 and 20.

The public comments appear to have impacted the review of the emergency rule changes at the August 2024 Rules Agenda meeting. On August 22, 2024, the Supreme Court modified the previous rule changes to take the Education Order requirement from mandatory to permissive. The court now has discretion to determine if it is in a child's best interest for an Education Order to be issued as part of the final orders on legal decision-

making and parenting time. The new, permissive versions of rules 44.1, 45, 78, and 91.3 were adopted on a permanent basis with an effective start date of January 1, 2025. The Supreme Court also adopted the revised versions of Forms 19 and 20.

## **II. Mission**

After the adoption of the permanent version of the Education Order rule, Chief Justice Ann Timmer sent a letter to Judge Sakall on August 27, 2024, in his capacity as the chair of the Committee on Family Court (“COFC”). The letter directed that the permanently adopted amendments to R-23-0007 be referred to the COFC for further review, with a report and recommendation due to the Supreme Court by no later than July 1, 2025.

At the September 5, 2024, COFC quarterly meeting, a workgroup was created to begin the required review. Judge Burnett was made the chair of the workgroup and began recruiting members. The workgroup was comprised of members from the family bar, the family bench, and representatives from the largest and third-largest school districts in Arizona to ensure diverse viewpoints during the review. The workgroup members are listed below:

- Hon. Randi Burnett (Chair), Pima County Superior Court
- Hon. Bruce Cohen (ret.), Maricopa County Superior Court
- Hon. James Drake, Maricopa County Superior Court
- Hon. Elaine Fridlund-Horne (ret.), Coconino County Superior Court
- Keith Berkshire, Esq., Board Certified Family Law Specialist in Maricopa County
- Annie Rolfe, Esq., Board Certified Family Law Specialist in Pima County
- Jeff Wohlford, Esq., Family Law Practitioner in Pima County
- Kacey King, Esq., General Counsel, Mesa Public School District

- Maricela Meza, Esq., Director of Employee Relations, Tucson Unified School District

Before discussing the committee's recommendations, this report briefly reviews the committee's determination of the scope of the required review and the feedback received regarding Education Orders.

### *Scope of Review*

One of the challenges the committee encountered in its review is a lack of clarity regarding the scope of the review requested by the Supreme Court. The referral letter indicated only that the amendments to the rule were to be further reviewed by COFC. This left the committee uncertain whether the review should focus only on potential concerns created by the new permanent rule or if the review should also include a comparison analysis of both the permissive and mandatory versions of the rule.

After group discussion, the committee decided to provide more analysis rather than less. The recommendations below discuss the committee's review of the current permissive rule, the former mandatory rule, and a potential hybrid option of the two.

### *Feedback*

Unsurprisingly, the committee received both negative and positive feedback from the family bench, the family bar, and from school districts regarding Education Orders. The primary positive feedback received by the committee was that Education Orders were quite helpful once entered. This viewpoint was universally shared by judicial officers, attorneys, and school districts. Specific feedback from attorneys was that having consistent written rules that applied state-wide regarding parental educational rights helped decrease litigation on those same issues. Further, attorney feedback indicated that the information provided in Forms 19 and 20 made it easier to

provide uniform advice to clients on how to handle educational issues, which in turn made it easier to manage client expectations regarding educational disputes. Feedback from the school districts indicated that Education Orders were helpful in removing the school from disputes between parents over their educational access and decision-making abilities for their children.

What remains heavily in dispute based on the feedback received is when an Education Order should be required. Some members of the family law community are concerned that the new permissive rule is likely to result in very few Education Orders being issued. In their view, a permissive rule results in too few Education Orders being issued by the courts to effectuate any change for the schools impacted by parental conflict. These community members advocate for the return of the mandatory rule, with some small changes, or for the creation of a hybrid version of the rule that requires an Education Order to issue in certain situations. Both positions are reviewed below in the Recommendations section.

Other members of the family law community disagree that a mandatory or hybrid rule is appropriate and instead fully support the current permissive rule. They believe that giving the court discretion to determine when to enter an Education Order eliminates the risk of creating disputes between otherwise cooperative parents and eliminates the need to issue unnecessary orders in cases involving homeschooled children or infants. Concerns remain that requiring an Education Order was burdensome to both the court and self-represented litigants. It is unknown whether the extra burden created would have been mitigated through widespread use of Education Orders to potentially eliminate future litigation on educational disputes.

Finally, feedback from the school district representatives indicated that very few Education Orders were being provided by parents to the schools despite the plain language in Forms 19 and 20 that the school be provided a copy of the order. Additionally, the feedback from the school districts indicated that a significant amount of training is needed for frontline school staff about Education Orders to ensure smooth recognition and adherence to the orders.

### III. **Review and Recommendations**

#### *The Current Permissive Rule*

The committee notes that the Arizona Supreme Court has already fully and finally decided the permissive versus mandatory debate by permanently adopting the current permissive version of the rule change. As of January 1, 2025, Education Orders are discretionary. While this committee was established to review the permanent rule, the Arizona Supreme Court has not indicated an intent to return to the mandatory issuance of education orders.

It is undisputed that the Family Bench throughout the State is extraordinarily busy. While Education Orders are available using the standardized forms, they cumulatively generate a loss of time and productivity when they are unnecessary or unwarranted in a case. A concern is also present that mandated orders regarding educational decision-making could lead to proposals for the development of similar orders concerning medical decision-making, personal care, etc., as these areas also experience preventable litigation over common issues. The committee can envision a future where multiple orders similar to an Education Order are required to be entered in a family case which would lead to further lost time and productivity.

Further, there remains significant opposition from members of the family bench to any decision to return to a mandatory requirement for Education Orders. Many believe that requiring an Education Order in every case was burdensome and unnecessary as a large percentage of divorced or never-married parents do not experience conflict over educational issues. Feedback from two of Arizona's largest school districts confirmed that schools did not seem to understand what Education Orders were and consequently the orders were not well utilized. Although the orders themselves disclaim the authority to direct schools, the practical result of mandating delivery of the orders to schools is that the schools are being placed in the position of interpreting and following court orders.

Many members of the family bar and bench feel strongly that Education Orders should remain wholly permissive. Judicial officers currently have the discretion to issue an Education Order when the facts of the case indicate one is needed. No studies or data collection has occurred since January 1, 2024, to support the belief that judicial officers would fail to enter an Education Order when there has been conflict or litigation concerning educational decision-making, when there is a parental-fitness issue, when sole legal decision-making has been ordered, or when there is a request for one from a parent.

Additionally, no data has been collected since January 1, 2024, to indicate that mandatory Education Orders were an effective measure in preventing conflict on educational issues between high conflict parents. To the contrary, feedback from the school districts indicated that most parents failed to provide the school with a copy of the Education Order even during the mandatory phase of the rule. Even if Education Orders are underutilized in future family cases, the generally applicable terms found within Forms 19

and 20 are still publicly available to inform attorneys, litigants, and judicial officers of each parent's rights regarding educational decision-making. This information, more than anything, is the main driver in the reduction of conflict and litigation between parents regarding educational decision-making.

As stated above, the Arizona Supreme Court already decided the most controversial issue regarding Education Orders by permanently adopting the current permissive rule during its August 2024 Rules Agenda meeting. However, the certainty of that decision is unclear given the Court's subsequent request to the COFC to review the current rule. Should the Arizona Supreme Court confirm that the current rule should remain permissive, then the committee recommends that no revisions are needed to the current version of rules 44.1(e), 45(c), 78(g), and 91.3 of the Arizona Rules of Family Law Procedure.

*An Improved Mandatory Rule*

Not everyone within the family law community supports the decision to move to a permissive rule. A decision to return to the mandatory rule garners support similar to the level of support for the permissive rule. Feedback the committee received from the family law community established that the community is heavily divided on this issue.

There are many reasons to support the re-establishment of a mandatory rule. An Education Order is, essentially, preventative medicine. There is a strong argument in favor of entering an Education Order in every case where families have or will have school-age children to prevent conflict and better clarify each parent's educational rights. As the old adage states, "an ounce of prevention is worth a pound of cure."

One of the complaints about requiring an Education Order is that doing so may create conflict in an otherwise amicable situation. However, if such conflict occurs when the parents are being amicable with one another, then future conflict is highly likely to arise when the parties are stressed and less cooperative with each other. If the original action is amicable, then the Education Order can be entered amicably and can establish an expectation for the family on how to handle disputes involving access to school and other education issues. Waiting until conflict occurs to resolve an issue only makes it more difficult to resolve without court intervention.

An Education Order also makes it easier for practitioners to counsel their clients as there is an applicable written order governing the topic. For example, an attorney asked by their client whether the client can ban their former spouse's new significant other from attending school events now has a very straightforward response – the Education Order clearly states that that behavior is not allowed. This preventative application of the Education Order helps keep families out of court on this very common type of issue.

Moreover, for Education Orders to have the greatest benefit, the principles in them need to be uniform and known, both to the family law community and the educational community. School administrators and personnel will not be familiar with the application of the Education Orders if they are rarely used, which leaves the Orders open to abuse and manipulation in the worst of cases. It will only benefit the schools if they can become accustomed to the use and application of Education Orders in the more amicable cases, as opposed to only seeing them in the more difficult cases.

Many within the family law community disagree with the claim that requiring an Education Order in every case takes valuable time away from

the Court. With the adoption of the revised Forms 19 and 20, Education Orders have been simplified to such a degree that they can be produced in less than five minutes. This small effort produces a significant return on investment for litigants and for the court through the prevention of future litigation on educational issues.

There remains significant support within the family law community for a return to the prior, mandatory rule with exceptions carved out for situations where the children are not in school or are unlikely to attend public school in the future. Should the Arizona Supreme Court determine that a return to the prior mandatory rule is best for Arizona families and school districts, then the committee recommends the changes to rules 44.1(e), 45(c), 78(g), and 91.3 of the Arizona Rules of Family Law Procedure provided in **Attachment A** of this report.

*The Compromise: A Hybrid Approach*

The committee has spent considerable time thinking about the concerns that have been expressed about a mandatory rule and about the potential for underutilization with a permissive rule. Judge Cohen has presented on Education Orders at various judicial and bar conferences around the country and reported receiving significant supportive feedback for their use in attempting to resolve educational disputes. Unsurprisingly, the problem with schools becoming coercively and inappropriately enmeshed in parenting disputes is something experienced in almost every other jurisdiction. While Education Orders do not eliminate the problem, they have shown some efficacy in helping to stem the tide.

In addition to the feedback provided by the committee members from two of Arizona's largest school districts, Judge Cohen also provided feedback from his extensive conferences with education professionals throughout

Arizona as well as with educators located in a variety of other jurisdictions (such as Maine, Oregon, Idaho, and Illinois). Unlike the philosophical split found in the family bar and bench, support for mandatory Education Orders has been unanimous within the educational community.

In an effort to balance the competing interests on this issue, the committee has provided a hybrid version between the mandatory and permissive versions of the rule in **Attachment B**. The hybrid approach keeps the rule generally permissive but mandates that an Education Order must be issued in certain situations. These situations include when conflict over educational issues are present or have historically been present, when one parent is awarded sole legal decision-making, and when one of the parties requests such an order. This hybrid approach would address the concerns held by some within the family law community about mandating Education Orders across the board while also ensuring that Education Orders do not fall into the abyss of underutilization if the rule remains wholly permissive.

#### IV. **Conclusion**

Much good has resulted from the creation of Education Orders in Arizona. They were an innovative proposal from a dedicated, knowledgeable judicial officer looking to resolve a persistent problem that Arizona courts routinely deal with throughout the state. Judges, attorneys, and litigants now have uniform, generally applicable principles regarding a parent's educational rights that are contained within Forms 19 and 20. The approval of the information contained within those forms by the Arizona Supreme Court will continue to help prevent conflict between parents over educational issues for years to come.

However, Education Orders remain a divisive issue within the family law community regarding the frequency with which they should be ordered,

with both sides of the argument garnering significant levels of support. This committee has attempted to faithfully provide the arguments for and against permissive and mandatory orders and has provided recommendations for multiple avenues of resolution. The committee thanks the Arizona Supreme Court for the opportunity to assist the Court in their review of this topic.

## ATTACHMENT A – MANDATORY RULE PROPOSAL

### RULES OF FAMILY LAW PROCEDURE

#### Rule 44.1. Default Decree or Judgment by Motion and Without a Hearing

##### (a)-(d) [No change]

(e) **When Children Are Involved or a Party is Pregnant.** When the parties have children in common or a party is pregnant, the default decree must include the following:

(1) whether either party is pregnant with a child common to the parties;

(2) provisions for legal decision-making and parenting time, either within the default decree or by a separate parenting plan;

(3) ~~if the court finds that it is in the children's best interests for an Education Order to be issued,~~ an "Education Order" substantially in conformity with Rule 97, Form 19 or Form 20, as appropriate, unless one of the following is true:

- (i) The parents agree that the minor children will not attend an institutional preschool, childcare, or school (e.g. the children will be homeschooled);
- (ii) The minor children at issue have all emancipated;
- (iii) The minor children at issue are all under the age of 3, the parents share joint legal decision-making authority, and the parents agree not to enter an Education Order at this time;

(4) a child support order supported by a child support worksheet, but if a party requests any deviation in the child support amount, the default decree or child support order must state the basis for deviation under the child support guidelines;

(5) if either party is receiving benefits under Temporary Assistance for Needy Families (TANF) or the Title IV-D program, the parties must attach to the default decree the Attorney General's written approval of any specified child support amount;

(6) a copy of the filing parent's certificate of completion of the parent information program, if it has not already been filed with the court;

(7) a completed income withholding order, including the current employer information sheet;

(8) if the parties are requesting joint legal decision-making, a statement as to whether domestic violence has occurred, and the extent of any such violence; and

(9) for a paternity or maternity action, the identities of the natural mother and father and anyone who has lawful status as a parent or custodian of a child, including the court case conferring that status if it is not the current case.

**(f)-(g) [No change]**

\* \* \*

**Rule 45. Consent Decree, Judgment, or Order**

**(a)-(b) [No change]**

**(c) When Children Are Involved.** When the parties have children in common or a party is pregnant with a child common to the parties, the consent decree, judgment, or order must include the following:

(1) provisions for legal decision-making and parenting time, either within the consent decree or by a separate parenting plan;

(2) ~~if the court finds that it is in the children's best interests for an Education Order to be issued,~~ an "Education Order" substantially in conformity with Rule 97, Form 19 or Form 20, as appropriate, unless one of the following is true:

- (i) The parents agree that the minor children will not attend an institutional preschool, childcare, or school (e.g. the children will be homeschooled);
- (ii) The minor children at issue have all emancipated;
- (iii) The minor children at issue are all under the age of 3, the parents share joint legal decision-making authority, and the parents agree not to enter an Education Order at this time;

(3) a child support order supported by a child support worksheet, but if a party requests any deviation in the child support amount, the consent decree or child support order must state the basis for deviation under the child support guidelines;

(4) if either party is receiving Temporary Assistance for Needy Families (TANF) or services from the Title IV-D program, the parties must attach to the consent decree the written approval of the Attorney General or county attorney;

(5) copies of each parent's Certificate of Completion of the Parent Information

Program, if not previously filed with the court;

(6) a completed income withholding order, including the current employer information sheet;

(7) if the parties are requesting joint legal decision-making, a statement as to whether domestic violence has occurred, and the extent of any such violence; and

(8) for a paternity or maternity action, the identities of the natural mother and father and anyone who has lawful status as a parent or custodian of a child, including the court case conferring that status if it is not the current case.

### **Rule 78. Judgment, Attorney Fees, Costs, and Expenses**

**(a)-(f) [No change]**

**(g) Entering Judgment.**

(1) *Written Document.* All judgments must be in writing and signed by a judge or a court commissioner duly authorized to do so. When the parties have children in common, and ~~if the court finds that it is in the children's best interests for an Education Order to be issued,~~ the judgment must include an "Education Order" substantially in conformity with Rule 97, Form 19 or Form 20, as appropriate unless one of the following is true:

- (i) The parents agree that the minor children will not attend an institutional preschool, childcare, or school (e.g. the children will be homeschooled);
- (ii) The minor children at issue have all emancipated;
- (iii) The minor children at issue are all under the age of 3, the parents share joint legal decision-making authority, and the parents agree not to enter an Education Order at this time;

**(2) [No change]**

**(h)-(i) [No change]**

\* \* \*

### **Rule 91.3. Post-Judgment Petition to Modify Legal Decision Making or Parenting**

**Time; Education Order**

**(a)-(b) [No change]**

**(c) Education Order.** ~~If the court finds that it is in the children's best interests for an~~

~~Education Order to be issued,~~ Any order granting modification issued under this rule

must include an "Education Order" substantially in conformity with Rule 97, Form 19 or

Form 20, as appropriate unless one of the following is true:

(1) The parents agree that the minor children will not attend an institutional preschool, childcare, or school (e.g. the children will be homeschooled);

(2) The minor children at issue have all emancipated;

(3) The minor children at issue are all under the age of 3, the parents share joint legal decision-making authority, and the parents agree not to enter an Education Order at this time.

## ATTACHMENT B – HYBRID RULE PROPOSAL

### RULES OF FAMILY LAW PROCEDURE

#### Rule 44.1. Default Decree or Judgment by Motion and Without a Hearing

##### (a)-(d) [No change]

(e) **When Children Are Involved or a Party is Pregnant.** When the parties have children in common or a party is pregnant, the default decree must include the following:

(1) whether either party is pregnant with a child common to the parties;

(2) provisions for legal decision-making and parenting time, either within the default decree or by a separate parenting plan;

(3) if the court finds that it is in the children's best interests for an Education Order

to be issued, an "Education Order" substantially in conformity with Rule 97, Form 19 or Form 20, ~~as appropriate.~~ An Education Order must be issued if any of the following apply:

(iv) An education-related conflict has been raised by either parent as part of the proceedings before the court;

(v) One parent is awarded sole legal decision-making authority by the Decree;

(4) a child support order supported by a child support worksheet, but if a party requests any deviation in the child support amount, the default decree or child support order must state the basis for deviation under the child support guidelines;

(5) if either party is receiving benefits under Temporary Assistance for Needy Families (TANF) or the Title IV-D program, the parties must attach to the default decree the Attorney General's written approval of any specified child support amount;

(6) a copy of the filing parent's certificate of completion of the parent information program, if it has not already been filed with the court;

(7) a completed income withholding order, including the current employer information sheet;

(8) if the parties are requesting joint legal decision-making, a statement as to whether domestic violence has occurred, and the extent of any such violence; and

(9) for a paternity or maternity action, the identities of the natural mother and father and anyone who has lawful status as a parent or custodian of a child, including the court case conferring that status if it is not the current case.

**(f)-(g) [No change]**

\* \* \*

**Rule 45. Consent Decree, Judgment, or Order**

**(a)-(b) [No change]**

**(c) When Children Are Involved.** When the parties have children in common or a party is pregnant with a child common to the parties, the consent decree, judgment, or order must include the following:

(1) provisions for legal decision-making and parenting time, either within the

consent decree or by a separate parenting plan;

(2) if the court finds that it is in the children's best interests for an Education Order

to be issued, an "Education Order" substantially in conformity with Rule 97, Form 19 or Form 20, ~~as appropriate.~~ An Education Order must be issued if any of the following apply:

- (i) An education-related conflict has been raised by either parent as part of the proceedings before the court;
- (ii) One parent is awarded sole legal decision-making authority by the Decree;
- (iii) Either party requests that an Education Order be entered by the court.

(3) a child support order supported by a child support worksheet, but if a party

requests any deviation in the child support amount, the consent decree or child support

order must state the basis for deviation under the child support guidelines;

(4) if either party is receiving Temporary Assistance for Needy Families (TANF)

or services from the Title IV-D program, the parties must attach to the consent decree the

written approval of the Attorney General or county attorney;

(5) copies of each parent's Certificate of Completion of the Parent Information

Program, if not previously filed with the court;

(6) a completed income withholding order, including the current employer

information sheet;

(7) if the parties are requesting joint legal decision-making, a statement as to whether domestic violence has occurred, and the extent of any such violence; and

(8) for a paternity or maternity action, the identities of the natural mother and father and anyone who has lawful status as a parent or custodian of a child, including the court case conferring that status if it is not the current case.

### **Rule 78. Judgment, Attorney Fees, Costs, and Expenses**

**(a)-(f) [No change]**

**(g) Entering Judgment.**

(1) *Written Document.* All judgments must be in writing and signed by a judge or a court commissioner duly authorized to do so. When the parties have children in common, and if the court finds that it is in the children's best interests for an Education Order to be issued, an "Education Order" substantially in conformity with Rule 97, Form 19 or Form 20, ~~as appropriate.~~ An Education Order must be issued if any of the following apply:

- (i) An education-related conflict has been raised by either parent as part of the proceedings before the court;
- (ii) One parent is awarded sole legal decision-making authority by the final order in the current litigation;
- (iii) Either party requests that an Education Order be entered by the court;
- (iv) An Education Order is required to be entered pursuant to Rule 91.3(c).

(2) [No change]

**(h)-(i) [No change]**

\* \* \*

### **Rule 91.3. Post-Judgment Petition to Modify Legal Decision Making or Parenting**

**Time; Education Order**

**(a)-(b) [No change]**

**(c) Education Order.** ~~If the court finds that it is in the children's best interests for an Education Order to be issued,~~ Any order granting modification issued under this rule

must include an "Education Order" substantially in conformity with Rule 97, Form 19 or

Form 20, ~~as appropriate~~ if one of the following is true:

- (v) An education-related conflict has been raised by either parent as part of the proceedings before the court;
- (vi) The parties have a history of conflict over education-related issues prior to the current litigation and an Education Order has not previously been entered;
- (vii) One parent is awarded sole legal decision-making authority by the final order in the current litigation;
- (viii) Either party requests that an Education Order be entered by the court;
- (ix) The court finds that it is in the children's best interest for an Education Order to be issued.