

TO:
Rule 28 Distribution
David K Byers
Mary Mangotich Grier
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mwa

ATTACHMENT¹

RULES OF FAMILY LAW PROCEDURE

[Insert before RFLP Rule 1]

Prefatory Comment to 2013 Amendments

SB 1127 (Laws 2012, Chapter 309) changed basic terminology used in Title 25, chapter 4, article 1. It did not change the same terminology used in other chapters of Title 25 to which these rules apply. Until this legislation can be clarified and any needed detailed conforming changes to these rules can be made, the term “legal custody” used in these rules shall be given the same meaning as “legal decision-making,” as defined by A.R.S. § 25-401 (3), and the terms “physical custody” and “parental visitation” used in these rules shall be given the same meaning as “parenting time,” as defined by A.R.S. § 25-401 (5).

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Rule 24. Pleadings Allowed

A. Petition. A party shall commence the following actions by filing a verified petition with the clerk of the superior court: Annulment (A.R.S. § 25-301), Dissolution (A.R.S. § 25-312), Legal Separation (A.R.S. § 25-313), Third Party Rights Child Custody or Visitation by Nonparent (A.R.S. § 25-415), Grandparent or Great-grandparent Visitation (A.R.S. § 25-409), Dissolution of Covenant Marriage (A.R.S. § 25-903), Legal Separation in Covenant Marriage (A.R.S. § 25-904), Paternity or Maternity (A.R.S. § 25-806), to establish, enforce, register, or modify custody or parenting time (A.R.S. §§ 25-403, -411, -803(C) and -1055), or to establish, enforce, register or modify support (A.R.S. §§ 25-320, -503, -1031 and -1033).

¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

B.-F. [No Change in text]

. . . .

Rule 49. Disclosure

A. Resolution Statement. Each party shall file a Resolution Statement substantially similar to Form 4 or 5, as applicable, setting forth any agreements and a specific, detailed position the party proposes to resolve all issues in the case, without argument in support of the position. Unless otherwise ordered by the court, a Resolution Statement is not required in proceedings filed pursuant to A.R.S. § 25-409 (~~grandparent-visitation~~ third party rights) or A.R.S. § 25-415 (custody by non parent).

B.-J. [No change in text]

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Rule 91. Post-Decree/Post-Judgment Proceedings

A.-D. [No change in text]

E. Petition to Relocate or Prevent Relocation.

1. A petition to relocate or prevent the relocation of a minor child pursuant to A.R.S. § 25-408 shall be considered a request to modify a prior court order and shall comply with the provisions of this rule.

2. If a petition to relocate or to prevent the relocation of a minor child requests a change of legal custody, the parties shall comply with the provisions of paragraph ~~D~~ C.

F.-T. [No change in text]

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Rule 97. Family Law Forms

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Form 1. Notice of Limited Scope Representation

Name:

Mailing Address:

City, State, Zip Code:

Daytime Phone Number:

Evening Phone Number:

Representing: Self Petitioner Respondent

State Bar Number:

ARIZONA SUPERIOR COURT, COUNTY OF _____

Case No. _____

_____ ATLAS No. _____

Petitioner

_____ NOTICE OF LIMITED SCOPE

Respondent

REPRESENTATION

The undersigned attorney enters a Notice of Limited Appearance for Petitioner Respondent _____, pursuant to Rule 9(B).

1. Counsel's appearance in this matter shall be limited in scope to the following matter(s): (Select all that are applicable, and provide detailed description of services, including any scheduled appearances, as needed.)

Protective Orders

Order of Protection

Injunction Against Harassment

Injunction Against Workplace Harassment

Voluntary acknowledgment of paternity

Establishment of Child Support (IV-D)

Rule 32 motion (specify) _____

U.C.C.J.E.A. Hearing _____

Temporary Orders (Pre-Decree) (specify any limitations) _____

Accelerated or Expedited Petition (Pre-Decree) _____

Resolution Management Conference

Arbitration

Mediation

Other ADR Process (specify) _____

Settlement Conference

Expedited Services Conference (specify type, e.g. child support establishment, enforcement, or modifications; custody or parenting time enforcement or modification; or other) _____

Enforcement of Decree or Order (specify, as follows):

Child support _____

Custody & parenting time _____

Spousal maintenance _____

Property/debt issues _____

Other: _____

Modification of Decree or Order (specify as follows):

Child support _____

Custody & parenting time _____

Spousal maintenance _____

Other: _____

Emergency Petition (Post-Decree) _____

Qualified Domestic Relations Order _____

Filing of Foreign Decree _____

Warrant to take Physical Custody _____

Child Custody or ~~Parenting Time by a Non-parent~~ Visitation by a Non-parent _____

Other motion and hearing thereon, specifically: _____

Attend Deposition(s) of (names) _____

Conduct the following discovery: _____

Other: _____

2.-5. [No Change in text]

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