AMENDED

MINUTES

Arizona Supreme Court

Monday, August 29, 2016

FILED
SEP 06 2016
JANET JOHNSON
CLERK SUPREME COURT
BY: adc

En Banc

No. 5379

R-15-0035
(1)

RULES 25(b) & 26(b), RULES OF PROTECTIVE ORDER

WOULD REQUIRE PETITIONS TO INCLUDE SPECIFIC ACTS OF HARASSMENT THAT WILL BE RELIED ON AT HEARING FOR BOTH INJUNCTIONS AGAINST HARASSMENT AND INJUNCTIONS AGAINST WORKPLACE HARASSMENT

ORDERED: Petition to Amend Rules 25(b) and 26(b) of the Proposed Arizona Rules of Protective Order Procedure = ADOPTED as modified, effective January 1, 2017.

R-16-0001
(2)

RULE 122, RULES OF THE SUPREME COURT

WOULD PROVIDE THAT RULE 122 APPLIES ONLY TO "PROCEEDINGS," AS DEFINED IN RULE 122(b)(7), AND NOT TO ACCESS TO PUBLIC MEETINGS, WHICH IS GOVERNED BY A.R.S. § 38-431.01

ORDERED: (Petition) (to Amend Supreme Court Rule 122) = DENIED as well as the request for Public Hearing and Request for Expedited Adoption of Rule Change.

R-16-0002
(3)

RULES OF FAMILY LAW PROCEDURE

WOULD PERMIT A PARTY IN A FAMILY COURT MATTER TO SUBMIT ALLEGATIONS OF CRIMINAL VIOLATIONS BY A FAMILY COURT AGENT TO THE FAMILY COURT JUDGE, AND WOULD REQUIRE THE JUDGE TO FORWARD THE ALLEGATION TO THE APPROPRIATE LAW ENFORCEMENT AGENCY FOR PROCESSING

ORDERED: (Petition) ARFLP Rule 96 (Proposed - New) = DENIED as well as the request for Public Hearing and Request for Expedited Adoption of Rule Change.

R-16-0006
(4)

RULES 41 & 42, RULES OF FAMILY LAW PROCEDURE

WOULD PROVIDE THAT FOR SERVICE OF PROCESS ON AN INCARCERATED PARTY BY CERTIFIED MAIL OR COURIER SERVICE, THE SIGNATURE OF A JAIL OR PRISON OFFICIAL ON A RETURN RECEIPT OR SIGNATURE CONFIRMATION IS SUFFICIENT EVIDENCE OF SERVICE

ORDERED: Petition to Amend Rules 41 and 42 of the Rules of Family Law Procedure = ADOPTED as modified, effective January 1, 2017.

R-16-0016
(5)

RULE 74, RULES OF FAMILY LAW PROCEDURE

NO SPECIFIC AMENDMENTS ARE PROPOSED, BUT THE PETITION RAISES THE IDEA OF ALLOWING BEHAVIORAL HEALTH PROVIDERS WHO ACCEPT INSURANCE TO SERVE AS PARENTING COORDINATORS AND OTHER ISSUES RELATING TO PUBLIC MEETING LAWS

ORDERED: (Petition) ARFLP Rule 74 "Parenting Coordinators" (Proposed Rule Change) = DENIED as well as the request for Public Hearing.

R-16-0020
(6)

RULE 78(D)(2), RULES OF FAMILY LAW PROCEDURE

WOULD CONFORM THE FAMILY LAW RULE TO THE CORRESPONDING RULES OF CIVIL PROCEDURE REGARDING TIME TO REQUEST ATTORNEY'S FEES AFTER A RULING ON THE OTHER PENDING ISSUES

ORDERED: Petition to Amend Rule 78, Arizona Rules of Family Law Procedure = CONTINUED to August 2017 rules agenda.

R-16-0021
(7)

RULES 65 & 76, RULES OF FAMILY LAW PROCEDURE

WOULD ENCOURAGE GREATER COMPLIANCE WITH THE DUTY TO VOLUNTARILY DISCLOSE INFORMATION IN A FAMILY COURT PROCEEDING

ORDERED: Petition to Amend Rules 65 and 76, Arizona Rules of Family Law Procedure = DENIED.

R-16-0026
(8)

RULE 31, RULES OF PROTECTIVE ORDER PROCEDURE

WOULD AUTHORIZE A COURT, AT A PLAINTIFF'S REQUEST, TO TRANSMIT A PROTECTIVE ORDER FOR SERVICE ON A DEFENDANT TO A COOPERATING LAW ENFORCEMENT AGENCY OR A PRIVATE PROCESS SERVER UNDER CONTRACT WITH THE COURT

ORDERED: Petition to Amend Rule 31, Arizona Rules of Protective Order Procedure = ADOPTED as modified, effective January 1, 2017.

R-16-0028
(9)

RULES 2 et al, RULES OF FAMILY LAW PROCEDURE

WOULD BRING THE RULES INTO ALIGNMENT WITH A CHANGE IN STATUTORY LANGUAGE ("LEGAL CUSTODY" IS CHANGED TO "LEGAL DECISION-MAKING," AND "PHYSICAL CUSTODY" OR "PARENTAL VISITATION" IS CHANGED TO "PARENTING TIME")

ORDERED: Petition to Amend Rules 2, 5, 10, 14, 24, 26, 27, 28, 41, 42, 44, 45, 49, 66, 67, 68, 73, 76, 91, 95 and 97, Rules of Family Law Procedure = ADOPTED as modified, effective January 1, 2017.

R-16-0030
(10)

RULE 72, RULES OF FAMILY LAW PROCEDURE

WOULD CHANGE ALLEGEDLY UNCONSTITUTIONAL PROVISIONS OF THE RULE RELATING TO FAMILY LAW MASTERS

ORDERED: Petition to Amend Arizona Rules of Family Law Procedure Rule 72 = DENIED.

R-14-0027
(11)

RULE 11, RULES OF PROCEDURE FOR EVICTION ACTIONS

WOULD AUTHORIZE WITNESSES TO APPEAR AND TESTIFY TELEPHONICALLY AT EVICTION HEARINGS

ORDERED: Petition to Amend Rule 11 of the Rules of Procedure for Eviction Actions = DENIED.

R-15-0013
(12)

RULE 44, RULES OF PROCEDURE FOR JUVENILE COURT

WOULD REVISE TIME LIMITS FOR AND CLARIFY DISCLOSURE RESPONSIBILITIES IN JUVENILE MATTERS AND CONFORM THE RULE TO OTHER RULES AND PRACTICE CONSIDERATIONS

ORDERED: Petition to Amend Rule 44, Arizona Rules of Procedure for the Juvenile Court = DENIED.

R-15-0036
(13)

RULES OF PROCEDURE FOR JUVENILE COURT

WOULD PROVIDE UNIFORM PROCEDURES FOR THE USE OF MECHANICAL RESTRAINTS ON JUVENILES BEING TRANSPORTED FROM DETENTION TO SUPERIOR COURT AND WHILE APPEARING BEFORE THE COURT IN DELINQUENCY MATTERS

ORDERED: Petition to Create a Juvenile Mechanical Restraints Rule, Arizona Rules of Procedure for the Juvenile Court = ADOPTED as modified, effective January 1, 2017.

R-15-0037
(14)

RULE 40.2, RULES OF PROCEDURE FOR JV COURT

WOULD ADD A NEW RULE DEFINING THE CONTINUING DUTIES AND RESPONSIBILITIES OF A GUARDIAN AD LITEM APPOINTED BY THE JUVENILE COURT TO PROTECT A PARENT, GUARDIAN, OR INDIAN CUSTODIAN

ORDERED: Petition to Create Rule 40.2, Rules of Procedure for Juvenile Court = CONTINUED.

R-15-0040
(15)

RULE 40.2, RULES OF PROCEDURE FOR THE JV COURT

WOULD ESTABLISH DUTIES AND RESPONSIBILITIES FOR ATTORNEYS REPRESENTING PARENTS IN DEPENDENCY CASES

ORDERED: Petition to Add Rule 40.2, Duties and Responsibilities of Appointed Counsel for Parent Representation = ADOPTED, effective January 1, 2017.

R-15-0042
(16)

RULES 45 & 58, RULES OF PROCEDURE FOR JV COURT

WOULD ADD A REQUIREMENT THAT THE CHILD SAFETY WORKER'S WRITTEN REPORT ADDRESS THE EFFORTS MADE TO ENSURE EDUCATIONAL STABILITY OF A CHILD IN FOSTER CARE

ORDERED: Petition to Amend Rule 45 and Rule 58, Rules of Procedure for the Juvenile Court = ADOPTED, effective January 1, 2017.

R-16-0005
(17)

RULE 19, RULES OF PROCEDURE FOR JV COURT

WOULD CLARIFY THAT THE JUVENILE COURT, INCLUDING THE COURT'S PROBATION DEPARTMENT, MAY SHARE JUVENILE COURT RECORDS, INCLUDING THE SOCIAL FILE, WITH OTHER JUVENILE PROBATION DEPARTMENTS BOTH WITHIN AND OUTSIDE OF ARIZONA

ORDERED: Petition to Amend Rule 19 of the Rules of Procedure for the Juvenile Court = ADOPTED, effective January 1, 2017.

R-16-0009
(18)

RULE 39, RULES OF PROCEDURE FOR JV COURT

WOULD ENSURE THAT REPRESENTED PARTIES ARE ON NOTICE OF COUNSEL'S REQUEST TO WITHDRAW AND THAT THEY ARE FULLY INFORMED REGARDING FUTURE PROCEEDINGS AFFECTING THEIR INTERESTS, RIGHTS, AND RESPONSIBILITIES

ORDERED: Petition to Amend Rule 39 of the Rules of Procedure for the Juvenile Court = ADOPTED, effective January 1, 2017.

R-16-0022
(19)

RULES OF PROCEDURE FOR EVICTION ACTIONS

WOULD PERMIT A CHANGE OF JUDGE AS A MATTER OF RIGHT AND FOR CAUSE IN EVICTION ACTIONS IN JUSTICE COURT

ORDERED: Petition to Amend the Rules of Procedure for Eviction Actions = ADOPTED as modified, on an experimental basis effective January 1, 2017. The amendment will be recirculated for comment until July 14, 2017, and reconsidered by the Court at the August 2017 rules agenda.

R-15-0038
(20)

RULE 16.4, RULES OF CRIMINAL PROCEDURE

WOULD REQUIRE THE TRIAL COURT TO ENSURE COMPLIANCE WITH THE PROSECUTION'S BRADY AND RULE 15.1(b)(8) DISCLOSURE OBLIGATIONS

ORDERED: Petition to Amend 16.4 of the Arizona Rules of Criminal Procedure = **DENIED**.

FURTHER ORDERED: Amended Petition to Amend Rule 16.4 of the Arizona Rules of Criminal Procedure = DENIED.

R-16-0004
(21)

RULE 32, RULES OF THE SUPREME COURT

WOULD ALLOW RETIRED JUDGES WHO ARE ON THE CALL BACK LIST TO PROVIDE JUDICIAL SERVICES TO THE COURT AND WHO DO NOT PRACTICE LAW TO RETAIN JUDICIAL STATUS WITH THE STATE BAR AND PAY THE JUDICIAL RATE FOR ANNUAL BAR DUES

FURTHER ORDERED: Petition to Amend Rule 32 of the Rules of the Supreme Court of Arizona = ADOPTED as modified, effective January 1, 2017.

R-16-0007
(22)

RULE 8.4, RULES OF CRIMINAL PROCEDURE

WOULD ADD TO THE LIST OF EXCLUSIONS OF TIME FROM THE COMPUTATION OF SPEEDY TRIAL LIMITS A PERIOD OF 30 DAYS IF THE DELAY UNDER RULE 8.4(a) ENDS WITHIN 30 DAYS OF THE SPEEDY TRIAL TIME LIMITS, TO ALLOW TIME TO SCHEDULE AND PREPARE FOR TRIAL

ORDERED: Petition to Amend Rule 8.4 of the Rules of Criminal Procedure = ADOPTED, effective January 1, 2017.

R-16-0008
(23)

RULE 123, RULES OF THE SUPREME COURT

WOULD REQUIRE REMOVAL OF CASE MANAGEMENT SYSTEM DATA AND CASE RECORDS FROM ONLINE DISPLAY AS PROVIDED IN THE APPLICABLE RECORDS RETENTION SCHEDULE, AND WOULD REQUIRE A DISCLAIMER ON THE LIMITATIONS OF THE CASE INFORMATION DISPLAYED ON PUBLIC ACCESS WEBSITES THROUGH WHICH A COURT PUBLISHES CASE MANAGEMENT SYSTEM DATA AND CASE RECORDS

ORDERED: Petition to Amend Rule 123, Rules of the Supreme Court = ADOPTED as modified, effective January 1, 2017.

R-16-0024
(24)

RULE 7.6, RULES OF CRIMINAL PROCEDURE

WOULD CONFORM THE RULE PROVISIONS RELATING TO EXONERATION OF BONDS TO CHANGES MADE TO A.R.S. § 13-3974 BY LAWS 2013, CH. 133 (HB 2231)

ORDERED: Petition to Amend Rule 7.6 of the Arizona Rules of Criminal Procedure = ADOPTED, effective January 1, 2017.

R-16-0029
(25)

RULE 31, RULES OF THE SUPREME COURT

WOULD HARMONIZE THE OATH WITH THE ARIZONA LOYALTY OATH OF OFFICE AND RULE 32(c)(3), RULES OF THE SUPREME COURT, AND WOULD EMPHASIZE ADDITIONAL AREAS IN THE CREED BASED ON PRACTICAL EXPERIENCE SINCE THE CREED WAS ORIGINALLY ADOPTED

ORDERED: Petition to Amend The Oath of Admission to the Bar and Lawyer's Creed of Professionalism = CONTINUED. The proposed changes to the Oath of Admission, Lawyer's Creed of Professionalism, and Rule 41, Rules of the Arizona Supreme Court, will be circulated for comment until October 28, 2016, and considered by the Court at the December 2016 rules agenda.

R-16-0031
(26)

RULES 20, 24.1 et al, RULES OF CRIMINAL PROCEDURE

WOULD DELETE RULE 20 (JUDGMENT OF ACQUITTAL) AND MOVE POST-VERDICT PROVISIONS OF THAT RULE TO NEW RULE 24.1 (POST-VERDICT PROCEEDINGS); PROVISIONS FOR JUDGMENT OF ACQUITTAL BEFORE VERDICT WOULD BE ELIMINATED

ORDERED: Petition to Delete Rule 20, to Add Rule 24.1 and to Renumber Rules 24.1, 24.2, 24.3, and 24.4, Arizona Rules of Criminal Procedure = DENIED.

R-16-0033
(27)

RULE 28.1, S. CT. RULES/RULE 83, ARCAP et al

WOULD IMPLEMENT A PROCEDURE FOR PRESIDING JUDGES TO REQUEST SUPREME COURT APPROVAL OF NEW AND AMENDED LOCAL RULES FOR SUPERIOR COURTS, JUSTICE OF THE PEACE COURTS, AND MAGISTRATE COURTS

ORDERED: Petition and Amended Petition to Promulgate Rule 28.1, Rules of the Supreme Court, and to Abrogate Certain Other Rules = ADOPTED as modified, effective January 1, 2017.

FURTHER ORDERED: Rule 83, Arizona Rules of Civil Procedure, Rule 36, Arizona Rules of Criminal Procedure, Rule 5, Rules of Procedure of Juvenile Court and Rule 21, Rules of Family Law Procedure = ABROGATED, effective January 1, 2017.

R-12-0002
(28)

RULE 34, RULES OF THE SUPREME COURT

WOULD ALLOW LAW STUDENTS TO TAKE THE UNIFORM ARIZONA BAR EXAMINATION IN FEBRUARY OF THEIR THIRD YEAR OF LAW SCHOOL

ORDERED: Petition to Amend Rule 34, Rules of the Supreme Court = ADOPTED on a permanent basis, effective January 1, 2017.

R-15-0041
(29)

RULES 46(c) & (d), RULES OF THE SUPREME COURT

WOULD GIVE THE STATE BAR OF ARIZONA DISCRETION TO PURSUE LAWYER DISCIPLINE AGAINST A FORMER JUDGE WHO HAS BEEN REMOVED, RESIGNS OR RETIRES AS THE RESULT OF A JUDICIAL DISCIPLINE PROCEEDING AND WOULD CLARIFY JURISDICTIONAL ISSUES RELATING TO THE STATE BAR AND THE COMMISSION ON JUDICIAL CONDUCT

ORDERED: Petition to Amend Rules 46(c) and (d), Rules of the Supreme Court = ADOPTED as modified, effective January 1, 2017.

R-16-0011
(30)

RULE 42, ER 1.6(d), RULES OF THE SUPREME COURT

WOULD AMEND ER 1.6 (CONFIDENTIALITY OF INFORMATION) TO PROVIDE THAT LICENSED ADOPTION SERVICE PROVIDERS MAY DISCLOSE PERTINENT INFORMATION REGARDING A BIRTHMOTHER TO OTHER ADOPTION SERVICE PROVIDERS FOR THE PURPOSE OF PREVENTING OR MITIGATING FRAUDULENT BIRTHPARENT ACTIVITIES

ORDERED: Petition to Amend ER 1.6(d), Rule 42, Ariz. R. Sup. Ct. = DENIED.

R-16-0012
(31)

RULES 32 & 44, RULES OF THE SUPREME COURT

WOULD AMEND RULE 32 AND ADD NEW RULE 44, ESTABLISHING SUPREME COURT SUPERVISION OVER THE STATE BAR'S BOARD OF LEGAL SPECIALIZATION

ORDERED: Petition to Adopt Rule 44 and to Amend Rule 32 of the Rules of the Supreme Court of Arizona = ADOPTED as modified, effective January 1, 2017.

R-16-0013
(32)

RULE 32, RULES OF THE SUPREME COURT

WOULD AMEND PROVISIONS RELATING TO THE STATE BAR OF ARIZONA'S MISSION AND GOVERNANCE

ORDERED: Petition and Amended Petition to Amend Rule 32 of the Rules of the Supreme Court of Arizona = ADOPTED as modified, effective January 1, 2017.

R-16-0014
(33)

RULES 35(d) & 36(h), RULES OF THE SUPREME COURT

WOULD PROVIDE FOR CONFIDENTIALITY OF REPORTS OR RECORDS WRITTEN BY A LICENSED MEDICAL OR PSYCHOLOGICAL PROFESSIONAL SUBMITTED IN CONNECTION WITH A PETITION FOR REVIEW CHALLENGING A DECISION BY THE COMMITTEE ON EXAMINATIONS

ORDERED: Petition to Amend Rules 35 and 36 Rules of the Supreme Court = ADOPTED as modified, effective January 1, 2017.

R-16-0023
(34)

RULES 48(f) et al, RULES OF THE SUPREME COURT

WOULD EXPEDITE THE DISCIPLINE PROCESS, CLARIFY THE DISABILITY PROCESS, AND CHANGE THE REINSTATEMENT PROCESS FROM RECOMMENDATIONS BY A HEARING PANEL TO DECISIONS SUBJECT TO APPEAL

ORDERED: Petition to Amend Rules 48(f), 58(d), 63(b), 64(f)(1) and 65, Rules of the Supreme Court = ADOPTED as modified, effective January 1, 2017.

FURTHER ORDERED: Consideration of the proposed amendment to Rule 59 will be continued and the proposal circulated for comment. Comments will be due October 28, 2016.

R-16-0027
(35)

ER 1.2, RULE 42, RULES OF THE SUPREME COURT

WOULD ADDRESS ARIZONA LAWYERS' ABILITY TO COUNSEL & ASSIST CLIENTS IN LEGAL MATTERS EXPRESSLY PERMISSIBLE UNDER STATE LAW THAT NONETHELESS MAY VIOLATE FEDERAL LAW

ORDERED: Petition to Amend ER 1.2, Rule 42, Ariz. R. Sup. Ct. = DENIED.

R-15-0004
(36)

RULE 11, RULES OF CIVIL PROCEDURE

WOULD ADD SANCTIONS DESIGNED TO CURB THE PROLIFERATION OF ABUSIVE RULE 11 ACCUSATIONS IN COURT FILINGS

ORDERED: Petition to Amend Rule 11, Arizona Rules of Civil Procedure = ADOPTED as modified, effective January 1, 2017.

R-15-0043
(37)

RULE 11, RULES OF CIVIL PROCEDURE

WOULD AMEND RULE 11 ACCORDING TO THE STATE BAR'S PENDING PETITION R-15-0004 (ADDING SANCTIONS TO CURB ABUSIVE RULE 11 ACCUSATIONS IN COURT FILINGS), WITH THE EXCEPTION OF THE MANDATORY SANCTIONS PROVISION

ORDERED: Petition to Amend Rule 11, Arizona Rules of Civil Procedure = ADOPTED as modified, effective January 1, 2017.

R-16-0010
(38)

ARIZONA RULES OF CIVIL PROCEDURE

WOULD COMPREHENSIVELY REVISE THE CIVIL RULES BY STYLISTIC AND SUBSTANTIVE AMENDMENTS

ORDERED: Petition and Amended Petition to Amend the Arizona Rules of Civil Procedure and Related Rules = ADOPTED as modified, effective January 1, 2017.

R-16-0017
(39)

RULE 5.1(a), RULES OF CIVIL PROCEDURE

WOULD ALLOW A GOVERNMENTAL LAW OFFICE OR A PUBLIC OR PRIVATE LAW FIRM THAT HAS APPEARED AS COUNSEL OF RECORD TO SUBSTITUTE AN ATTORNEY WHO IS A MEMBER OR ASSOCIATE OF THAT OFFICE OR FIRM BY FILING A NOTICE OF SUBSTITUTION WITH THE COURT

ORDERED: Maricopa County Attorney's Petition to Modify Rule 5.1(a), Arizona Rules of Civil Procedure = ADOPTED as modified, effective January 1, 2017.

R-16-0018
(40)

RULE 49(a), RULES OF CIVIL PROCEDURE

WOULD ALLOW JURORS, IN THE CASE OF A NON-UNANIMOUS VERDICT, TO SIGN THE VERDICT FORM USING THEIR JUROR NUMBER AND INITIALS IN LIEU OF A SIGNATURE

ORDERED: Petition to Amend Rule 49(a) of the Rules of Civil Procedure = ADOPTED as modified, effective January 1, 2017.

R-16-0019 (41)

RULES 10(f), RULES OF CV PROC/110(b) JUSTICE COURT

WOULD ALLOW THE COURT TO SUBSTITUTE A FICTITIOUSLY NAMED DEFENDANT'S TRUE NAME AFTER JUDGMENT, CONDITIONED ON FINDINGS THAT THE DEFENDANT WAS PROPERLY SERVED AND WAS REASONABLY IDENTIFIED SO THAT THE DEFENDANT KNEW OR SHOULD HAVE KNOWN OF THE PROCEEDING

ORDERED: Petition to Amend Rule 10 of the Arizona Rules of Civil Procedure and Rule 110 of the Justice Court Rules of Civil Procedure = DENIED.

R-16-0032 (42)

RULES 2.18 et al, MCSC LOCAL RULES

WOULD CONFORM THE MARICOPA COUNTY LOCAL RULES TO ANTICIPATED CHANGES IN THE ARIZONA RULES OF CIVIL PROCEDURE PROPOSED IN ARIZONA SUPREME COURT NO. R-16-0010

ORDERED: Request to Amend Superior Court Local Rules - Maricopa County = APPROVING amendments to Local Rules 3.1, 3.2, 3.11. DENYING approval of amendments to Local Rules 2.18, 3.4.

R-16-0034 (43)

RULE 5(a), RULES OF CIVIL APPELLATE PROCEDURE

WOULD ELIMINATE THE FIVE CALENDAR DAYS CURRENTLY ADDED TO THE TIME FOR RESPONDING TO AN APPELLATE FILING THAT IS SERVED ELECTRONICALLY

ORDERED: Petition to Amend Rule 5(a) of the Arizona Rules of Civil Appellate Procedure = ADOPTED, effective January 1, 2017.

R-16-0036
(44)

RULE 17.1, RULES OF CRIMINAL PROCEDURE

WOULD ADD LANGUAGE FROM FORMER RULE 8(B), ARIZONA RULES OF TRAFFIC AND BOATING CASES, WHICH WAS UNINTENTIONALLY ABROGATED EFFECTIVE JANUARY 1, 2016; WOULD REINSTATE A PROCESS BY WHICH OUT-OF STATE DEFENDANTS WHO HAVE BEEN CHARGED WITH CRIMINAL TRAFFIC MISDEMEANORS OR PETTY OFFENSES MAY EASILY RESOLVE THEIR CASES

ORDERED: Petition to Modify Arizona Rules of Criminal Procedure 17.1 = CONTINUED. The petition is reopened for comment. Comments will be due October 28, 2016.

R-16-0037
(45)

RULE 72, RULES OF FAMILY LAW PROCEDURE

WOULD (1) PRECLUDE THE TRIAL COURT FROM APPOINTING A FAMILY LAW MASTER ON ITS OWN MOTION WITHOUT THE AGREEMENT OF THE PARTIES ; (2) CLARIFY THAT THE COURT MAY NOT APPOINT A FAMILY LAW MASTER TO SERVE AS A PARENTING COORDINATOR; AND (3) CLARIFY THAT THE COURT MAY NOT DELEGATE TO A FAMILY LAW MASTER THE COURT'S JUDICIAL AUTHORITY TO MAKE DECISIONS CONCERNING LEGAL DECISION MAKING OR PARENTING TIME

ORDERED: Request for Public Hearing = DENIED.

FURTHER ORDERED: Request for Hearing on Petition = DENIED.

ORDERED: Petition to Amend Rule 72 of the Rules of Family Law Procedure = CONTINUED to December 2016 rules agenda. A revised version will be circulated for comment until October 28, 2016.

AMENDED

MINUTES

No. 5379

En Banc

Arizona Supreme Court

Monday, August 29, 2016

R-16-0025
(46)

RULES 19, 30, 45, 47, 104, PROCEDURE FOR JV COURT

WOULD PROVIDE UNIFORMITY AND CLARITY IN HANDLING DOCUMENTS RELEVANT TO JUDICIAL DETERMINATIONS IN JUVENILE DELINQUENCY AND DEPENDENCY PROCEEDINGS

ORDERED: Petition to Amend Rules 19, 30 and 47, Rules of Procedure for the Juvenile Court = ADOPTED, effective January 1, 2017.

The foregoing action was taken by the Arizona Supreme Court on Monday, August 29, 2016.

/s/ **Date:** 9/6/2016

Scott Bales, Chief Justice