

**CASE PROCESSING STANDARDS ANALYSIS  
FAMILY LAW - DISSOLUTION/DIVORCE/ALLOCATION OF PARENTAL  
RESPONSIBILITY CASES**

**National Center for State Courts Model Time Standards for Dissolution/Divorce/Allocation of Parental Responsibility Cases:**

- 75% within 120 days (4 months)
- 90% within 180 days (6 months)
- 98% within 365 days (12 months)

**Measurement:** Measurement is the date of filing to the date of disposition by dismissal or entry of judgment or order.

**Arizona Family Law – Dissolution/Divorce/Allocation of Parental Responsibility Cases**

The Arizona Case Processing Standards Steering Committee recommends that Arizona adopt a different standard:

- 75% within 180 days (6 months)**
- 90% within 270 days (9 months)**
- 98% within 365 days (12 months)**

- ✓ Includes legal separation and annulment cases.
- ✓ Excludes adoption cases.

**Measurement:** The date of filing to the date of disposition by entry of judgment/decree or order. The following stay of proceedings will be excluded from the measurement: special actions, bankruptcy, conciliation court, pending juvenile cases and Servicemembers Civil Relief Act.

**INTERMEDIATE GOAL**

**National Center for State Courts Intermediate Time Standards for Temporary Orders:**

98% temporary orders should be issued within 60 days

**Measurement:** Measurement is the receipt of filing a verified motion for temporary orders with the court to the date of disposition by entry of temporary orders.

**Arizona Intermediate Case Processing Goal for Temporary Orders**

The Arizona Case Processing Standards Steering Committee recommends that Arizona adopt a different standard:

- 90% of temporary orders should be issued within 60 days**
- 98% of temporary orders should be issued within 120 days**

- ✓ Only Pre-decree temporary orders are included.

**Measurement:** The date the motion for temporary order is filed to the date of disposition by entry of a temporary order.

**Temporary Order Time Goals:** The NCSC Model Time Standards offer additional time standards for key intermediate points in the process that should establish timely goals against the delivery of judicial

services by the courts that should be measured. Arizona agrees that the most important pre-trial step is the issuance of a temporary order to stabilize the financial and parenting situation pending final judgment. It is important for the safety, security and well-being of the spouses and children that an order be established early on to address child support, spousal maintenance, legal decision-making (custody) and parenting time. There are other matters that may need to be resolved early, such as use of the dwelling and, if not resolved through a domestic violence proceeding, orders to protect the safety of either spouse.

Arizona Rules and Statutes	Timelines under Statute and Rule
<b>Petition Filed:</b>	<b>(Measurement Starts Here)</b>
<p><b>Service of Process:</b> Rule 40(I), ARFLP<sup>1</sup></p> <p>Rule 40(F), ARFLP</p> <p>Rule 32(A), ARFLP</p> <p>Rule 42(C) and (J), ARFLP</p> <p>Rules 41(M) and 42(D), ARFLP</p>	<p><b><u>No Service- Dismissal:</u></b> Action dismissed without prejudice if summons and complaint not served upon defendant within <b>120 days</b> of filing of complaint.</p> <p><b><u>Service; Acceptance or Waiver; Voluntary Appearance:</u></b> Waiver, acceptance or appearance has the same force and effect as if a summons had been issued and served. Filing of a responsive pleading constitutes an appearance.</p> <p><b><u>Service in Arizona:</u></b> If defendant served in Arizona the answer must be filed within <b>20 days</b> from date of service. Personal service is required for issues requiring personal jurisdiction over the parties i.e., paternity, child support, spousal maintenance, division of marital property.</p> <p><b><u>Out of State Service:</u></b> If defendant personally served outside of state, must file answer within <b>30 days</b> from completion of service. If by registered mail 30 days after date on return receipt.</p> <p><b><u>Service by Publication:</u></b> Answer is due <b>50 days</b> from date of first publication if within Arizona or <b>60 days</b> if out of state.</p>
<p><b>Motions Filed Prior to Answer:</b> Rule 35(A), ARFLP</p> <p>Rule 32(A)(2), ARFLP</p> <p>Rule 44(A)(2), ARFLP</p>	<p><b><u>Response and Reply:</u></b> Party opposing a motion shall have <b>10 days</b> after service to file any answering memorandum. Moving party has <b>5 days</b> to file a reply.</p> <p><b><u>Extension of Time for Filing Answer:</u></b> If the court denies the motion or postpones its decision until trial, the responsive pleading shall be served within <b>10 days</b> after notice of the court's action.</p> <p><b><u>Default Decree:</u></b> Default entered by the clerk is effective <b>10 days</b> after filing of application for entry of default.</p>

<sup>1</sup> Arizona Rules of Family Law Procedure

Arizona Rules and Statutes	Timelines under Statute and Rule
<p><b>Servicemembers protections:</b> Sec. 201 [50 U.S.C. App. 521]</p> <p>Sec. 202 [50 U.S.C. App. 522]</p> <p>Sec. 204 [50 U.S.C. App. 524]</p>	<p>Servicemembers Civil Relief Act<sup>2</sup></p> <p><b><u>Protection of servicemembers against default judgments:</u></b> This provision applies to any civil action or proceeding in which the defendant (respondent) does not make an appearance. The court must grant a stay of proceedings for a <b>minimum period of 90 days</b> upon application of counsel, or on the court’s own motion if the court determines that: 1) there may be a defense to the action and a defense cannot be presented without the presence of the defendant (respondent), and 2) after due diligence, counsel has been unable to contact the defendant (respondent) or otherwise determine if a meritorious defense exists.</p> <p><b><u>Stay of proceedings when servicemember has notice:</u></b> This provision applies to any civil action or proceeding in which the plaintiff or defendant (respondent) at the time of filing is in the military or is within 90 days after termination of or release from military service; and has received notice of the action or proceeding. The court may on its own motion and shall, upon application by the servicemember, stay the action for a period of <b>not less than 90 days</b>, if conditions are met. (Conditions include a letter from servicemember and commanding officer indicating military duty requirements materially affecting the servicemember’s ability to appear, date when available to appear and that military leave is not authorized for the servicemember at the time of the letter.) The servicemember may also apply for an additional stay based on continuing material affect of military duty on the servicemember’s ability to appear.</p> <p><b><u>Stay or vacation of execution of judgments, attachments, and garnishments:</u></b> If servicemember is materially affected by reason of military service in complying with a court judgment or order, the court may on its own motion and shall on application by the servicemember 1) stay the execution of any judgment or order entered against servicemember; and 2) vacate or stay an attachment or garnishment of property, money, or debts in possession of the servicemember whether before or after judgment.</p>
	<p><b>(Measurement for Intermediate Goal Starts Here)</b></p>
<p><b>Temporary Orders:</b> Rule 47(A) and (B), ARFLP</p> <p>Rule 47(D), ARFLP</p> <p>Rule 47(E), ARFLP</p>	<p><b><u>Motions for Pre-Decree or Pre-Judgment Temporary Orders:</u></b> A party seeking temporary orders shall do so by filing a separate verified motion with the court after or concurrently with the initial petition.</p> <p><b><u>Order to Appear:</u></b> Upon receipt of Motion for Temporary Orders, court shall issue an Order to Appear for a pretrial conference, RMC or evidentiary hearing to be set not later than <b>30 days</b> from receipt of motion. If court holds a pretrial conference or RMC, an evidentiary hearing on remaining issues shall occur not later than <b>30 days</b> thereafter.</p> <p><b><u>Service:</u></b> The moving party must serve the Motion for Temporary Orders,</p>

<sup>2</sup> SCRA (As amended through February 1, 2006) Public Law 108-189 (enacted December 19, 2003: 117 Stat.2835) restated, clarified, and revised this Act as then in existence. 50 U.S.C. App. §§ 521, 522 and 524

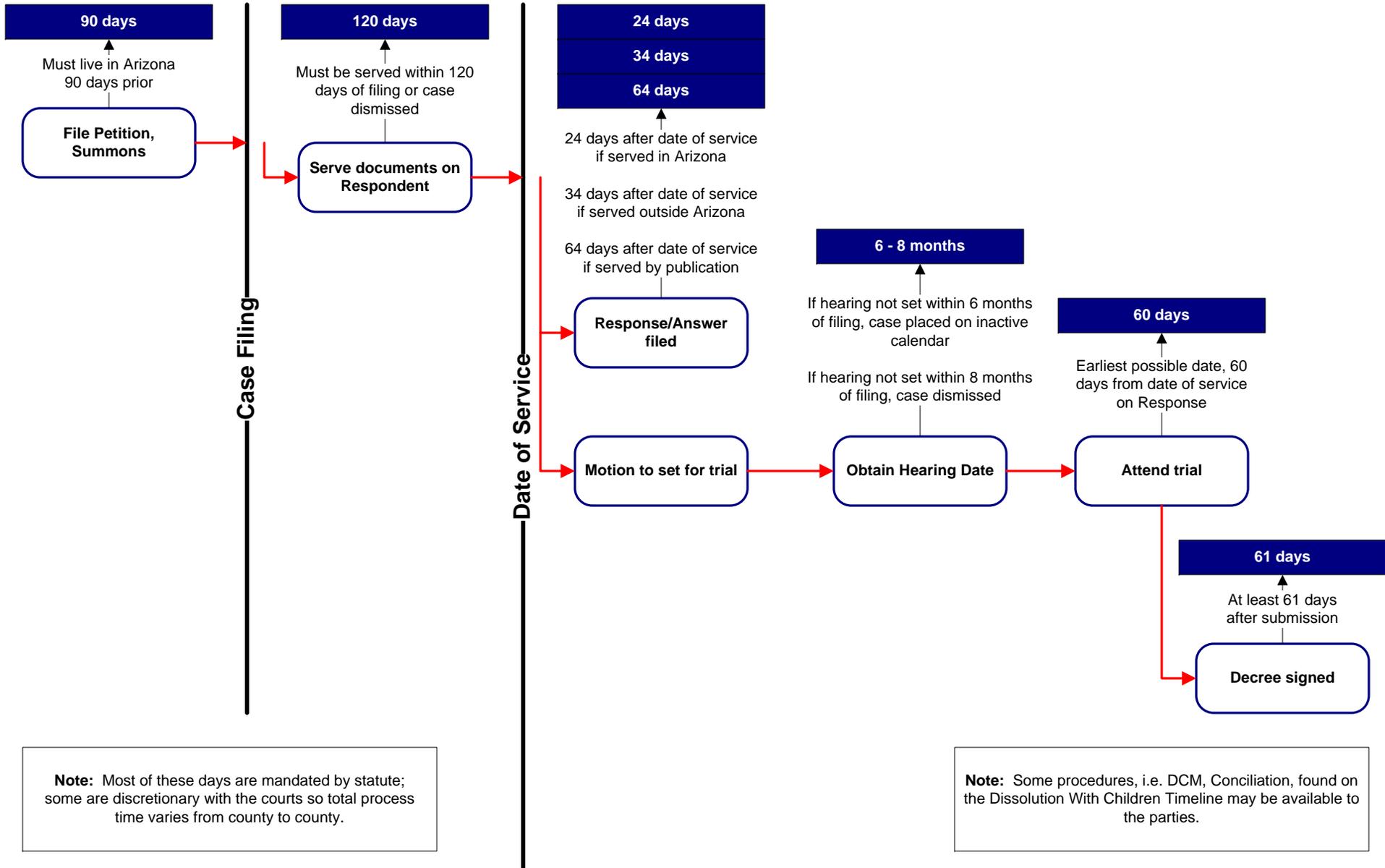
Arizona Rules and Statutes	Timelines under Statute and Rule
<p>Rule 47(F), ARFLP</p> <p>Rule 47(G), ARFLP</p> <p>Rule 47(I), ARFLP</p>	<p>Order to Appear and required documents at least <b>10 judicial days</b> prior to the date of the scheduled conference or hearing.  <b>Response:</b> A party served with a Motion for Temporary Orders generally not required to respond unless child support is at issue and if so, must file and serve completed Child Support Worksheet not later than <b>3 days</b> prior to hearing or conference.</p> <p><b>Requirements Prior to Conference or Hearing:</b> If court has set the motion for a conference, RMC or hearing, the parties are required to comply with disclosure rules and to meet and discuss issues not less than <b>5 days</b> prior to the date set for the conference, RMC or hearing. At least <b>3 judicial days</b> prior to hearing, parties must exchange list of witnesses and exhibits.</p> <p><b>Simplified Child Support Order:</b> If Simplified Child Support Order petition is filed, opposing party must file response and child support worksheet with <b>20 days</b> of in-state service, or <b>30 days</b> if out-of-state service. Court may enter temporary child support order if no response, without prejudice.</p> <p style="text-align: center;"><b>(Measurement for Intermediate Goal Stops When Temporary Order Entered)</b></p>
<p><b>Discovery and Disclosure:</b> Rule 49, ARFLP</p> <p>Rule 49(I), ARFLP</p> <p>Rule 57, ARFLP</p> <p>Rule 57, ARFLP</p> <p>Rules 60(A), 62(B) and 64(A)</p> <p>Rule 51(D), ARFLP</p>	<p><b>Disclosure Statements/Resolution Statement:</b> Must serve disclosure statements or Resolution Statement within <b>40 days</b> after filing of responsive pleading.</p> <p>Continuing duty to disclose whenever new or different information is discovered. Additional or amended disclosures must be made not more than <b>30 days</b> after information is discovered by disclosing party.</p> <p><b>Depositions upon Oral Examination</b> Leave of court required if plaintiff wishes to take deposition prior to expiration of 30 days after service of complaint.</p> <p><b>Notice of Examination</b> A party must provide a <b>10-day</b> written notice of taking a deposition absent stipulation of all parties or court order authorizing shorter notice.</p> <p><b>Interrogatories, Request for Production of Documents and Request for Admissions:</b> Answers and objections to discovery must be served within <b>40 days</b> of service except that a defendant has <b>60 days</b> if discovery request is served with complaint. Add <b>5 days</b> if mailed.</p> <p><b>Supplementation of Responses</b> Parties under a duty to supplement any response to a request for discovery, and in any event not later than <b>30 days</b> prior to trial.</p>

<b>Arizona Rules and Statutes</b>	<b>Timelines under Statute and Rule</b>
<p>Rule 34(A)(1), ARFLP</p> <p>Rule 34(A)(2), ARFLP</p> <p>Rule 34(A)(3), ARFLP</p> <p>Rule 46(B), ARFLP</p> <p>Rule 79(A), ARFLP</p> <p>Rule 79(C), ARFLP</p>	<p><b><u>Amendment to Pleadings:</u></b> Pleadings may be amended within <b>20 days</b> after pleading to be amended is served.</p> <p>If granted, must serve amended pleading within <b>10 days</b> of order granting motion to amend.</p> <p>Response to amended pleading must be made within <b>10 days</b> after service.</p> <p><b><u>Involuntary Dismissal</u></b>  <b>120 days</b> after filing a petition the court may issue a notice that the matter will be dismissed by the court in not less than <b>60 days</b> without further notice, unless a proper motion to set or request for hearing is filed.</p> <p><b><u>Summary Judgment:</u></b> Plaintiff can move for summary judgment after the expiration of <b>20 days</b> from the date of service, but no sooner than the date the response is due. All motions for summary judgment shall not be filed later than <b>60 days</b> prior to trial.</p> <p>Response to Motion for Summary Judgment is due within <b>30 days</b> after service of Motion. Reply is due within <b>15 days</b> of service of the Response.</p>
<p><b>Settlement and Alternative Dispute Resolution (ADR):</b></p> <p>Rule 66(D), ARFLP</p> <p>Rule 66(E), ARFLP</p> <p>Rule 67(B)(7), ARFLP</p>	<p><b><u>Duty to Consider ADR:</u></b> No later than <b>90 days</b> following the first appearance of a respondent, parties shall confer about settlement and resolution of the case.</p> <p><b><u>Duty to Attempt Settlement, Agree on ADR and Report to Court:</u></b> Within <b>30 days</b> after the attorneys or unrepresented parties met to confer or at the Resolution Management Conference, (RMC), whichever is earlier, the parties report to the court using a Joint ADR Statement form.</p> <p><b><u>Reports to the Court:</u></b> The parties notify the court that the mediation has concluded and advise the court of any agreements reached with <b>10 days</b> after the conclusion of the mediation and not later than <b>10 days</b> prior to the date set for trial or hearing.</p>
<p><b>Pre-Trial and Trial Procedures:</b></p> <p>Rule 76(A), ARFLP</p>	<p><b><u>Resolution Management Conference (RMC):</u></b> Upon written request of any party, the court shall, or upon its own motion the court may, schedule one or more RMCs that shall be held within <b>60 days</b> of receipt of written request by the court, unless extended for good cause. Not less than <b>5 judicial days</b> prior to the RMC, parties shall meet and confer to resolve as many issues as possible.</p> <p>The court may, among other things, enter temporary orders, order services or special procedures needed to properly manage the case; schedule an evidentiary hearing, a trial date and other hearings or conferences; refer a</p>

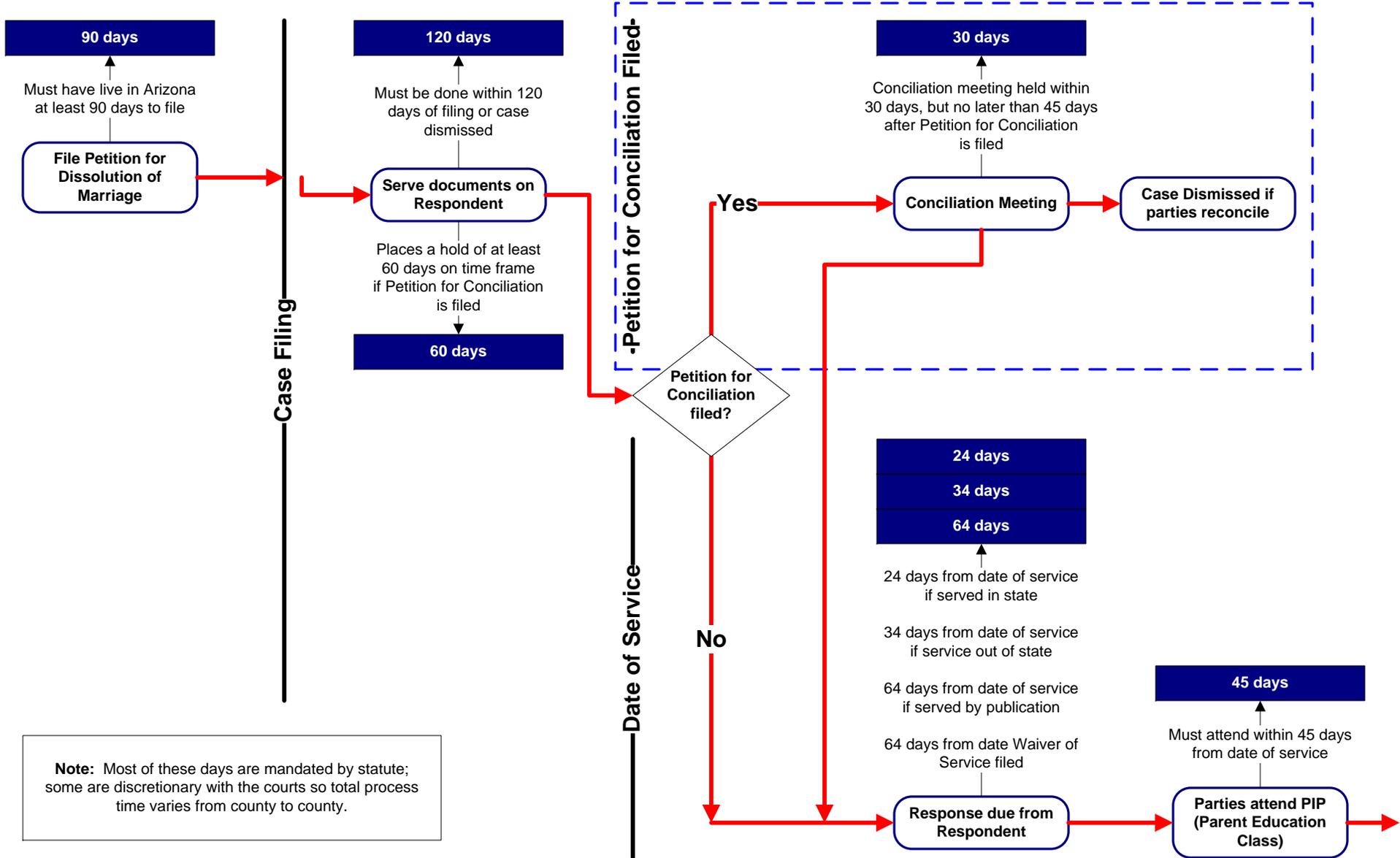
Arizona Rules and Statutes	Timelines under Statute and Rule
	matter for settlement conference; order other ADR processes, and set a date for filing the joint pretrial statement.
<p><b>Conciliation Court Services:</b> A.R.S. § 25-381.09 Rule 68(A), ARFLP</p> <p>A.R.S. § 25-381.14 Rule 68(A)(2)(a)</p> <p>Rule 68(A)(2)(b)</p> <p>Rule 68(A)(2)(c) A.R.S. § 25-381.18(B)</p>	<p><b><u>Petition invoking jurisdiction or for transfer of action to conciliation court:</u></b> Prior to filing for annulment, dissolution, or legal separation, either spouse, or both spouses, may file in conciliation court a petition invoking the jurisdiction of the court. Where an action for annulment, dissolution, or legal separation has been filed, either party may by petition filed therein have the cause transferred to conciliation court for proceedings as though action had been instituted in conciliation court in the first instance.</p> <p><b><u>Hearing; time; place; notice; citation; witnesses:</u></b> Judge of conciliation court to fix a time and place for hearing to be held within <b>30 days</b> of the date of the filing of the petition, unless the court for good cause orders the hearing to be held within <b>45 days</b> from the date of filing the petition.</p> <p><b><u>Period of Jurisdiction; Stay of Proceedings; Temporary Orders; Extension:</u></b> No more than one stay during any twelve-month period in any case.</p> <p>A party may petition the court for an extension of the stay of proceedings. The court may grant a reasonable extension of up to <b>120 days</b> if the moving party establishes good cause for the extension. The court shall not grant an extension if the other party objects with good cause.</p>
<p><b>Custody: (Legal decision-making)</b> A.R.S. § 25-407</p>	<p><b><u>Custody hearings; priority:</u></b> Custody hearings shall receive priority in being set for hearing.</p>
<p><b>Paternity/Maternity:</b> A.R.S. § 25-806(A)</p> <p>A.R.S. § 25-806(D)</p> <p>A.R.S. § 25-807(A)</p> <p>A.R.S. § 25-807(B)</p>	<p><b><u>Petition:</u></b> Paternity proceedings are commenced by the filing of a verified petition.</p> <p>If the respondent does not file a response or if the respondent files a written response admitting paternity or maternity, the court may immediately enter a judgment of paternity or maternity. The court will resolve all relevant issues pursuant to ARFLP rules.</p> <p><b><u>Precedence of maternity and paternity proceedings delay for paternity tests:</u></b> The case shall be set for trial within <b>60 days</b> from the filing of an answer by the respondent.</p> <p>A delay in determining paternity in an action commenced before the birth of the child shall be granted until after the birth of the child for purposes of paternity tests if any party to the proceeding requests.</p>
<p><b>Pre-Trial and Trial</b></p>	

Arizona Rules and Statutes	Timelines under Statute and Rule
<p><b>Procedures:</b> Rule 76(A), ARFLP</p>	<p><b><u>Resolution Management Conference (RMC):</u></b> Upon written request of any party, the court shall, or upon its own motion the court may, schedule one or more RMCs that shall be held within <b>60 days</b> of receipt of written request by the court, unless extended for good cause. Not less than <b>5 judicial days</b> prior to the RMC, parties shall meet and confer to resolve as many issues as possible.</p> <p>The court may, among other things, enter temporary orders, order services or special procedures needed to properly manage the case; schedule an evidentiary hearing, a trial date and other hearings or conferences; refer a matter for settlement conference; order other ADR processes, and set a date for filing the joint pretrial statement.</p>
<p><b>Trial:</b> A.R.S. § 25-329</p> <p>Rule 77(A) and (B), ARFLP</p> <p>Local Rules, Maricopa County 6.8(a)</p> <p>Local Rules, Maricopa County Rule 6.8(g)</p>	<p><b><u>Waiting Period:</u></b> Court shall not consider a submission of a motion supported by affidavit or hold a trial or hearing on an application for a decree of dissolution of marriage or legal separation until 60 days after the date of service of process or the date of acceptance of service of process.</p> <p><b><u>Setting of Cases for Trial:</u></b> A trial date may be secured by filing a Motion to Set or, a trial date may be set by the court at the RMC. Any party may request additional time by motion made no less than <b>45 days</b> before the scheduled trial date.</p> <p><b><u>Completion of pre-trial discovery:</u></b> Rule does not mention discovery deadlines in regard to Motion to Set. Maricopa County requires all discovery to be completed at the time of filing a Motion to set in family court cases.</p> <p><b><u>Inactive Calendar:</u></b> If a motion to set has not been filed within <b>6 months</b> the case will be set on an inactive calendar by the clerk. If case remains on calendar for <b>2 months</b> case shall be dismissed without prejudice.</p> <p style="text-align: center;"><b>(Measurement Stops Here)</b></p>

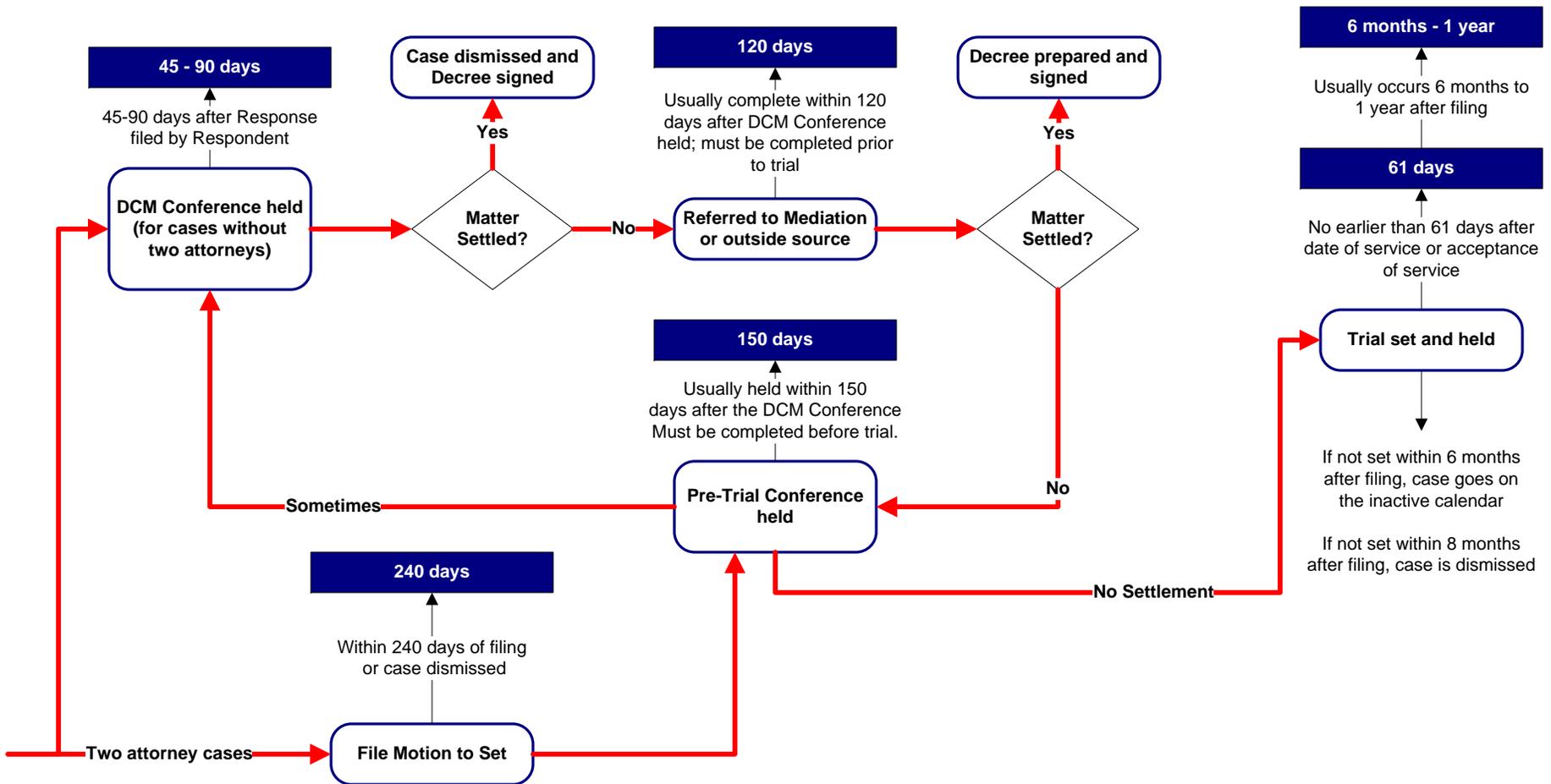
# DISSOLUTION WITHOUT CHILDREN (Non-Covenant) TIME LINE



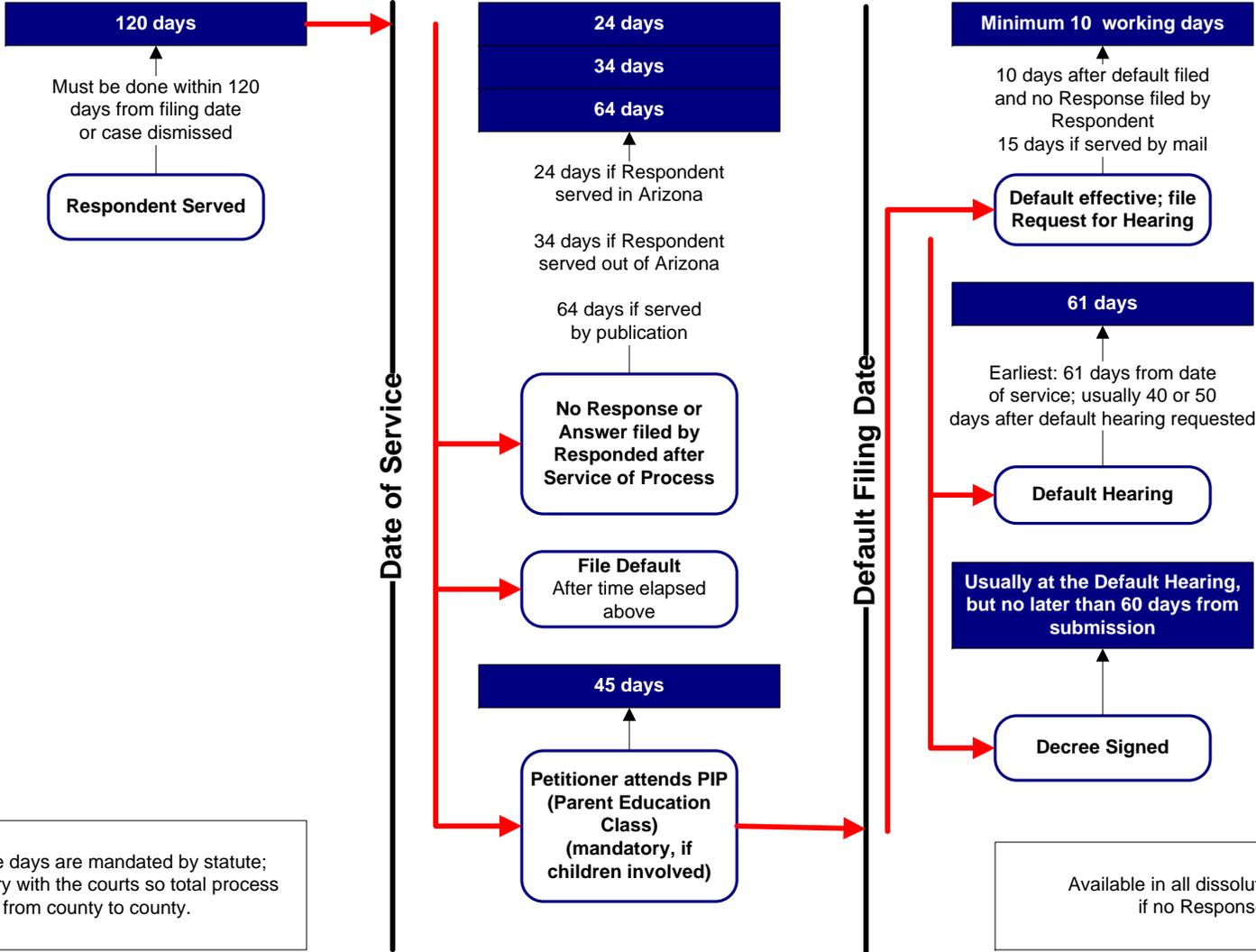
# DISSOLUTION WITH CHILDREN Non-Covenant TIME LINE



**Note:** Most of these days are mandated by statute; some are discretionary with the courts so total process time varies from county to county.



# DEFAULT PROCEEDING DISSOLUTION OF MARRIAGE (Non-Covenant) TIME LINE



**Note:** Most of these days are mandated by statute; some are discretionary with the courts so total process time varies from county to county.

Available in all dissolution proceedings if no Response is filed