

## 2010 Rules Summary

*Court Services Division  
Administrative Office of the Courts*

This document summarizes court rules that were adopted by the Arizona Supreme Court during its Rules Agendas on June 29, 2010, August 31, 2010, and December 9, 2010. Potential impacts of the rule changes have been noted in this summary.

The **Supreme Court's Rules page** at [www.azcourts.gov/Rules](http://www.azcourts.gov/Rules) has the complete and official content of these rule changes. The rule petition number (e.g., R-10-0000) for each rule in this summary that has been adopted by the Court is hyperlinked to the Court's order promulgating the rule change, and the full text of the rule change appears after the order. Please click on the rule petition numbers in this summary to view these orders and text changes.

Rule changes regarding the practice or admission to the practice of law or that concern the Independent Redistricting Commission have not been included in this summary. Please click on the Rules link above for further information concerning new and amended rules on these topics.

The effective date of these rule changes is **January 1, 2011** unless otherwise noted. The effective dates of rules that have been adopted on an emergency basis are shown in this summary; these emergency rule petitions are open for public comment until May 20, 2011.

This summary has been prepared by the Court Services Division of the Administrative Office of the Courts. This document provides only summaries of these rule changes. The rule changes, which are accessible through links that have been provided in this document, should be reviewed in their entirety.

Each rule in this summary that has been adopted by the Court has an e-mail link to an individual at the A.O.C. who you may contact for further information. If you have any other questions concerning this document, please contact Mark Meltzer, at telephone number (602) 452-3242, or by e-mail, at [mmeltzer@courts.az.gov](mailto:mmeltzer@courts.az.gov)

<b>ARIZONA RULES OF THE SUPREME COURT</b>		
<b>Rule</b>	<b>Will affect</b>	<b>Summary and impact</b>
<p><b>Rule 1</b></p> <p><a href="#">R-10-0009</a></p> <p>AOC contact: <a href="#">Patrick Scott</a></p>	<p><i>Supreme Court</i> <i>Superior court</i></p> <p>Judges Clerks Admin</p>	<p>This rule amendment clarifies that there is no fee for filing a petition for a writ of habeas corpus. References that were previously made in the rule and in post-conviction form #1 to applications to proceed <i>in forma pauperis</i> have been deleted.</p> <p><b><i>Impact:</i></b> <i>Fee codes for a petition for a writ of habeas corpus should show “no charge”.</i></p>
<p><b>Rule 94(b)</b></p> <p><a href="#">R-10-0029</a></p> <p><i>Emergency effective date: July 29, 2010</i></p> <p><i>Open for comment until May 20, 2011</i></p> <p>AOC contact: <a href="#">Patrick Scott</a></p>	<p><i>Superior court</i></p> <p>Judges Clerks Admin</p>	<p>This rule has been amended to conform to HB 2109. It allows the presiding judge of the county to close the Superior Court on the day after Thanksgiving, and to keep the court open on Columbus Day, if the county’s board of supervisors has designated the day after Thanksgiving as a legal holiday in place of Columbus Day.</p> <p><b><i>Impact:</i></b> <i>The court’s calendar should conform to the holiday schedule that has been adopted.</i></p>
<p><b>Rule 111(g)</b></p> <p><a href="#">R-10-0008</a></p> <p>AOC contact: <a href="#">Patrick Scott</a></p>	<p><i>Court of Appeals</i></p> <p>Judges Clerks</p>	<p>Notwithstanding Rule 111(b), the Supreme Court may order that either an entire or a specified portion of an opinion certified for publication by the Court of Appeals not be published.</p> <p><b><i>Impact:</i></b> <i>Depublication of an opinion does not alter the result in the Court of Appeals. (See further 32 Ariz. State Law Journal 175, footnote 15.)</i></p>
<b>RULES OF PROCEDURE FOR SPECIAL ACTIONS</b>		
<p><b>Rule 7(e)</b></p> <p><a href="#">R-10-0006</a></p> <p>AOC contact: <a href="#">Mark Meltzer</a></p>	<p><i>All courts</i></p> <p>Judges Clerks</p>	<p>This special action rule conforms to an appellate rule change that became effective in 2009. Specifically, a handwritten petition and response may not exceed 36 pages, a handwritten reply may not exceed 18 pages, and a certificate of compliance must indicate the number of handwritten pages in the document.</p> <p><b><i>Impact:</i></b> <i>Clerks should confirm that handwritten pleadings in special actions contain the required certificate of compliance.</i></p>
<p><b>Rule 8(b)</b></p> <p><a href="#">R-10-0007</a></p>	<p><i>Supreme Court</i></p> <p>Clerks</p> <p><i>Court of Appeals</i></p>	<p>Rule 8(b) provides that the grant or denial of a special action by the Court of Appeals is reviewable by the Supreme Court through a petition for review that is filed in the Court of Appeals pursuant to the Rules 22 and 23 of the Rules of Civil Appellate Procedure. The prior version of Rule 8(b) contained a provision that when “exceptional circumstances” existed that</p>

<p>AOC contact: <a href="#">Mark Meltzer</a></p>	<p>Judges Clerks</p>	<p>made this procedure inadequate, a party could file a new petition for special action in the Supreme Court. This rule amendment removes the “exceptional circumstances” provision, thereby precluding the filing of a new special action as a means of obtaining Supreme Court review.</p> <p><b><i>Impact:</i></b> <i>The amended rule adds new language that on a petition to the Supreme Court for review of a special action, a party may request the Supreme Court to issue a stay, or to expedite processing of the petition for review.</i></p>
<b>RULES OF CIVIL PROCEDURE</b>		
<p><b>Rule 6</b>  <a href="#">R-09-0030</a>  AOC contact: <a href="#">Mark Meltzer</a></p>	<p><i>All civil courts</i>  Judges Clerks Admin</p>	<p>The amended Rule 6 clarifies how time is calculated under the civil rules, and in particular, the time allowed after service by mail.</p> <p>The rule amendment includes an explanatory comment, modeled after a comment to the federal rule, which explains the time calculation in detail.</p> <p><b><i>Impact:</i></b> <i>Civil calendaring procedures should be consistent with the method of calculating time that is provided in Rule 6.</i></p>
<p><b>Rule 26(b)(5)</b>  <a href="#">R-10-0001</a>  AOC contact: <a href="#">Mark Meltzer</a></p>	<p><i>Civil trial courts</i>  Judges</p>	<p>An allegation of a non-party at fault, if not made within the time requirements of this rule, will be permitted only upon written agreement of the parties, or upon motion “establishing good cause, reasonable diligence, and lack of unfair prejudice to other parties.” This standard replaces the rule’s earlier requirement that a motion show “newly discovered evidence of such nonparty’s liability which could not have been discovered within the time periods for compliance [with this rule]”</p> <p>A non-party at fault is now “a person or entity not currently or formerly named as a party.” Under the earlier version of the rule, a nonparty at fault was “a person or entity not a party to the action.”</p> <p><b><i>Impact:</i></b> <i>The new standard contained in the amended rule must be used when considering a motion to add a non-party at fault.</i></p>
<p><b>Rules 45 and 84</b>  <a href="#">R-09-0035</a>  AOC contact: <a href="#">Mark Meltzer</a></p>	<p><i>Civil trial courts</i>  Judges Clerks Admin</p>	<p>The subpoena provisions of Rule 45 have been amended. A new Form 9, entitled “subpoena in a civil case,” has been adopted in Rule 84. Some provisions in Rule 45 have been restyled or reorganized, while others have been revised. As one example, the “admonition” to the subpoena recipient has been removed from Rule 45(a) and is now contained, as revised, in Form 9.</p>

		<p>The amendments to Rule 45:</p> <ul style="list-style-type: none"> <li>• Distinguish between “appearance subpoenas” and subpoenas duces tecum.</li> <li>• Require the filing of a motion to quash or modify an appearance subpoena (as compared with the prior, informal practice of making objections by correspondence); and, with specified exceptions, require the recipient to still attend a proceeding in the absence of a court order excusing the recipient from compliance. A motion must be filed before the time for compliance, or within 14 days after service of the subpoena.</li> <li>• Impose a so-called “meet and confer” requirement on issues arising under subpoenas duces tecum.</li> </ul> <p><b><i>Impact:</i></b> Courts that supply paper or online forms to court users should publish or post the civil subpoena adopted by Rule 84, Form 9. Courts may also see an increase in the volume of motions to quash or modify appearance subpoenas, and additional time may be required for consideration of these motions.</p>
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**RULES OF CRIMINAL PROCEDURE**

*Please note that the first four rules in this section apply only to capital cases.*

<p><b>Rule 6.8</b></p> <p><a href="#">R-09-0033</a></p> <p><i>Capital cases</i></p> <p>AOC contact: <a href="#">Mark Meltzer</a></p>	<p><i>Superior court</i></p> <p>Judges Admin</p>	<p>Rule 6.8 provides standards for the appointment of defense counsel in a capital case.</p> <p>Rule 6.8(a) has been amended to permit an attorney’s practice in a federal jurisdiction, or in another state, to be considered for purposes of satisfying the experience requirements of this rule, if the attorney is a member in good standing of the State Bar of Arizona.</p> <p>Amendments to Rule 6.8(c) establish different requirements for appellate counsel and for post-conviction relief counsel in a capital case. Paragraph (1) concerning appellate counsel provides among other things that counsel may, but need not, have experience in post-conviction proceedings. Paragraph (2) sets out two alternate ways that counsel can qualify as PCR counsel.</p> <p><b><i>Impact:</i></b> Superior court judges and administrators who deal with the appointment of counsel on the appeal of a capital case should confirm that counsel meet the qualifications provided in Rule 6.8(c)(1). (Counsel on a capital case PCR proceeding are appointed by the Supreme Court.)</p>
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<p><b>Rule 8.2(a)(4)</b></p> <p><a href="#">R-10-0012</a></p> <p><i>Capital cases</i></p> <p>AOC contact: <a href="#">Mark Meltzer</a></p>	<p><i>Superior court</i></p> <p>Judges Clerks Admin</p>	<p>Rule 8.2 provides speedy trial limits. The amendment to Rule 8.2(a)(4) expands the speedy trial limit in a capital case from 18 months from the date of arraignment, to 24 months from the date that the State files a notice of its intent to seek the death penalty.</p> <p><b><i>Impact:</i></b> <i>The speedy trial limit in a capital murder is longer than the limit in a non-capital murder case. A notice of intent to seek the death penalty must be filed within 60 days after arraignment on a murder charge (or a longer period, if there has been a stipulation pursuant to Rule 15(i)(1).) Once a notice of intent has been filed, the speedy trial limit must be recalculated pursuant to this amended rule.</i></p>
<p><b>Rule 31.13(f)</b></p> <p><a href="#">R-09-0032</a></p> <p><i>Capital cases</i></p> <p>AOC contact: <a href="#">Mark Meltzer</a></p>	<p><i>Supreme Court</i></p> <p>Justices Clerks Admin</p> <p><i>Superior court</i></p> <p>Judges</p>	<p>The amendments to this rule change the time periods for filing appellate briefs in a capital case, as follows:</p> <ul style="list-style-type: none"> <li>• For appellant’s opening brief: <ul style="list-style-type: none"> <li><u>From:</u> within 70 days after the mailing of the notice as provided for by Rule 31.10</li> <li><u>To:</u> within 90 days after the court issues a notice that the record is complete</li> </ul> </li> <li>• For appellee’s response: <ul style="list-style-type: none"> <li><u>From:</u> within 40 days after service of the appellant's brief</li> <li><u>To:</u> within 60 days after service of the appellant's brief</li> </ul> </li> <li>• For appellant’s reply: <ul style="list-style-type: none"> <li><u>From:</u> within 20 days after service of appellee's brief</li> <li><u>To:</u> within 30 days after service of appellee's brief</li> </ul> </li> </ul> <p><b><i>Impact:</i></b> <i>Due dates for appellate briefs in a capital case must be calculated according to the times specified in the amended rule.</i></p>
<p><b>Rule 32.10</b></p> <p><a href="#">R-10-0010</a></p> <p><i>Capital cases</i></p> <p>AOC contact: <a href="#">Mark Meltzer</a></p>	<p><i>Court of Appeals</i> <i>Superior Court</i></p> <p>Judges Clerks</p>	<p>Rule 32.10 is a newly promulgated rule. Please note that existing Rule 31.10 (“Extensions of time; notification of victims”) has now been renumbered as Rule <u>32.11</u>.</p> <p>New rule 32.10 provides that within ten days after the trial court makes a finding of mental retardation during a proceeding for post-conviction relief in a capital case, the State or the defendant may file a petition for special action with the court of appeals. The filing of the petition for special action is governed by the rules of procedure for special actions, except that the court of appeals will exercise jurisdiction and it will decide the issue raised by the special</p>

		<p>action.</p> <p><b><i>Impact:</i></b> <i>The special action petitioner will be required to join as a party the judicial officer against whom relief is sought, as well as the real party in interest. Pursuant to the special action rules, the summons and complaint must be served as process is served under Rule 4, 4.1, or 4.2 of the Rules of Civil Procedure.</i></p>
<p><b>Rule 10.2</b></p> <p><a href="#">R-09-0037</a></p> <p>AOC contact: <a href="#">Mark Meltzer</a></p>	<p><i>Superior court</i></p> <p>Judges Clerks Admin</p>	<p>The revisions to this rule now enable parties in capital as well as non-capital cases to utilize in the same manner the provisions in Rule 10.2 concerning a notice of change of judge upon request.</p> <p><b><i>Impact:</i></b> <i>The words “in a non-death penalty case” have been deleted from Rule 10.2(c). Text in Rule 10.2(a) that applied only in capital cases has also been deleted. A party in a capital case, like a party in a non-capital case, may now use the right to a change of judge at the time when actual notice of the assignment of the case to another judge has been given. To be timely, the notice of change of judge must be filed within ten days, or if there are less than ten days before the trial, by 5 p.m. of the day following notice of the reassignment, or before the start of trial, whichever is sooner.</i></p>
<p><b>Rule 11.3</b></p> <p><a href="#">R-10-0026</a></p> <p><i>Emergency effective date: July 29, 2010</i></p> <p><i>Open for comment until May 20, 2011</i></p> <p>AOC contact: <a href="#">Mark Meltzer</a></p>	<p><i>Superior court</i></p> <p>Judges Clerks Admin</p>	<p>In conformity with a change to A.R.S. § 13-4505, Rule 11.3 has been amended so that “at least one” of “at least two” experts appointed for a Rule 11 exam no longer needs to be a psychiatrist, as previously required; although on motion of a party or upon the court’s motion, one of the experts may be a licensed psychiatrist. Under the amended rule, the parties may also stipulate to the appointment of a single expert, but only with approval of the court.</p> <p><b><i>Impact:</i></b> <i>Because psychologists, solely, may be appointed under the amended rule, each court needs to assure that it has a sufficient number of psychologists available for court appointments in Rule 11 proceedings.</i></p>
<p><b>Rule 13.1(c)</b></p> <p><a href="#">R-10-0003</a></p> <p>AOC contact: <a href="#">Mark Meltzer</a></p>	<p><i>Superior court</i></p> <p>Judges Clerks Admin</p>	<p>A former version of Rule 13.1(c) concerned motions to dismiss an untimely filed information “under Rule 16.7(b).” Rule 16.7(b) was repealed years ago, and in November 2009, this reference was changed to “under Rule 16.6(b).” This rule petition raised the question whether the reference in Rule 13.1(c) should remain as Rule 16.6(b), which provides for dismissal of charging documents, or should be changed to Rule 16.1(b), the rule generally governing the filing of motions. The question was decided by changing the reference in Rule 13.1(c) to Rule 16.1(b).</p> <p><b><i>Impact:</i></b> <i>Rule 16.1(b) requires that all motions be made no</i></p>

		later than 20 days prior to trial; the opposing party has 10 days within which to file a response. A motion not timely raised under Rule 16.1(b) may be precluded under Rule 16.1(c).
<p><b>Rule 31.15(b)</b></p> <p><a href="#">R-10-0005</a></p> <p>AOC contact: <a href="#">Mark Meltzer</a></p>	<p>Supreme Court Court of Appeals Superior court</p> <p>Judges Clerks Admin</p>	<p>A provision in Rule 31.15(b), which stated that in cases where there is a want of prosecution, except in death penalty cases, “[n]o appeal shall be dismissed if the record on appeal is sufficient to enable the Appellate Court to decide the appeal on its merits,” has been removed from the rule. This change is in conformity with A.R.S. § 13-4039, which provides: “If the appellant fails to prosecute the appeal, the appellate court shall dismiss the appeal.”</p> <p><b><i>Impact:</i></b> Except in death penalty cases, criminal appeals may be dismissed for lack of prosecution, provided that appropriate notice is given, as provided in the rule, to the appellant and appellant’s counsel if the appellant was a defendant at trial.</p>
<b>RULES OF PROBATE PROCEDURE</b>		
<p><b>Rules 2, 6, 7, 9, 10, 17, 33, 35, 36, and 38</b></p> <p><a href="#">R-10-0020</a></p> <p>AOC contact: <a href="#">Lori Braddock</a></p>	<p>Superior court</p> <p>Judges Clerks Admin</p>	<p>A number of “housekeeping” and substantive changes have been made to the probate rules.</p> <p>1. A.R.S. 14-5651(a) previously contained a certification requirement for fiduciaries; this statute was changed in September 2009 to instead require a license. Therefore, the words “certified fiduciary” have been changed to “licensed fiduciary”, and the word “certification” has been changed to “license.” These changes are reflected in Probate Rules 2(B), 6(B), 6(C), 7(G)(6), 7(H)(5), 10(C)(1)(b), and 33(E); in the comments to Probate Rules 6 and 35; and in Forms 1, 2, 3, and 4 of Probate Rule 38.</p> <p><b><i>Impact:</i></b> References in court generated documents to “certified” fiduciaries, or their certifications, should now be shown as “licensed” fiduciaries, or their “licenses.”</p> <p>2. Inventories and appraisements filed pursuant to A.R.S. § 14-3706 for decedents’ estates have been removed from the definition of “confidential document” in Rule 7(A)(1)(c). The comment to Rule 7 has been amended to state the reason for this change. (The comment explains that protected persons are vulnerable to exploitation, and therefore inventories in conservatorships are maintained as confidential documents; but that same consideration does not apply to inventories of decedents’ estates.)</p> <p><b><i>Impact:</i></b> Inventories and appraisements pursuant to A.R.S. § 14-3706 for decedents’ estates no longer need to be filed by a party or maintained by the clerk as a “confidential document”</p>

		<p><i>under Rule 7. “Interested parties” will be able to obtain copies of the documents, if filed, because they are no longer confidential.</i></p> <p>3. Probate Rules 6(E) and 10(C)(1) have been amended to require that if an updated probate information form reflects a change in the ward’s, protected person’s, or fiduciary’s address or telephone number, the fiduciary must mail or deliver a copy of the updated probate information form to the ward’s/protected person’s attorney, to a guardian ad litem, and to all other parties in the case in which the updated form has been filed.</p> <p><b><i>Impact:</i></b> <i>These rule changes establish an additional responsibility of a fiduciary when there has been a change of contact information.</i></p> <p>4. An amendment to Probate Rule 9(D) specifies that if the court orders that a notice of hearing on a petition for confirmation of the sale of real estate be posted on the property, the notice must be posted in a place where it will be visible from the front of the property and, if the property is a structure, that the notice be visible from outside the structure.</p> <p><b><i>Impact:</i></b> <i>The party responsible for posting this notice must assure compliance with these new requirements.</i></p> <p>5. Probate Rule 10 has been amended by adding new subsection E, which clarifies that in a guardianship or conservatorship, counsel’s role automatically terminates upon the subject person’s death, and by amending the comment to Probate Rule 10 to provide an explanation for the reasoning behind the amendment to Rule 10(E). In extraordinary situations and for good cause, the court may authorize counsel’s continued but limited participation, which must be specified in the court’s order. The comment notes that this rule applies not only to court appointed counsel, but also to counsel of the person’s own choosing.</p> <p><b><i>Impact:</i></b> <i>In a guardianship or conservatorship, the participation of the attorney representing the subject person automatically terminates upon the subject person’s death. After death, whatever limited participation the person’s attorney may seek must be supported by “good cause”; and the scope and basis of continued participation must be set out in the court’s order that authorizes counsel’s further participation.</i></p> <p>6. Rule 17(D) has been amended to provide that a person who files an objection to a petition shall serve a copy upon all interested persons. Service may be in any manner allowed by</p>
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<b>RULES OF FAMILY LAW PROCEDURE</b>		
<p><b>Rules 5.1, 47, 67(b), 69, 74, and 78</b></p> <p><a href="#">R-09-0042</a></p> <p>AOC contact: <a href="#">Kathy Sekardi</a></p>	<p><i>Superior court</i></p> <p>Judges Clerks Admin</p>	<p>1. New Rule 5.1 provides for the possibility of consolidation of dependency and family law proceedings that are simultaneously pending and that concern the same parties.</p> <p><b><i>Impact:</i></b></p> <ul style="list-style-type: none"> <li><i>The court on its own motion, or any party, may move to consolidate the cases.</i></li> </ul>

		<ul style="list-style-type: none"> <li>• <i>The motion must be filed in the juvenile division, and a copy must be provided to the assigned family law division.</i></li> <li>• <i>The assigned juvenile division will rule on the motion.</i></li> <li>• <i>Custody and parenting time issues will be litigated in the juvenile division unless the juvenile division defers jurisdiction to the assigned family law division.</i></li> <li>• <i>The juvenile division may refer the dependency matter to the assigned family law division for a change of custody proceeding or retain the cases in the juvenile division if it is determined that a change of custody may result in a dismissal of an adjudicated dependency case.</i></li> <li>• <i>The juvenile division may deny the motion to consolidate and defer jurisdiction to the family division. The referral to the family law division must include an order that the division has jurisdiction to resolve the custody matter. If the family law division grants a change in custody, that division may dismiss the dependency proceeding.</i></li> <li>• <i>The juvenile division has discretion to transfer the matter to the family law division if the matter is more appropriate for the family law division.</i></li> <li>• <i>During a dependency or guardianship proceeding in the juvenile division, the court may suspend, modify, or terminate a child support order for current support if there has been a change in legal or physical custody. Except in Title IV-D cases, the juvenile division may make appropriate orders concerning past due support or arrears; and it may direct that a wage assignment be quashed or modified.</i></li> </ul> <p>2. A petition filed by a non-parent pursuant to A.R.S. § 25-415 has been added as a basis for a pre-judgment temporary order under Rule 47 (temporary orders.)</p> <p>3. Amendments to Rule 67(B)(1)(a) require that any binding agreement that is reached by the parties during a private mediation must comply with Rule 69 (see below); and that the agreement must contain certain acknowledgements by the parties (i.e., that the agreement was voluntarily entered into after full disclosure, an intent that the agreement be binding, that it is fair and equitable, and, where minor children</p>
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		<p>common to the parties are involved, that it is in the best interests of the children.)</p> <p>4. Amendments to Rule 67(B)(1)(b) provide that the parties may request the appointment of an active judge pro tempore to conduct a private mediation in their case, supported by an affidavit of a judge pro tempore stating that he or she is a judge pro tempore in good standing; and the court may then appoint the judge pro tempore to conduct a private mediation.</p> <p>The appointed judge pro tempore may be authorized to conduct a private mediation, to approve binding agreements made by the parties in conformance with Rule 69, to make any findings necessary to approve the agreements of the parties pursuant to A.R.S. § 25-317, to make the jurisdictional findings pursuant to A.R.S. § 25-312 or A.R.S. § 25-313, and to sign any decree of dissolution presented that conforms to the agreements reached by the parties.</p> <p>[See further Reeder v Johnson, 224 Ariz. 85, 227 P.3d 492 (Div. One, 2010): The parties cannot stipulate to assign a judge pro tem to their case; that authority must come from the court that has jurisdiction over the matter.]</p> <p>The judge pro tempore may be compensated for his services as a private mediator, but may not seek compensation for approving agreements or for signing a decree of dissolution.</p> <p><b><i>Impact:</i></b> Any decree of dissolution signed by a judge pro tempore pursuant to the authority conferred by the court shall have the same force and effect as a decree of dissolution signed by a judge or commissioner of the court. The signed decree must be immediately delivered to the judge appointing the judge pro tempore for filing and entry into the minutes of the court.</p> <p>5. Amendments to Rule 69:</p> <ul style="list-style-type: none"><li>• Set out the requirements for a binding agreement between the parties;</li><li>• Provide that an agreement entered pursuant to the requirements of the rule is presumed valid and binding;</li><li>• Require that the party challenging the validity of the agreement has the burden of proving any defect.</li></ul> <p><b><i>Impact:</i></b> The court may award a party the cost and expenses of maintaining or defending a proceeding to challenge the</p>
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		<p><i>validity of an agreement made in accordance with this rule.</i></p> <p>6. An amendment to Rule 74 precludes an attorney from attending parenting coordinator meetings unless agreed to by the parties and the coordinator, or unless ordered by the court.</p> <p>7. New rule 78(E) clarifies that offers of judgment, as provided by Rule 68 of the civil rules, do not apply in matters governed by the family law rules of procedure.</p>
<b>RULES OF PROCEDURE FOR THE JUVENILE COURT</b>		
<p><b>Rules 38, 40, 47.1, 50, 52, 56</b></p> <p><a href="#">R-10-0028</a></p> <p><i>Emergency effective date: July 29, 2010</i></p> <p><i>Open for comment until May 20, 2011</i></p> <p>AOC contact: <a href="#">C. Lautt-Owens</a></p>	<p><i>Superior court</i></p> <p>Judges Clerks Admin</p>	<p>Rules have been amended to conform to statutory changes.</p> <p><b><u>Impacts:</u></b></p> <p>1. <i>Rule 38(A) (appointed counsel for the child) and Rule 40(A) (an appointed guardian ad litem for the child) require that the appointed individuals meet with the child before the preliminary protective hearing, and if that is not possible, within fourteen days thereafter. These individuals must also meet with the child before any substantive hearing, unless this requirement is modified by a judge upon a showing of extraordinary circumstances.</i></p> <p>2. <i>Rule 47.1 requires that new mandatory judicial determinations must be made: at the initial dependency hearing (whether the department is attempting to identify and assess placement of the child with the child's siblings, if such placement is possible and in the child's best interests); and at the permanency hearing (what efforts have been made in the permanency plan to place the child with the child's siblings or to provide the child with frequent visitation or contact with the child's siblings, unless that is not possible or it is contrary to the child's or sibling's safety or well being.)</i></p> <p>3. <i>Rule 56 requires that at the disposition hearing, the court must make the determinations required by Rule 47.1 (a conforming technical change.)</i></p>
<p><b>Rules 41, 48(c), 52, and 54</b></p> <p><a href="#">R-09-0043</a></p> <p><i>Effective date: September 2, 2010</i></p> <p>AOC contact: <a href="#">C. Lautt-Owens</a></p>	<p><i>Superior court</i></p> <p>Judges Clerks Admin</p>	<p>These rules have been amended to conform to legislative changes that dependency, guardianship, and termination proceedings may be closed to the public upon a showing of good cause.</p> <p>Rule 41(G) has a technical change regarding a section reference.</p> <p><b><u>Impacts:</u></b></p>

		<ul style="list-style-type: none"> <li>• <i>Rule 48(C) requires that a notice of hearing advise of the right to request, or to make a motion, prior to a hearing that the hearing be closed.</i></li> <li>• <i>Rule 52(C) requires that the court advise the parent, guardian, or Indian custodian at the initial dependency hearing of the right to request prior to a hearing that the hearing be closed to the public.</i></li> <li>• <i>Rule 54(B) requires that the court determine at the pretrial conference whether the trial will be closed to the public.</i></li> </ul>
<p><b>Rule 107</b></p> <p><a href="#">R-09-0020</a></p> <p>AOC contact: <a href="#">Mark Meltzer</a></p>	<p><i>Supreme Court Court of Appeals</i></p> <p>Clerks</p>	<p>The rule has been amended in conformity with 2009 revisions to the civil appellate and criminal rules of procedure that establish word and words per page limits for petitions for review, and that require a certificate of compliance with those limits.</p> <p><b><i>Impact:</i></b> <i>Clerks should assure that petitions for review contain the required certificate of compliance.</i></p>
<b>RULES OF PROTECTIVE ORDER PROCEDURE</b>		
<p><b>Rule 6</b></p> <p><a href="#">R-10-0025</a></p> <p><i>Emergency effective date: July 29, 2010</i></p> <p><i>Open for comment until May 20, 2011</i></p> <p>AOC contact: <a href="#">Kay Radwanski</a></p>	<p><i>All trial courts</i></p> <p>Judges Clerks Admin</p>	<p>This rule has been conformed to recent amendments to A.R.S. § 13-3602(G) that authorize the inclusion of animals within the terms of an order of protection:</p> <p>“The judicial officer may also grant the plaintiff the exclusive care, custody, or control of any animal that is owned, possessed, leased, kept, or held by the plaintiff, the defendant, or a minor child residing in the residence or household of the plaintiff or the defendant, and order the defendant to stay away from the animal and forbid the defendant from taking, transferring, encumbering, concealing, committing an act of cruelty or neglect in violation of Section 13-2910, or otherwise disposing of the animal.”</p> <p><b><i>Impact:</i></b> <i>To implement this new provision, courts should provide individuals who are seeking an order of protection with the modified Plaintiff’s Guide Sheet that is appended to <a href="#">Administrative Directive 2010-25</a>. If the court orders that an animal be protected, the animal’s name and type should be entered in the “Other Orders” field on the Order of Protection.</i></p>
<b>RULES OF TRAFFIC PROCEDURE AND BOATING PROCEDURE</b>		
<p><b>Appendix A (the ATTC)</b></p>	<p><i>LJ courts</i></p> <p>Judges</p>	<p>This amendment conforms the violator/defendant copy of the Arizona Traffic Ticket and Complaint to A.R.S. § 28-1557 by removing the violator/defendant’s social security number from</p>

<p><a href="#">R-10-0027</a></p> <p><i>Emergency effective date: July 29, 2010</i></p> <p><i>Open for comment until May 20, 2011</i></p> <p>AOC contact: <a href="#">Patrick Scott</a></p>	<p>Clerks Admin</p>	<p>that copy.</p> <p><b>Impact:</b> <i>Information only. The law enforcement copy and the court's copy of the ATTC will continue to show the social security number of the violator/defendant.</i></p>
<p><b>RULES THAT ARE NOW ADOPTED ON A PERMANENT BASIS</b></p>		
<p><i>For additional information, please see the 2009 rule impacts report, at:</i>  <a href="http://www.azcourts.gov/Default.aspx?alias=www.azcourts.gov/rulesimpactreport">http://www.azcourts.gov/Default.aspx?alias=www.azcourts.gov/rulesimpactreport</a></p>		
<p><b>Ariz. R. Crim. P. 3.2, 4.2, 7.5, 14.3, 26.10, Form 3(a), and Exhibit A to the Rules of Procedure in Traffic and Boating Cases</b></p> <p><a href="#">R-09-0029</a></p> <p>AOC contact: <a href="#">Patrick Scott</a></p>	<p><i>All trial courts</i></p> <p>Judges Clerks Admin</p>	<p>The rule amendments concern changes to fingerprinting requirements at multiple stages of the criminal justice process.</p> <p>See the 2009 rule impacts <a href="#">[link]</a> at page 8.</p>
<p><b>Ariz. R. Crim. P. 11.5 and 11.6</b></p> <p><a href="#">R-09-0028</a></p> <p>AOC contact: <a href="#">Mark Meltzer</a></p>	<p><i>Superior court</i></p> <p>Judges Clerks Admin</p>	<p>The rule has been conformed to amendments to A.R.S. § 13-4515 that affect the calculation of the maximum time allowed for a restoration to competency program. The calculation must consider only the time a defendant actually spends in a program.</p> <p>See the 2009 rule impacts <a href="#">[link]</a> at page 9.</p>
<p><b>Juvenile Rules 41, 47, 47.1, 50, 52, 58, and 68</b></p> <p><a href="#">R-09-0027</a></p> <p>AOC contact: <a href="#">C. Lantt-Owens</a></p>	<p><i>Superior court</i></p> <p>Judges Clerks Admin</p>	<p>Amendments to the juvenile rules were promulgated to conform to statutory changes concerning dependency, guardianship, and termination of parental rights proceedings.</p> <p>See the 2009 rule impacts <a href="#">[link]</a> at pages 15-16.</p>
<p><b>ARPOP Rule 6</b></p> <p><a href="#">R-09-0026</a></p>	<p><i>All trial courts</i></p> <p>Judges</p>	<p>To conform to a change to A.R.S. §13-3601(A)(6), Rule 6 was amended to include a “victim and defendant who currently share or previously shared a romantic or sexual relationship”</p>

<p>AOC contact: <a href="#">Kay Radwanski</a></p>	<p>Clerks Admin</p>	<p>within the list of statutory relationships that may give rise to the issuance of an order of protection from the court. A person in a dating relationship that does not qualify as romantic or sexual is still eligible for an injunction against harassment. Criteria for whether a romantic or sexual relationship exists (or existed) are now set out in Rule 6.</p> <p>See the 2009 rule impacts <a href="#">[link]</a> at page 20.</p>
<p><b>RULE PETITION THAT HAS BEEN CONTINUED</b></p>		
<p>Ariz. R. Crim. P. 31.12 and RCAP 6(c)</p> <p>R-10-0004</p>	<p>The proposed rule amendment would require paragraph numbers in paper-filed documents, as required by Rule 124(f) of the Supreme Court Rules for electronically filed documents.</p>	
<p><b>RULE PETITIONS THAT WERE NOT GRANTED</b></p>		
<p><i>The following rule petitions were rejected at the August 31, 2010 Rules Agenda</i></p>		
<p>R-08-0022</p> <p>Ariz. R. Crim. P. Rule 10.5</p>	<p>The petition requested that a new paragraph be added to Rule 10.5 to address the transfer of cases already set for trial due to the unavailability of the trial judge.</p>	
<p>R-09-0036</p> <p>Ariz. R. Crim. P. Rules 35.1 and 35.4</p>	<p>The petition requested that these rules be amended to include a provision for the enlargement of time to file a motion, response, or reply; and to clarify the effect of a party's failure to file a timely response.</p>	
<p>R-09-0016</p> <p>(not specified)</p>	<p>The petition requested that a rule be adopted that would prohibit an employee of an Arizona court from serving as a juror in that same court.</p>	
<p>R-09-0022</p> <p>Ariz. R. Evidence Rule 412</p>	<p>The petition requested the addition of a new rule regarding the foundation for the admission of medical bills and records.</p>	
<p>R-09-0040</p> <p>Ariz. R. Civ. P. Rules 35 and 37</p>	<p>This petition proposed to amend the rules governing physical and mental examinations of persons during discovery to more closely reflect the procedures that litigators currently follow, and to take into account changes in technology.</p>	
<p>R-10-0002</p> <p>Ariz. R. Civ. P. 4.1</p>	<p>The proposed amendment would have permitted service by first class mail on the registered vehicle owner for civil traffic violations captured by a photo enforcement system.</p>	
<p>R-09-0045</p> <p>ARPOP</p>	<p>The petition requested the repeal of a provision in this rule that authorizes a judicial officer to prohibit a defendant from possessing, purchasing, or receiving firearms and ammunition for the duration of an injunction against harassment.</p>	

Rule 6(E)(4)(e)(2)	
R-10-0013 ARPOP Rule 1(D)(4)	The petition requested that the court be permitted to direct a defendant to remain in the courtroom for a period of time after the plaintiff is excused only in cases where an order of protection or an injunction against harassment remains in force.
R-10-0014 ARPOP Rule 1(B)(1)(d)	The petition asked that the term "victim" in the ARPOP rules be replaced with the term "plaintiff" or "alleged victim."