

CASE PROCESSING STANDARDS ANALYSIS
FAMILY LAW – DISSOLUTION AND ALLOCATION OF PARENTAL RESPONSIBILITY

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

- 75% within 120 days
- 90% within 180 days
- 98% within 365 days

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

Arizona Family Law – Dissolution and Allocation of Parental Responsibility Cases

The following standards have been adopted for Dissolution and Allocation of Parental Responsibility cases:

- 75% within 180 days**
- 90% within 270 days**
- 98% within 365 days**

- ✓ 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.

Excluded Time: The following may result in a stay of proceedings, and the time elapsed will be excluded from measurement: special actions/appeals, bankruptcy, conciliation court, pending juvenile cases, and stays granted pursuant to the Servicemembers Civil Relief Act.

Arizona Rules and Statutes	Timelines under Statute and Rule
Petition Filed:	(Measurement Starts Here)
Service of Process: Rule 40(I), ARFLP ¹	<p><u>Summons; Time Limit for Service:</u> If service of the summons and petition is not made upon a respondent within 120 days after the filing of the petition, the court, upon motion or on its own initiative after notice to the petitioner, shall dismiss the action without prejudice as to that respondent or direct that service be effected within a specified time; provided that if the petitioner shows good cause for the failure, the court shall extend the time for service for an appropriate period. This subdivision does not apply to service in a foreign country pursuant to Rules 42(F), (G), (H), and (I), or to service of a paternity action described in paragraph (J) of this Rule.</p>
Rule 40(F), ARFLP	<p><u>Service; Acceptance or Waiver; Voluntary Appearance:</u> The person to whom a summons or other process is directed may accept service, or</p>

¹ Arizona Rules of Family Law Procedure

Arizona Rules and Statutes	Timelines under Statute and Rule
	waive issuance or service thereof in writing, dated and signed by that person, and subscribed and sworn to (or affirmed to) before a notary public, and the acceptance or waiver shall be filed with the clerk. Instead of notarization, the person may sign the acceptance or waiver in the presence of the clerk after verification of the person's identity by the clerk. If the person is represented by counsel, counsel may sign the acceptance or waiver. Such waiver, acceptance or appearance shall have the same force and effect as if a summons had been issued and served.
<p>Response: Rule 32(A), ARFLP</p> <p>Rule 42(K), ARFLP</p> <p>Rules 41(M), (N), and 42(E), ARFLP</p>	<p><u>Service in Arizona:</u> A respondent shall serve and file a response within 20 days after the service of the summons and petition upon the respondent, except as otherwise provided in Rule 42(J).</p> <p><u>Out of State Service:</u> Where service of the summons and copy of a pleading and other documents required to be served is made outside the state by any means authorized by this rule, the person served shall appear and answer within 30 days after completion thereof in the same manner and under the same penalties as if that person had been personally served with a summons within the county in which the action is pending.</p> <p><u>Service by Publication:</u> Answer is due 50 days from date of first publication if within Arizona or 60 days if out of state. NOTE: Service by publication is not sufficient to confer jurisdiction upon the court to determine issues of paternity, child support, spousal maintenance, division of marital property, or any other issue requiring personal jurisdiction over a party.</p>
<p>Motions Filed Prior to Answer: Rule 35(A), ARFLP</p> <p>Rule 32(A)(2), ARFLP</p> <p>Rule 44(A)(2) and (3), ARFLP</p>	<p><u>Response and Reply:</u> Any party opposing a motion shall have 10 days after service to file any answering memorandum. The moving party has 5 days to file a reply.</p> <p><u>Extension of Time for Filing Answer:</u> For motions made under Rule 32, unless a different time is fixed by court order, if the court denies the motion or postpones its disposition until the trial on the merits, the responsive pleading shall be served within ten (10) days after notice of the court's action.,</p> <p><u>Application For Entry of Default:</u> The acceptance by the clerk of the filing of the application for entry of default constitutes the entry of default. A default entered by the clerk shall be effective 10 days after the filing of the application for entry of default.</p>
<p>Servicemembers protections: Sec. 201 [50 U.S.C. App. 521]</p>	<p><u>Protection of servicemembers against default judgments:</u> 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 minimum period of 90 days upon application of counsel, or on the court's own motion, if the court determines that: 1)</p>

Arizona Rules and Statutes	Timelines under Statute and Rule
<p>Sec. 202 [50 U.S.C. App. 522]</p> <p>Sec. 204 [50 U.S.C. App. 524]</p>	<p>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><u>Stay of proceedings when servicemember has notice:</u> 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 not less than 90 days, if conditions are met. Conditions include a letter or other communication setting forth facts stating the manner in which current military duty requirements materially affect the servicemember’s ability to appear and stating a date when the servicemember will be available to appear, as well as a letter or other communication from the servicemember’s commanding officer stating that the servicemember’s current military duty prevents appearance 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><u>Stay or vacation of execution of judgments, attachments, and garnishments:</u> If a servicemember, in the opinion of the court, 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 the possession of the servicemember or a third party, whether before or after judgment.</p>
<p>Discovery and Disclosure: Rule 49(A), ARFLP</p> <p>Rule 49(I), ARFLP</p> <p>Rule 57(A), ARFLP</p>	<p><u>Resolution Statement:</u> Each party shall file a Resolution Statement substantially similar to Form 4 or 5, as applicable, within 40 days after the filing of a response to an initial petition, 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.</p> <p><u>Continuing Duty to Disclose:</u> The duty described in this rule shall be a continuing duty, and each party shall make additional or amended disclosures whenever new or different information is discovered or revealed. Such additional or amended disclosures shall be made not more than 30 days after the information is revealed to or discovered by the disclosing party.</p> <p><u>Depositions upon Oral Examination:</u> If the petitioner or other party seeks to take a deposition prior to the expiration of 30 days after personal service or completion of service under Rule 42 of the summons and petition upon any respondent or other party, leave of court, granted with</p>

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Rule 57(B), ARFLP	<p>or without notice, is required, except that leave is not required: (1) if a respondent or other party has served a notice of taking deposition or otherwise sought discovery, or (2) if special notice is given as provided in subdivision (B)(2).</p> <p><u>Notice of Examination:</u> Absent a stipulation of all parties to the action or an order of the court authorizing a briefer notice, a party desiring to take the deposition of any person upon oral examination shall give notice in writing to every other party to the action at least 10 days prior to the date of the deposition.</p>
Rules 4(D), 60(A), 62(B) and 64(A)	<p><u>Interrogatories, Request for Production of Documents, and Request for Admissions:</u> Answers and objections to discovery must be served within 40 days of service, or within 60 days of service of the summons and complaint. Add 5 days if served by mail.</p>
Rule 51(D), ARFLP	<p><u>Supplementation of Responses:</u> A party is under a duty to supplement any response to a request for discovery, and in any event not later than 30 days prior to trial.</p>
Rule 34(A), ARFLP	<p><u>Amendment to Pleadings:</u> A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the trial calendar, the party may so amend it at any time within 20 days after it is served. Otherwise a party may amend the party's pleading only by leave of court or by written consent of the adverse party. If a motion for leave to amend is granted, the moving party shall file and serve the amended pleading within 10 days of the order granting the motion, unless the court otherwise orders.</p> <p>A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within 10 days after service of the amended pleading, whichever period may be the longer, unless the court otherwise orders.</p>
Rule 46(B), ARFLP	<p><u>Involuntary Dismissal:</u> One hundred twenty (120) days after filing of a petition, if no Motion to Set has been filed by either party, or if the court has not set the matter for trial, hearing, or conference, the court may issue a notice that the matter will be dismissed by the court in not less than 60 days without further notice, unless prior to the expiration of the 60 days a proper Motion to Set or a request for hearing or conference is filed. No case shall be dismissed, however, while there is pending before the court a motion for summary judgment, motion for judgment on the pleadings, or a motion related to genetic testing in a paternity matter. These periods may be extended by the court for good cause shown.</p>
Rule 79(A) and (C), ARFLP	<p><u>Summary Judgment:</u> A party seeking to recover upon a claim, counterclaim, or to obtain a declaratory judgment may move for a summary judgment in the party's favor upon all or any part thereof. Said</p>

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Rule 79(C), ARFLP	<p>motion may be made with or without supporting affidavits at any time after the expiration of 20 days from the service of process upon the adverse party, but no sooner than the date on which the response is due, or after service of a motion for summary judgment by the adverse party. All motions for summary judgment shall be filed not later than 60 days prior to trial.</p> <p>A party opposing the motion must file affidavits, memoranda, or both within 30 days after service of the motion. The moving party shall have 15 days thereafter in which to serve reply memoranda and affidavits. The foregoing time periods may be shortened or enlarged by the court or by agreement of the parties.</p>
<p>Settlement and Alternative Dispute Resolution (ADR): Rule 66(D), ARFLP</p> <p>Rule 66(E), ARFLP</p> <p>Rule 67(B)(7), ARFLP</p>	<p><u>Duty to Consider ADR:</u> No later than 90 days following the first appearance of a respondent, the parties shall confer, either in person or by telephone, about the possibilities for a prompt settlement or resolution of the case, and whether they might benefit from participating in some alternative dispute resolution process, the type of process that would be most appropriate in their case, the selection of an ADR service provider, and the scheduling of the proceedings.</p> <p><u>Duty to Attempt Settlement, Agree on ADR and Report to Court:</u> The attorneys of record and all unrepresented parties who have appeared in the case are jointly responsible for attempting in good faith to settle the case or agree on an ADR process and for reporting the outcome of their conference to the court within 30 days of their conference, or at the Resolution Management Conference, whichever is earlier.</p> <p><u>Reports to the Court:</u> If the court refers or orders a case to mediation, the parties shall notify the court that the mediation has concluded and advise the court of any agreements reached within 10 days after the conclusion of the mediation and not later than 10 days prior to the date set for trial or hearing.</p>
<p>Pre-Trial and Trial Procedures: Rule 76(A), ARFLP</p>	<p><u>Resolution Management Conference (RMC):</u> Upon written request of any party, the court shall, or upon its own motion the court may, schedule one or more Resolution Management Conferences that shall be held within 60 days of receipt of written request by the court, unless extended for good cause shown. Not less than 5 judicial days prior to the date of the Resolution Management Conference, each party shall personally meet and confer with the opposing party or parties and their counsel to resolve as many issues as possible</p> <p>The court may, among other things, enter temporary orders; order evaluations or special procedures needed to properly manage the case; schedule an evidentiary hearing, a trial date and other hearings or</p>

Arizona Rules and Statutes	Timelines under Statute and Rule
	conferences; refer a matter for settlement conference; order other ADR processes, and set a date for filing the joint pretrial statement.
<p>Conciliation Court Services: ARS² § 25-381.09 Rule 68(A), ARFLP</p> <p>ARS § 25-381.14</p> <p>Rule 68(A)(2)(b)</p> <p>ARS § 25-381.18(B)</p>	<p><u>Petition invoking jurisdiction or for transfer of action to conciliation court:</u> 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><u>Hearing Time and Place:</u> The judge of conciliation court shall fix a reasonable time and place for a hearing on the petition, to be held within 30 days of the date of the filing of the petition, unless the court for good cause orders the hearing to be held within 45 days from the date of filing the petition.</p> <p><u>Period of Jurisdiction; Stay of Proceedings; Temporary Orders; Extension:</u> There shall be no more than one stay during any 12 month period in any case.</p> <p><u>Extension of Stay:</u> If either party wishes to extend the stay prescribed pursuant to subsection A, that party must file a petition with the court that states the basis for the extension and includes a plan for reconciliation or a counseling schedule. The court may grant a reasonable extension of up to 120 days 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>Legal Decision-Making and Parenting Time ARS § 25-407</p>	<p><u>Legal Decision-Making and Parenting Time; Priority:</u> Legal decision-making and parenting time proceedings shall receive priority in being set for hearing.</p>
<p>Child Support ARS § 25-502(B)</p>	<p><u>Initiating Proceedings:</u> A proceeding to establish support must originate in the county where the child resides or, if the child resides out of state, the county of this state where the party filing the petition to establish support resides, if either of the following applies: (1) An action does not exist under this title, or (2) Paternity was established without a court order pursuant to section 36-334.</p>
<p>Paternity/Maternity: ARS § 25-806(A)</p>	<p><u>Petition:</u> Paternity proceedings are commenced by the filing of a verified petition that alleges that a woman is delivered of a child or children born out of lawful wedlock or pregnant with a child conceived out of wedlock and that the respondent is the father of the child or children. Maternity proceedings are commenced by the filing of a verified petition that alleges</p>

² Arizona Revised Statutes

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<p>ARS § 25-806(D)</p> <p>ARS § 25-807(A)</p> <p>ARS § 25-807(B)</p>	<p>that a woman is delivered of a child or children born out of lawful wedlock and that the woman as respondent is the mother of the child or children.</p> <p>Response: 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. If other relevant issues are raised in the petition or response or in a separate petition filed after entry of a paternity or maternity judgment, the court shall proceed to resolve all relevant issues in the case pursuant to the rules of procedure applicable to family law cases.</p> <p>Precedence of Maternity and Paternity Proceedings: Proceedings to establish maternity and paternity have precedence over other civil proceedings. The case shall be set for trial within 60 days from the filing of an answer by the respondent.</p> <p>Delay for Paternity Tests: 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 proceedings requests.</p>
<p>Consent Decree: Rule 45(A)</p>	<p>Whenever the petitioner and respondent agree to the terms of a legal separation, annulment, dissolution, paternity, or maternity action, the parties may elect to proceed by Consent Decree, Order, or Judgment without hearing.</p> <p style="text-align: center;">(Measurement Stops Here) OR</p>
<p>Default Decree: Rule 44(B), ARFLP</p>	<p>By Motion Without a Hearing: When a petition for legal separation, dissolution, or annulment of marriage has been filed, a decree may be entered upon motion supported by the affidavit of either or both parties to the marriage, provided that: (1) there are no minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage, and the wife, to affiant's knowledge, is not pregnant; and (2) neither party requests spousal maintenance. A default decree under this rule is not available if the adverse party is a minor or incompetent person, or if the adverse party has otherwise appeared and default has not been entered for failure to appear unless the parties have agreed that the matter may proceed as if by default.</p> <p>By Hearing: In all other cases the party entitled to a judgment shall apply to the court therefore, but no judgment by default shall be entered against a minor or an incompetent person unless represented in the action by a guardian, or other such representative who has appeared therein.</p> <p style="text-align: center;">(Measurement Stops Here) OR</p>
<p>Trial: ARS § 25-329</p>	<p>Waiting Period: The court shall not consider a submission of a motion</p>

Arizona Rules and Statutes	Timelines under Statute and Rule
<p>Rule 77(A) and (B), ARFLP</p> <p>Rule 78, ARFLP</p>	<p>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 process.</p> <p>Setting of Cases for Trial: 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 45 days before the scheduled trial date.</p> <p>Judgment: “Judgment” as used in these rules includes a decree and an order from which an appeal lies. When more than one claim for relief is presented in an action, whether as a claim, counterclaim, or third-party claim, or when multiple parties are involved, the court may direct the entry of final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment. In the absence of such determination and direction, any order or other form of decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties.</p> <p style="text-align: center;">(Measurement Stops Here)</p>