

**CASE PROCESSING STANDARDS ANALYSIS
FAMILY LAW - POST-JUDGMENT MOTIONS**

National Center for State Courts Model Time Standards for Post-Judgment Motions:

98% within 180 days

Measurement: The date of filing a post-decree or post-judgment petition to the date of disposition by entry of judgment or order.

Arizona Family Law - Post-Judgment Motions

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

50% within 180 days

90% within 270 days

98% within 365 days

Measurement: The date of filing a post-decree or post-judgment petition to the date of disposition by entry of judgment or order.

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

Arizona Rules and Statutes	Timelines under Statute and Rule
Petition Filed: Rule 91(B), ARFLP ¹ Rule 91(C), ARFLP Rule 91(D), ARFLP Rule 91(E), ARFLP Rule 91(F), ARFLP Rule 91(G), ARFLP Rule 91(H), ARFLP Rule 91(D), ARFLP	<p style="text-align: center;">(Measurement Starts Here)</p> Petition for Modification of Spousal Maintenance or Child Support Petition for Enforcement of Spousal Maintenance or Child Support Petition to Modify Legal Decision-Making Petition to Relocate or Prevent Relocation Petition for Modification or Clarification of Parenting Time or Visitation Petition for Enforcement of Legal-Decision Making or Parenting Time Warrant to Take Physical Custody Other Post-Decree and Post-Judgment Petitions <u>Petition to Modify Legal Decision-Making:</u> No hearing for modification of a legal decision-making order or decree shall be set unless there is compliance with ARS § 25-411 and the requirements set forth in Rule 91(D). No sooner than 5 days after expiration of the time permitted for the filing of the response or the controverting affidavits, either party or attorney shall provide the Request for Order Granting or Denying Hearing to the assigned division. The court will determine whether a hearing should be granted. If the court determines that a legal decision-making hearing is warranted, the court shall schedule a Resolution Management Conference or evidentiary hearing.

¹ Arizona Rules of Family Law Procedure

Arizona Rules and Statutes	Timelines under Statute and Rule
<p>Service of Process and Response: Rule 91(L), ARFLP</p> <p>Rule 40(I), ARFLP</p> <p>Rule 40(F), ARFLP</p> <p>Rule 91(M), ARFLP</p>	<p><u>Time for Service:</u> Unless otherwise specifically required by law or these rules, all petitions, orders, warrants, and affidavits in support of post-decree or post-judgment relief shall be promptly served upon all opposing parties in the manner required by Rules 40, 41, 42, and 43, at least 10 days prior to the scheduled conference or hearing, unless another specific time is ordered by the court.</p> <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> <p><u>Service; Acceptance or Waiver; Voluntary Appearance:</u> The person to whom a summons or other process is directed may accept service, or 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.</p> <p><u>Responses; Time for Response:</u> Unless otherwise specifically required by law or these rules, a party served with a petition for post-decree/post-judgment relief is not required to file a formal response to the petition. All responses and affidavits required to be filed by these rules shall be filed and served upon the applicant's attorney, or if unrepresented, the applicant, within 10 days after service of the petition on the party, but in no event less than three 3 judicial days prior to the scheduled hearing, unless another specific time is ordered by the court.</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) there may be a defense to the action and a defense cannot be presented without the presence of the defendant</p>

Arizona Rules and Statutes	Timelines under Statute and Rule
Sec. 202 [50 U.S.C. App. 522]	<p>(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>
Sec. 204 [50 U.S.C. App. 524]	<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>
ARS ² § 25-411(B) and (I)	<p><u>Modification of custody decree; affidavit; contents; military families:</u> If the parent with whom the parent's child resides a majority of the time receives temporary duty, deployment, activation, or mobilization orders from the United States military that involve moving a substantial distance away from the parent's residence, a court shall not enter a final order modifying parental rights and responsibilities and parent-child contact in an existing order until 90 days after the deployment ends, unless a modification is agreed to by the deploying parent.</p> <p>A decree or order that a court enters in contemplation of or during the military deployment of a parent outside of the continental United States shall specifically reference the deployment and include provisions governing the legal decision-making or parenting time</p>

² Arizona Revised Statutes

Arizona Rules and Statutes	Timelines under Statute and Rule
	<p>arrangements, or both, of the minor child after the deployment ends. Either parent may file a petition with the court after the deployment ends to modify the decree or order, in compliance with subsection L of this section. The court shall hold a hearing or conference on the petition within 30 days after the petition is filed.</p>
<p>Discovery and Disclosure: Rule 91(P), ARFLP Rule 49, ARFLP</p> <p>Rule 91(R), ARFLP</p>	<p>Disclosure: Unless otherwise ordered by the court, the information and documents required to be disclosed shall be served in such a manner as to assure their receipt as soon as possible after the initiation of proceedings, but in no event less than 3 judicial days prior to the scheduled hearing, absent good cause shown.</p> <p>Dismissal of Petition for Lack of Prosecution: If a petition to enforce or modify a prior family court decree, judgment, or order is filed but not presented in proper form as required by these rules to the assigned division within 120 days, is filed but not served upon the adverse party within 120 days after filing, or is otherwise abandoned by the appearing parties with no activity for 120 days, and there are no hearings or conferences scheduled with respect to the petition, the court may issue a notice that the petition will be dismissed by the court in no less than 60 days without further notice, unless prior to the expiration of the 60 days service is completed and further hearing is requested, or the court sets the petition for further proceedings.</p> <p>If a petition to enforce or modify a prior family court decree, judgment or order is filed but not presented in proper form as required by these rules to the assigned division within 1 year, is filed but not served upon the adverse party within 1 year after filing, or is otherwise abandoned by the appearing parties with no activity for 1 year, and there are no hearings or conferences scheduled with respect to the petition, the court may dismiss the petition without prejudice and without further notice.</p> <p>The court may delay these dismissal dates for good cause shown upon motion of any party or on the court's initiative.</p>
<p>Mediation: Rule 91(O), ARFLP</p>	<p>The court may require, by local rule, or on the court's own initiative, that the parties submit to mediation before any issues of legal decision-making, parenting time or visitation may be heard.</p> <p>(Measurement Stops When Judgment or Order is Entered)</p>