

1 Lisa M. Panahi, Bar No. 023421
2 General Counsel
3 State Bar of Arizona
4 4201 N. 24th Street, Suite 100
5 Phoenix, AZ 85016-6288
6 (602) 340-7236

7 **IN THE SUPREME COURT**
8 **STATE OF ARIZONA**

9 In the Matter of:

Supreme Court No. R-19-

10 **PETITION TO AMEND RULE**
11 **47.2(a), ARIZONA RULES OF**
12 **FAMILY LAW PROCEDURE**

PETITION

13 Pursuant to Rule 28, Ariz. R. Sup. Ct., the State Bar of Arizona (“State Bar”) petitions the Court to amend Rule 47.2(a), Ariz. R. Fam. L. P. This proposed amendment will provide a process to seek temporary orders for child support in post-decree and post-judgment matters under the Arizona Rules of Family Law Procedure (cited simply as “Rule(s),” hereinafter, unless otherwise specified). This amendment seeks additional flexibility for the trial court as a clarification to the rules re-write under Ariz. Sup. Ct. No. R-17-0054, Aug. 30, 2018, effective Jan. 1, 2019.

14 **I. Background and Purpose of the Proposed Rule Amendments**

15 Rule 47.2, governs the procedure to seek post-decree temporary orders for legal decision-making and parenting time. The current rule does not address the ability to seek post-decree temporary orders for child support. Temporary pre-decree support orders are recognized in Rule 47(a), and the rationale for their need in post-

1 decree temporary legal decision-making or parenting time issues is the same.

2 This Petition proposes to provide a process for a party to seek post-decree
3 temporary orders for child support. When the parenting time is modified
4 substantially, on a temporary basis, it leaves the new “custodial” parent with an
5 increased financial burden without the concurrent re-evaluation of child support
6 obligations. This proposed amendment allows the parties and the court to consider
7 all factors in the temporary, post-decree, process under Rule 47.2.
8
9

10 **II. Contents of the Proposed Rule Amendment**

11 Rule 47.2. Motions for Post-Decree Temporary Legal Decision-Making, and
12 Parenting Time, or Child Support Orders.

13
14 **(a) Generally.** A party requesting temporary legal decision-making, ~~or~~ parenting
15 time or child support after entry of a decree must file a verified motion stating
16 the legal and jurisdictional bases for the motion, and the specific relief
17 requested. The motion must include a proposed parenting plan containing the
18 legal decision-making and parenting time requested for both parties. If the
19 motion requests child support, the party requesting child support shall
20 comply with Rule 91.1. The motion must incorporate by reference the
21 relevant allegations of the pending post-decree petition and not separately
22 repeat them.
23
24
25

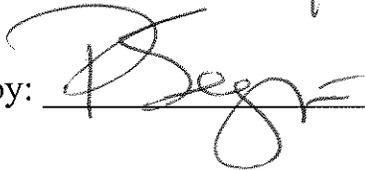
1 **CONCLUSION**

2 The State Bar of Arizona respectfully requests amendment of Rule 47.2(a),
3 Arizona Rules of Family Law Procedure, as stated herein.
4

5 RESPECTFULLY SUBMITTED this 9th day of January, 2019.
6

7
8 
9 _____
10 Lisa M. Panahi
11 General Counsel

12 Electronic copy filed with the
13 Clerk of the Supreme Court of Arizona
14 this 10th day of January, 2019.

15 by: 
16 _____
17
18
19
20
21
22
23
24
25