

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
INTERIM PROCEDURE FOR)	Administrative Order
AWARDING SPOUSAL MAINTENANCE))	No. 2022 - <u>119</u>
UNDER THE 2022 AMENDMENTS TO)	(Relating to Administrative
A.R.S. § 25-319)	Order No. 2022-83)
)	

The Legislature amended A.R.S. § 25-319, concerning spousal maintenance orders, in Chapter 331, Laws 2022 (2nd Reg. Sess.), Section 11 (formerly S.B. 1383), effective September 24, 2022. Shortly after its approval by the Governor, this Court established the Spousal Maintenance Guidelines Subcommittee of the Family Court Improvement Committee by Administrative Order No. 2022-83 to recommend statewide spousal maintenance guidelines. The Order required the Family Court Improvement Committee to submit a final report to the Arizona Judicial Council for consideration at its June 2023 meeting. If approved by the Arizona Judicial Council, final approval by this Court and implementation of the guidelines would follow.

After the September 24, 2022, effective date of the amendments to A.R.S. § 25-319, and pending the recommendations of the Family Court Improvement Committee and final approval of spousal maintenance guidelines, family court judges would benefit from interim guidance as to application of the amendments.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that, effective September 24, 2022, and until this Court’s adoption of spousal maintenance guidelines or further Order of this Court, judges determining a maintenance award for either spouse in a proceeding governed by A.R.S. § 25-319:

1. May grant a maintenance order only if the court finds that the spouse seeking maintenance satisfies one of the criteria set forth in A.R.S. § 25-319(A);
2. May award spousal maintenance only for a period of time necessary, and in an amount necessary, to enable the receiving spouse to become self-sufficient;
3. Must address the factors specified in A.R.S. § 25-319(B)(1)–(13), and consider them together and weigh them in conjunction with each other, to ensure that any award is not inappropriate or unjust;

4. Must make any maintenance award without regard to marital misconduct; and
5. Should apply the body of case law interpreting the pre-amendment factors set forth in A.R.S. § 25-319 but only to the extent that the case law is not affected by the 2022 amendments.

Dated this 22nd day of September, 2022.

ROBERT BRUTINEL
Chief Justice