

## Nonlawyer Legal Service Providers Board

### Recent Amendments from the August 23, 2023, Rules Agenda

#### Rules effective January 1, 2024:

[R-23-0007](#) Order amending on an emergency basis Rules 44.1(e), 45(c), 78(g), 91.3, and 97 of the Rules of Family Law Procedure to require a family law court to issue an “education order” when entering any final order involving dependent children, effective January 1, 2024. **The Court will consider whether to adopt the rule amendments on a permanent basis during its December 2023 Rules Agenda, after reopening the petition for public comment.**

[R-22-0040](#) Order amending Rule 84(b) of the Rules of Family Law Procedure to provide that absent good cause or unless an exception applies, a motion to clarify a ruling must be filed no later than six months after the ruling’s entry, effective January 1, 2024.

[R-22-0043](#) Order adopting a new Rule 81 to the Rules of Family Law Procedure regarding post-judgment parenting time supervision and case implementation supervision, effective January 1, 2024.

[R-23-0001](#) Order amending Rule 48 of the Rules of Family Law Procedure to clarify the procedures governing the issuance of a temporary order on an emergency basis with or without notice, effective January 1, 2024.

[R-23-0002](#) Order amending Arizona Rule of Evidence 106 to conform to the anticipated 2023 amendments to Federal Rule of Evidence 106 governing the “rule of completeness,” effective January 1, 2024.

[R-23-0003](#) Order amending Arizona Rule of Evidence 615 to partly conform to the anticipated 2023 amendments to Federal Rule of Evidence 615 regarding the “rule of exclusion,” effective January 1, 2024.

[R-23-0004](#) Order amending Arizona Rule of Evidence 702 to conform to the anticipated 2023 amendments to Federal Rule of Evidence 702 regarding expert witnesses and to add a new comment, effective January 1, 2024.

[R-23-0009](#) Order amending Rule 31.3(e)(1) of the Rules of the Supreme Court of Arizona to permit a non-lawyer advocate to represent a child with a disability in any informal conflict resolution method relating to the child’s evaluation for, placement in, or provision of a free appropriate public education program, effective January 1, 2024.

[R-23-0015](#) Order amending Rule 902(1)(A) of the Arizona Rules of Evidence to add the seal of “a Federally Recognized American Indian Tribe or Nation” to the list of government seals that would make a document self-authenticating, effective January 1, 2024.

[R-23-0018](#) Order amending ER 1.4, Rule 42 of the Rules of the Supreme Court of Arizona, to require an attorney to tell a client if he or she does not carry professional liability insurance, effective January 1, 2024.

[R-23-0020](#) Order amending Rule 45 of the Rules of the Supreme Court of Arizona to authorize participants completing the State Bar’s Mentor Program to qualify for CLE credit, effective January 1, 2024.

[R-23-0021](#) Order amending Rule 34 of the Rules of Family Law Procedure to clarify what a party must show to obtain a continuance of a trial, hearing, or conference, effective January 1, 2024.

[R-23-0023](#) Order amending Rule 35 of the Rules of Civil Procedure to reorganize, clarify, and revise the procedures governing requests for physical and mental examinations, effective January 1, 2024.

[R-23-0028](#) Order amending Rules 6(a)(1) and 6(a)(5) of the Superior Court Rules of Appellate Procedure-Civil regarding supersedeas bond requirements in appeals of eviction actions to provide different bond requirements for a stay of possession than for a stay of a collection action, effective January 1, 2024.

[R-23-0030](#) Order amending Rule 55(b)(1)(A) of the Rules of Civil Procedure and a rule comment to resolve a conflict between the rule and the rule comment, and to clarify that notice and a default judgment hearing is not required in a case seeking a “sum certain” in which the defendant has been defaulted for failing to plead or otherwise defend, even if the defendant enters an appearance before the entry of a default judgment, effective January 1, 2024.

[R-23-0031](#) Order amending Rule 38.2 of the Rules of Criminal Procedure to provide that after a prosecution resumes after the defendant fails to fulfill deferred prosecution conditions, the State may request that the defendant be given an additional opportunity to participate in the deferred prosecution program, effective January 1, 2024.

[R-23-0032](#) Order amending Rule 43.1 of the Rules of Family Law Procedure to adopt a new subpart (i) authorizing the Clerk’s Office to distribute minute entries, notices, and other court-generated documents to party or a party’s attorney by electronic means, effective January 1, 2024.

[R-23-0033](#) Order amending Rule 5.1(c) of the Rules of Civil Procedure and Rule 43.1(d) of the Rules of Family Law Procedure to permit subpoenas to be filed, effective January 1, 2024.

Continued:

[R-22-0045](#) Would abrogate rules 39(b)(12)(a) & (b) of the rules of criminal procedure to allow defense counsel to make an interview request directly to a victim without going through the prosecutor. continued until the August 2024 rules agenda.

**Next Rules Agenda will be held on December 5, 2023 (Date subject to change)**

Denied:

[R-22-0046](#) Would amend rule 15.4(b) of the rules of criminal procedure to provide procedures for redacting or disclosing a witness’s social security, bank account, and credit card numbers.

[R-23-0005](#) Would amend rule 56(b) of the rules of civil procedure to add a new subpart (4) providing that each side of a case may file only one summary judgment motion without leave of the court.

R-23-0027 Would amend rule 11(b)(1) of the rules of procedure for eviction actions to require a court to re-call at the end of the calendar, or after one hour for longer calendars, any case in which a plaintiff or defendant did not respond after the initial call.