

SUPREME COURT OF ARIZONA

In the Matter of ) Arizona Supreme Court  
 ) No. R-14-0019  
PETITION TO AMEND RULE 40 )  
OF THE ARIZONA RULES OF )  
FAMILY LAW PROCEDURE )  
 )  
 ) **FILED 06/11/2014**  
 )  
 )  
\_\_\_\_\_ )

**ORDER  
AMENDING RULE 40, ARIZONA RULES OF FAMILY LAW PROCEDURE, ON AN  
EXPEDITED BASIS**

A petition having been filed on May 13, 2014, by David K. Byers, proposing to amend Rule 40, Arizona Rules of Family Law Procedure, on an expedited basis in response to the Legislature's recent passage of Senate Bill 1061 (Laws 2014, Chapter 230), which will become effective July 24, 2014, upon consideration,

IT IS ORDERED that Rule 40, Arizona Rules of Family Law Procedure, be amended on an expedited basis pursuant to Rule 28(G), Rules of the Supreme Court, in accordance with the attachment hereto, effective July 24, 2014.

IT IS FURTHER ORDERED that this matter shall be opened for comment in accordance with Rule 28(G)(2), Rules of the Supreme Court, until September 26, 2014.

DATED this 11th day of June, 2014.

\_\_\_\_\_  
REBECCA WHITE BERCH  
Chief Justice

TO:  
Rule 28 Distribution  
David K Byers

**ATTACHMENT**

**Arizona Rules of Family Law Procedure**

**Rule 40. Process**

**A. – H.** [No change in text.]

**I. Summons; Time Limit for Service.** If service of the summons and petition is not made upon a respondent within one hundred twenty (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.

**J. Time Limit for Service; Paternity Actions Involving Adoption.** A potential father who has been served with notice of a planned adoption pursuant to A.R.S. § 8-106(G) must, within thirty (30) days after completion of service of the notice of the planned adoption, file and serve on the mother, or an attorney or agency that is licensed in this State and that is representing the mother, a copy of the verified petition to establish paternity and summons. The court shall dismiss any proceeding that is barred pursuant to A.R.S. § 8-106(J).