

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-19-0017
RULE 47.2(a), RULES OF FAMILY)
LAW PROCEDURE)
) **FILED 08/27/2019**
)
)
)
_____)

**ORDER
AMENDING RULES 44.1, 47.2(a), AND 79, ARIZONA RULES OF FAMILY LAW
PROCEDURE**

A petition has been filed proposing to amend Rule 47.2(a), Arizona Rules of Family Law Procedure, and comments have been received. The Court has also identified typographical errors in Rules 44.1 and 79, Arizona Rules of Family Law Procedure. Upon consideration,

IT IS ORDERED that Rules 44.1, 47.2(a), and 79, Arizona Rules of Family Law Procedure, be amended in accordance with the attachment hereto, effective January 1, 2020.

DATED this 27th day of August, 2019.

_____/s/_____
ROBERT BRUTINEL
Chief Justice

TO:

Rule 28 Distribution

Lisa M Panahi

Annette T Burns

ATTACHMENT¹

Arizona Rules of Family Law Procedure

Rule 44.1. Default Decree or Judgment by Motion and Without a Hearing

- (a) [No change in text]
- (b) **Decree of Dissolution, Annulment, or Separation**
 - (1) – (3) [No change in text]
- (c) – (g) [No change in text]

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

- (a) **Generally.** A party requesting temporary legal decision-making, ~~or~~ parenting time or child support after entry of a decree must file a verified motion stating the legal and jurisdictional bases for the motion, and the specific relief requested. The motion must include a proposed parenting plan containing the legal decision-making and parenting time requested for both parties. If the motion requests child support, the party requesting child support must comply with Rule 91.1. The motion must incorporate by reference the relevant allegations of the pending post-decree petition and not separately repeat them.
- (b) - (f) [No change in text]

Rule 79. Summary Judgment

- (a) [No change in text]
- (b) **Time to File a Motion.**
 - (1) Claimant. A claimant may move for summary judgment only after:
 - (A) the date when a responsive pleading is due from the party against whom summary judgment is sought; or
 - (B) the filing of a Rule 29(~~ba~~)(6) motion to dismiss or a summary judgment motion by the party against whom summary judgment is sought.

¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by strikeouts.

(2) Other Parties. Any other party may move for summary judgment at any time after the action is commenced.

(3) Filing Deadline. A summary judgment motion may not be filed later than the dispositive motion deadline set by the court or local rule, or absent such a deadline, 90 days before the date set for trial.

(c) – (h) [No change in text]