

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-11-0022
RULE 68, ARIZONA RULES OF)
FAMILY LAW PROCEDURE)
)
)
) **FILED 12/13/2011**
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_____)

**ORDER
AMENDING RULE 68, ARIZONA RULES OF FAMILY LAW PROCEDURE, ON A
PERMANENT BASIS**

This rule was amended on an emergency basis effective July 20, 2011, with a comment period ending November 15, 2011. No comments having been received, upon consideration,

IT IS ORDERED adopting the attached rule change on a permanent basis.

DATED this _____ day of December, 2011.

REBECCA WHITE BERCH
Chief Justice

TO:
Rule 28 Distribution

mwa

ATTACHMENT*

Rule 68. Conciliation Court Services; Counseling, Mandatory Mediation, Assessment or Evaluation and other Services.

A. Conciliation Counseling/Petition for Conciliation

1. *Filing a Petition for Conciliation.* Either spouse may file a Petition for Conciliation pursuant to A.R.S. § 25-381.09 for the purpose of preserving the marriage or resolving controversies through counseling. The petition shall be filed with the clerk of the court or submitted directly to the conciliation court as provided by local rule or administrative order. When an action for dissolution, legal separation, or annulment is pending, the original Petition for Conciliation may be filed in the court file or in a separate file with a notice or minute entry of the filing of Petition for Conciliation filed in the court file as provided by local rule or administrative order. A copy of the Petition for Conciliation will be sent to conciliation court.

2. *Period of Jurisdiction; Stay of Proceedings; Temporary Order; Extension.*

a. Upon the timely filing of a Petition for Conciliation, counseling shall be conducted and completed within sixty (60) days of the filing of the petition, unless an extension of any stay of proceedings has been granted pursuant to subdivision (d). During this time, no action for dissolution, legal separation, or annulment shall be filed and any pending action for dissolution, legal separation, or annulment is stayed, unless the court lifts the stay before the expiration of the sixty-day period or grants any other extension.

b. There shall be no more than one (1) stay during any twelve-month period in any case.

c. During the stay, the court may proceed to hear and enforce Petitions for Orders of Protection pursuant to A.R.S. § 13-3602 and any requests for temporary orders as allowed by A.R.S. § 25-381.17.

d. A party may petition the court for an extension of the stay of proceedings. The petition must state the basis for the extension and include a plan for reconciliation or a counseling schedule. The court may grant a reasonable extension of up to one hundred twenty days if the moving party establishes good cause for the extension. The court shall not grant an extension if the other party objects with good cause.

B. – F. [No change.]

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