

ATTACHMENT*
ARIZONA RULES OF FAMILY LAW PROCEDURE

I. GENERAL ADMINISTRATION

Rule

- 1.-12. [No change in text.]
- 13. Public Access to Proceedings [and Records](#)
- 14.-22. [No change in text.]

II. PLEADINGS AND MOTIONS

Rule

- 23.-35. [No change in text.]

III. PARTIES

Rule

- 36.-39. [No change in text.]

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Rule

- 40.-43. [No change in text.]

V. DEFAULT DECREE, CONSENT DECREE, AND DISMISSAL

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Rule

44.-46. [No change in text.]

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66.-75. [No change in text.]

IX. PRETRIAL AND TRIAL PROCEDURES

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76.-77. [No change in text.]

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78.-90. [No change in text.]

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92.-94. [No change in text.]

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95.-96. [No change in text.]

XIV. FAMILY LAW FORMS

Rule

97. [No change in text.]

I. GENERAL ADMINISTRATION

Rule 1. Scope of Rules

These rules govern the procedure in the Superior Court of Arizona in all family law cases, including paternity, and all other matters, arising out of Title 25, *Arizona Revised Statutes (A.R.S.)*. ~~and, where ordered by the presiding judge of a county or the presiding judge's designee, Orders of Protection, Injunctions Against Harassment and all proceedings, judgments or decrees related to the establishment, modification or enforcement of such orders, including contempt.~~ These rules should be construed and enforced in a manner to secure the just, prompt and inexpensive determination of every action and proceeding.

COMMITTEE COMMENT

[No change in text.]

Rule 2. Applicability of Other Rules

A. [No change in text.]

B. Applicability of *Arizona Rules of Evidence*

1. Upon notice to the court filed by any party at least forty-five (45) days prior to hearing or trial, or such other date as may be established by the court, any party may require strict compliance with the *Arizona Rules of Evidence*, except as provided in sub~~section~~division 2(B)~~(3)~~. If a hearing or trial is set upon less than sixty (60) days prior notice, the notice provided for in this paragraph will be deemed timely if filed within a reasonable time after the party receives notice of the hearing or trial date.

2. If no such notice is filed, all relevant evidence is admissible, provided, however, that the court shall exclude evidence if its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or by considerations of undue delay, waste of time, needless presentation of cumulative evidence, lack of reliability or failure to adequately and timely disclose same. This admissibility standard shall replace ~~R~~rules 403, 602, 801-806, 901-903 and 1002-1005, *Arizona Rules of Evidence*.~~;~~ ~~E~~xcept as provided in sub~~section~~division 2(B)~~(3)~~ ~~of this rule~~. All remaining provisions of the *Arizona Rules of Evidence* apply.

3. Regardless of whether a notice is filed under [subdivision 2\(B\)\(1\)](#):

a.-b. [No change in text.]

C. [No change in text.]

COMMITTEE COMMENT

Rule 2(B)(4) allows the court to consider as evidence at any stage of the proceedings any report or document ordered or required by the court to be submitted to the court. This allows the court to consider drug testing results and reports from court-appointed attorneys, custody or parenting time evaluators, conciliation services, family law masters, Parenting Coordinators, and other court-appointed experts. The determination of the evidentiary value of the report or document for any proceeding other than the particular trial, hearing or conference for which it was prepared shall be left to the discretion of the [court](#).

Rule 3. Definitions

A. [No change in text.]

B. Definitions. In these rules, unless the context otherwise requires, the following definitions shall apply:

[1. Guardian.](#) A person appointed pursuant to Title 14, Arizona Revised Statutes.

[12. In camera.](#) If the court orders that a document be reviewed *in camera*, the party who possesses the document shall submit the document *ex parte* to the court. The court shall then privately review the document to determine whether it should be further disclosed under applicable law and rules.

[23. Motion.](#) A motion is a written request made after a petition seeking relief is filed.

[34. Moving Party.](#) The party (movant or applicant) who has filed a written request for relief, regardless of whether or not that party was the petitioner or respondent in the initial petition.

[45. Petition.](#) A petition is the initial pleading that commences a family law case or the initial pleading that commences a post-decree matter. All initial documents shall be denominated as a petition followed by brief descriptive wording summarizing the nature of the relief sought.

56. *Petitioner*. A petitioner is a person or entity who files the first petition, and shall be referred to as such in all subsequent documents, including all post-decree petitions, motions and documents in the same case.

67. *Respondent*. A respondent is any opposing party other than the petitioner.

78. *Response*. A response is a document that substantially responds to a petition or a motion, and includes an answer to a petition.

89. *Sealing*. If the court orders that a paper or electronic record or portion of a record is to be sealed, the record or portion of the record shall be sealed by the Clerk of the Court, and the record or portion of the record shall be accessible or disclosed only to those persons designated by order of the court. This definition is not intended to affect the substantive rights of any party.

910. *Title IV-D*. Title IV-D means Title IV-D of the Social Security Act, 42 U.S.C. 651 *et seq.* Title IV-D is administered in Arizona by the Division of Child Support Enforcement (DCSE) of the Department of Economic Security.

1011. *Witness*. A witness is a person whose declaration under oath or affirmation is received as evidence for any purpose, whether such declaration is made on oral examination, by deposition or by affidavit.

COMMITTEE COMMENT

The definition of “witness” in subdivision B(10) is based on Rule 43(a), *Arizona Rules of Civil Procedure*. [Guardian is defined in order to distinguish a guardian from a guardian *ad litem* or best interests attorney.](#)

Rule 4. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

2006 COURT COMMENT

[No change in text.]

Rule 5. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 6. Change of Judge

All notices and requests for change of judge shall be made in accordance with Rule 42(f), *Arizona Rules of Civil Procedure*. The filing of one or more post-decree or post-judgment petitions does not entitle any party to an additional notice of change of judge or court commissioner.

Rule 7. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 8. [No change in text.]

Rule 9. Duties of Counsel

A. [No change in text.]

B. Limited Scope Representation: Appearance and Withdrawal. ~~This provision shall be deemed experimental in nature and shall expire three (3) calendar years from the initial effective date of these rules unless otherwise extended.~~

1.-2. [No change in text.]

C. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 10. Representation of Children; Minors and Incompetent Persons

A.-G. [No change in text.]

H. Minors and Incompetent Persons. Whenever a minor or incompetent person has a representative appointed by the court or authorized by Title 14, *Arizona Revised Statutes*, the representative may act on behalf of the minor or incompetent person to the extent allowed under Arizona law or the court's order of appointment. ~~The court shall not appoint a guardian to act on behalf of the minor or incompetent person, except as provided by Title 14, *Arizona Revised Statutes*.~~

I. **Appointment of Guardian.** The court shall not appoint a guardian to act on behalf of the minor or incompetent person, except as provided by Title 14, *Arizona Revised Statutes*.

COMMITTEE COMMENT

[No change in text.]

Rule 11. [No change in text.]

Rule 12. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 13. Public Access to Proceedings and Records

A.-C. [No change in text.]

D. Access to Records. Records of family court proceedings shall be maintained and disclosed in accordance with Rule 123, *Rules of the Supreme Court*, and Rule 43 of these rules. Unless otherwise provided in Rule 123, *Rules of the Supreme Court*, the court may, upon a finding that the confidentiality or privacy interests of the parties, their minor children, or other person whose information appears of record outweighs the public interest in disclosure, make any record of a family court matter closed or confidential or otherwise limit access to such records.

COMMITTEE COMMENT

[No change in text.]

Rule 14. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 15. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 16. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 17. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 18. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 19. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 20. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 21. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 22. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

II. PLEADINGS AND MOTIONS

Rule 23. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 24. Pleadings Allowed

A. Petition. A party shall commence the following actions by filing a verified petition with the clerk of the superior court: Annulment (A.R.S. § 25-301), Dissolution (A.R.S. § 25-312), Legal Separation (A.R.S. § 25-313), Child Custody or Visitation by Nonparent (A.R.S. § 25-415), Grandparent or Great-grandparent Visitation (A.R.S. § 25-409), Dissolution of Covenant Marriage (A.R.S. § 25-903), Legal Separation in Covenant Marriage (A.R.S. § 25-904), ~~Protective Order (A.R.S. § 13-3602)~~, Paternity or Maternity (A.R.S. § 25-806), establish, enforce, register, or modify custody or parenting time (A.R.S. §§ 25-403, -411, -803(C)) and -1055), or to establish, enforce, register or modify support (A.R.S. §§ 25-320, -503, -1031 and -1033).

B.-F. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 25. [No change in text.]

Rule 26. Additional Filings

A.-B. [No change in text.]

C. Order to Appear. In all actions other than those listed in paragraphs A and B, [and Rule 91\(D\)](#), along with the original petition seeking relief the party shall also present to the court an original and copy of an order to appear for the court to schedule a hearing on the petition.

D. [No change in text.]

Rule 27. Service on the Opposing Party or Additional Parties

A.-B. [No change in text.]

C. Order to Appear and Petition. In all actions other than those listed in paragraphs A and B, the petitioner shall serve upon all parties entitled to service a copy of the petition, order to appear issued by the court and any notices, forms and orders required under Rule 26(D), [at least 20 days prior to the scheduled hearing, unless otherwise ordered by the court. Service shall be pursuant to Rule 40, 41 or 42, as applicable, in the same manner as a summons and petition would be served.](#)

Rule 28. [No change in text.]

Rule 29. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 30. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 31. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 32. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 33. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 34. Amended and Supplemental Pleadings

A. Amendments.

1. [No change in text.]

2. A party who moves for leave to amend a pleading must attach a copy of the proposed amended pleading as an exhibit to the motion, which shall indicate in what respect it differs from the pleading that it amends, by bracketing or striking through the text to be deleted and underlining the text to be added. If a motion for leave to amend is granted, the moving party shall file and serve the amended pleading within ten days of the order granting the motion, unless the court otherwise orders.

3. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within ten (10) days after service of the amended pleading, whichever period may be the longer, unless the court otherwise orders.

B.-D. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 35. Family Law Motion Practice

A. Formal Requirements; Time Periods.

1.-5. [No change in text.]

6. The time and manner of service of every motion, response and reply shall be noted on all such documents and shall be governed by Rule 43. If the precise manner in which service has actually been made is not noted on any such filing, it will be conclusively presumed that the filing was served by mail, and the provisions of Rule ~~46-4(D)~~ shall apply. This conclusive presumption shall only apply if service in some form has actually been made. The time periods specified in this paragraph shall not apply where specific times for motions, affidavits or memoranda are otherwise provided by statute or order of court.

7. [No change in text.]

B. [No change in text.]

C. Oral Argument.

1.-2. [No change in text.]

3. If granted by the court, oral argument may be limited to a prescribed number of minutes ~~that which~~ shall not be exceeded without special permission in advance.

D. Motions for Reconsideration. A party seeking reconsideration of a ruling of the court may file a motion for reconsideration. All motions for reconsideration, however titled, shall be submitted without oral argument and without response or reply unless the court otherwise directs. No motion for reconsideration shall be granted, however, without the court providing an opportunity for response. A motion authorized by this rule may not be employed as a substitute for a motion pursuant to Rule 82(B), 83 or ~~865(C)~~ and shall not operate to extend the time within which a notice of appeal must be filed. A motion for reconsideration shall be filed not later than thirty (30) days after the date of filing of the ruling sought to be reconsidered.

COMMITTEE COMMENT

[No change in text.]

Rule 36. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 37. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 38. [No change in text.]

Rule 39. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

IV. SERVICE OF PROCESS

Rule 40. Process

A. [No change in text.]

B. Summons; Form; Replacement Summons. The summons shall be signed by the clerk, be under the seal of the court, contain the name of the court and the names of the parties, be directed to the person to be served, state the name and address of the attorney, if any, for the party on whose behalf service is being made, and otherwise that party's address. The summons shall state the time within which these rules require the person being served to appear and defend, and shall notify that person that in case of a failure to do so judgment by default will be rendered against that person for the relief demanded in the pleading served. In an action for annulment, dissolution of marriage, or legal separation, the summons shall also contain a statement that either spouse, or both spouses, may file in the conciliation court a petition invoking the jurisdiction of the court for the purpose of preserving the marriage by effecting conciliation between the parties [or for amicable settlement of the controversy between the spouses so as to avoid further litigation over the issue involved](#). A summons, or a copy of the summons in the case of multiple persons to be served, shall be served together with a copy of the pleading to be served. If a summons is returned without being served, or if it has been lost, the clerk may upon request issue a replacement summons in the same form as the original. A replacement summons shall be issued and served within the time prescribed by paragraph I. The summons shall state that "requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least three (3) working days in advance of a scheduled court proceeding."

C.-I. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 41. Service of Process within Arizona

A.-F. [No change in text.]

G. Service of Summons upon the State. Service upon the state shall be effected by acceptance or waiver of service or by delivering to the attorney general [or any person designated by the attorney](#)

general a copy of the summons and of the pleading in the manner set forth in Rule 41(C). Alternatively, in counties that by administrative order of the presiding judge have authorized electronic service upon the state in Title IV-D cases as provided in this rule, any person required under these rules to personally serve documents upon the state may serve the same by concurrently filing with the documents to be served a written Notice of State Interest that: 1) requests electronic service of the documents upon the state under this rule and the administrative order; 2) separately lists the title or description of each document to be served; and 3) indicates the State has or may have a right to be served with the documents. The clerk shall promptly file, scan and electronically transmit true copies of the documents and the Notice of State Interest to the electronic address that the state designates in response to the administrative order implementing the procedure, and service shall be deemed complete upon the clerk filing a Proof of Service By Electronic Transmittal verifying the documents and Notice of State Interest were transmitted and received by the state.

H.-M. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 42. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 43. Service and Filing of Pleadings and Other Papers; Sensitive Data Form

A.-B. [No change in text.]

C. Service after Appearance; Service after Judgment; How Made.

1. [No change in text.]

2. *Service in General.* A paper is served under this rule by:

a.-b. [No change in text.]

c. mailing it via U.S. mail or any other national courier service to the person's last known address--in which event service is complete upon mailing; or

d. [No change in text.]

3.-4. [No change in text.]

D. Filing; Attachments; Public Access.

1.-2. [No change in text.]

3. Copies to Assigned Judicial Officer. Except as otherwise provided in Rule 91, after filing of the original petition, a copy of each filed document requiring judicial action, and any response or reply thereto, shall be provided to the judicial officer to whom the pending matter is assigned. A statement of compliance with this requirement shall appear on the original of the pleading.

3 4. Attachments to Judge. Except for proposed orders and proposed judgments, a party may attach copies of papers not otherwise to be filed under this rule to a copy of a motion or memorandum of points and authorities delivered to the judge to whom the case has been assigned. Any such papers provided to the judge must also be provided to all other parties.

4-5. Sanctions. For violation of this rule, the court may order the removal of the offending document and charge the offending party or counsel such costs or fees as may be necessary to cover the clerk's costs of filing, preservation, or storage, and the court may impose any additional sanctions provided in Rule 76(D).

5 6. Public Access. By administrative order of the presiding judge or local rule, upon commencement of an action, the filing of a pleading pursuant to Rule 24 or the filing of a Petition for an Order of Protection or a Petition for Injunction Against Harassment, all court documents, records and evidence related thereto shall be unavailable to the general public until forty-five (45) days have passed since the filing of the petition with the court, ~~whichever occurs first~~. The foregoing notwithstanding, judicial officers, court and clerk's office personnel, case parties and their associated attorneys of record, and any other persons as ordered by the court may have access to the documents in a manner determined by the clerk of court at any time.

E.-F. [No change in text.]

G. Sensitive Data.

1. *Filing Sensitive Data.*

a. Before filing any document containing sensitive data with the court, the filing party shall omit or otherwise redact the sensitive data unless they are specifically

requested by the court. If the sensitive data are specifically requested by the court, the filer shall record the requested information on a separate sensitive data form which shall be maintained by the clerk as a confidential record and only available to the parties, the parties' attorneys, court personnel and any other person or agency authorized by court order. [The clerk shall not release addresses protected by court order without a subsequent court order authorizing its release.](#) In the discretion of the clerk, sensitive data forms, orders of assignment and orders to Stop Order of Assignment may be maintained either in paper or electronic format. If these documents are maintained electronically, the clerk is authorized to destroy any paper version. Unless the court orders otherwise, any further written reference to sensitive data shall thereafter be made by referring to a corresponding item number on the sensitive data form or other means, rather than inserting the actual data into the document being filed with the court.

b.-e. [No change in text.]

2. *Sensitive Data Defined.* For purposes of this rule, "sensitive data" means social security numbers, [driver's license numbers](#), bank account numbers, credit card numbers, and other financial account [and personal identifying](#) numbers. [After filing of the Confidential Sensitive Data Form, all reference in file documents to the accounts and identifiers contained therein shall be made using only the last four digits of such account numbers and identifiers.](#)

3. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

2006 COURT COMMENT

[No change in text.]

V. DEFAULT DECREE, CONSENT DECREE, AND DISMISSAL

Rule 44. Default Decree

A. [No change in text.]

B. **Judgment by Default.** Judgment by default may be entered as follows:

1. *By Motion without Hearing.*

a.-b. [No change in text.]

c. When a petition to establish maternity or paternity has been filed and an order of custody or parenting time is not requested, a judgment may be entered upon motion supported by an affidavit or affidavits of the state or the mother or the father. In cases where the default judgment is requested by the state, the factual basis for the finding of paternity shall be established by the affidavit of a parent. The supporting affidavit(s) shall set forth facts showing that jurisdictional requirements have been met and that a default order is appropriate pursuant to A.R.S. § 25-813. If entry of an order for current and past support is requested, the motion shall be accompanied by a child support worksheet to support the amounts requested and the supporting affidavit shall state the basis for the determination of the gross income of the defaulting parent. The affidavit shall also set forth facts supporting any other relief requested.

2. [No change in text.]

3. *Past Support Judgments.* No judgment by default under this rule shall be entered for any amount of child support accruing for periods of time prior to the date of filing of the petition to establish the first order for child support unless, in the petition or in the notice required pursuant to paragraph A, the party seeking support has notified the party from whom support is sought of the time period for which such past support is sought and that it will be calculated by retroactive application of the Arizona Child Support Guidelines. No judgment by default for any amounts of past child support owed for periods of time prior to the filing of a petition for order to appear pursuant to Rule 26(C) shall be entered for failure to appear at such hearing unless, in the petition or in a separate written notice filed and served upon the responding party at least ten (10) judicial days prior to the hearing, the party filing the petition has notified the responding

party of the specific time period for which such past support is sought and that it will be calculated by retroactive application of the Arizona Child Support Guidelines.

4. Informing Defaulted Party. When a decree or judgment is entered by default, except in those cases resulting in default after service by publication, the party obtaining the decree or judgment shall certify on the decree or judgment, that, within three (3) judicial days of the party's receipt of the decree or judgment, the party obtaining the decree or judgment will mail a copy of the decree or judgment to the party in default at that party's last known address. Failure to comply with this rule shall not affect the validity of the decree or judgment entered or the time to appeal, or relieve a party from any obligations set forth in the decree or judgment.

C.-G. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 45. [No change in text.]

Rule 46. Dismissal

A. Voluntary. Any family law case or post-decree petition may be dismissed (1) by the petitioner or the filing party without order of court by filing a notice of dismissal at any time before [service filing](#) of a response, or (2) by order of the court pursuant to a stipulation of dismissal signed by all parties who have appeared in the action. If a response has been filed to a petition or post-decree petition, the petition may be dismissed by the petitioner or the filing party only by motion and upon such terms and conditions as the court deems proper, including proper adjudication of any pending counterclaims or counter petitions filed by an opposing party. Unless otherwise stated in the notice or order of dismissal, the dismissal is without prejudice.

B.-D. [No change in text.]

E. Dismissal Authority. The authority of the court to issue notices and dismiss cases and post-decree petitions for lack of service under Rule 41(I) and for lack of prosecution under Rules 46 and 91(R) may be performed by court administration or by an appropriate electronic process under supervision of the court.

COMMITTEE COMMENT

[No change in text.]

VI. TEMPORARY ORDERS

Rule 47. Temporary Orders

A.E. [No change in text.]

F. Response. Any party served with an Order To Appear on a Motion For Temporary Orders shall not be required to file a formal response to the Motion For Temporary Orders but shall fully comply with the requirements of paragraph G, and if the motion requests child support, shall likewise file a completed Child Support Worksheet, copies of which shall be provided to the assigned judicial officer, the opposing party's attorney or, if unrepresented, to the opposing party not later than three (3) days prior to the time set for hearing. [A party filing a formal response to the Motion for Temporary Orders shall verify the response.](#)

G. Requirements Prior To Conference or Hearing. If the court has set the motion for a pretrial conference, Resolution Management Conference pursuant to Rule 76(A), or an evidentiary hearing, the parties and counsel shall meet and confer (if there is a current court order prohibiting contact of the parties or a significant history of domestic violence between the parties, the parties shall not be required to personally meet or contact each other in violation of the court order, but the parties and their counsel shall take all steps reasonable under the circumstances to resolve as many issues as possible), comply with the disclosure requirements of Rule 49, and submit a Resolution Statement substantially similar to Form 4 or 5, as applicable, not less than five (5) days prior to the date set for the pre-trial conference, Resolution Management Conference or evidentiary hearing. At least three (3) [judicial](#) days prior to an evidentiary hearing, the parties shall exchange any exhibits to be offered at the hearing, and a list of the names, addresses and telephone numbers of all witnesses who may testify.

H. [No change in text.]

I. Simplified Child Support Order. Unless otherwise provided by local rule, a party seeking a temporary child support order under A.R.S. §§ 25-315 or 25-817 may request a simplified order by filing with the court a verified Motion for Simplified Temporary Child Support Order, a completed Child Support Worksheet, a proposed Simplified Temporary Child Support Order, and a proposed Order of Assignment. The motion shall provide that the responding party is required to timely file a response, a completed Child Support Worksheet, and submit a proposed simplified ~~Temporary~~ ~~Child~~ ~~Support~~ ~~Order~~ and a proposed ~~Order~~ of ~~Assignment~~, and if a hearing is requested, a notice of hearing, and that failure to do so may result in a Temporary Child Support Order being entered as requested by the moving party. Upon service of process, the other party shall have twenty (20) days, if served in Arizona, or thirty (30) days if served out of the State of Arizona, to file a response. If no response is filed, or if the response does not specifically contest the child support requested in the motion, the proposed

Simplified Temporary Child Support Order and Order of Assignment shall be entered, without hearing, provided that the available information in support of the temporary order appears accurate and provides the court with adequate information to determine the amount of child support pursuant to the Arizona Child Support Guidelines. The entry of a Simplified Temporary Child Support Order does not prejudice the rights of the parties to have the issue finally determined at a subsequent hearing or trial.

J.-N. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 48. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

VII. DISCLOSURE AND DISCOVERY

Rule 49. Disclosure

The requirements of this rule are minimum disclosure requirements for every family law case. Unless otherwise provided for in this rule, ~~or~~ agreed to by the parties or ordered by the court, within forty (40) days after the filing of a response to an initial petition, each party shall disclose in writing to every other party the information set forth in this rule. The Resolution Statement described in paragraph A shall be filed with the clerk and served upon all parties. All documents and information required in paragraphs B, C, D, E, F, and G shall not be filed with the clerk but shall be served upon all parties.

A. Resolution Statement. Each party shall file a Resolution Statement substantially similar to Form 4 or 5, as applicable, setting forth any agreements and a specific, detailed position the party proposes to resolve all issues in the case, without argument in support of the position. Unless otherwise ordered by the court, a Resolution Statement is not required in proceedings filed pursuant to A.R.S. § 25-409 (grandparent visitation) or A.R.S. § 25-415 (custody by non parent).

B. Child Custody or Parenting Time. In a case in which child custody or parenting time is an issue, unless good cause is shown, the following documents and information shall be served on the other party with the Resolution Statement:

1. A copy of any past or current protective order and underlying petition involving a party or member of the party's household.

2. The name and address of each treatment provider and period of treatment involving any party for psychiatric or psychological issues, anger management, substance abuse or domestic violence, for the period beginning five years prior to the filing of the petition.

3. The date, description, location and documentation of any criminal charge against or conviction of any party or member of the party's household occurring within ten years of the filing of the petition.

4. The date, description, location and documentation of any Child Protective Services investigation or proceeding involving any party or member of the party's household occurring within ten years of the filing of the petition.

BC. Child Support. In a case in which child support is an issue, unless good cause is stated for not doing so, the following documents shall be served with the Resolution Statement:

1.-7. [No change in text.]

CD. Spousal Maintenance and Attorneys' Fees and Costs. If either party has requested an award of spousal maintenance or an award of attorneys' fees and costs, the following documents shall be served with the Resolution Statement:-

1.-2. [No change in text.]

DE. Property. Unless the parties have entered into a written agreement disposing of all property issues in the case, or no property is at issue in the case, each party shall provide to the other the following documents in every action for dissolution of marriage or for legal separation:

1. [[No change in text.]

2. copies of all monthly or periodic bank, checking, savings, brokerage and security account statements and all electronically stored information concerning such accounts in which any party has or had an interest for the period commencing six (6) months prior to the filing of the petition and through the date of the disclosure;

~~3. copies of all monthly or periodic statements and documents showing the value of all pension, retirement, stock option, and annuity balances, including Individual Retirement Accounts, 401(k) accounts, and all other retirement and employee benefits and accounts in which any party has or had an interest for the period commencing six (6) months prior to the filing of the petition and through the date of the disclosure, or if no monthly or quarterly statements are available during this time period, the most recent statements or documents that disclose the information;~~

3. Copies of all monthly or periodic statements and documents showing the value of all pension, retirement, stock option (reflecting grant date, vesting, exercise price and prior exercises), and annuity balances, including Individual Retirement Accounts, 401(k) accounts, and all other retirement and employee benefits and accounts in which any party has or had an interest for the period commencing six (6) months prior to the filing of the petition and through the date of the disclosure, and, if a claim for premarital accumulation is made as to a defined contribution plan, copies of all monthly or periodic statements and documents showing values, contributions, withdrawals, loans, earnings and losses from the date of marriage to the date of disclosure, or if no monthly or quarterly statements are available during these time periods, the most recent statements or documents that disclose the information.

4. [No change in text.]

5. copies of all documents and all electronically stored information that may assist in identifying or valuing any item of real or personal property in which any party has or had an interest for the period commencing six (6) months prior to the filing of the petition, including any

documents that the party may rely upon in placing a value on any item of real or personal property;

6. copies of all business tax returns, balance sheets, profit and loss statements, and all documents [and all electronically stored information](#) that may assist in identifying or valuing any business or business interest for the last two (2) completed calendar or fiscal years and through the latest available date prior to disclosure with respect to any business or entity in which any party has an interest or had an interest for the period commencing twenty-four (24) months prior to the filing of the petition; and

7. [[No change in text.]

EF. Debts. Unless the parties have entered into a written agreement disposing of all debt issues in the case, each party shall provide to the other the following ~~information documents~~ in every action for dissolution of marriage or for legal separation:

1. copies of all monthly or periodic statements and documents [and all electronically stored information](#) showing the balances owing on all mortgages, notes, liens, and encumbrances outstanding against all real property and personal property in which the party has or had an interest for the period commencing six (6) months prior to the filing of the petition and through the date of the disclosure, or if no monthly or quarterly statements [or electronically stored information](#) are available during this time period, the most recent statements or documents [or electronically stored information](#) that disclose the information; and

2. [[No change in text.]

FG. Disclosure of Witnesses. Each party shall disclose the names, addresses, and telephone numbers of any witness whom the disclosing party expects to call at trial, along with a statement fairly describing the substance of each witness's expected testimony. A party shall not be allowed to call witnesses who have not been disclosed at least sixty (60) days before trial, or such different period as may be ordered by the court.

GH. Disclosure of Expert Witnesses. Each party shall disclose the name, address and telephone number of any person whom the disclosing party expects to call as an expert witness at trial, the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, a summary of the grounds for each opinion, the qualifications of the witness, and the name and address of the custodian of copies of any reports prepared by the expert. A party shall not be allowed to call an expert witness who has not been disclosed at least sixty (60) days before trial or such different period as may be ordered by the court.

HJ. Continuing Duty to Disclose. The duty described in this rule shall be a continuing duty, and each party shall make additional or amended disclosures whenever new or different information is

discovered or revealed. Such additional or amended disclosures shall be made not more than thirty (30) days after the information is revealed to or discovered by the disclosing party.

4. **Additional Discovery.** Nothing in the minimum requirements of this rule shall preclude relevant additional discovery on request by a party in a family law case, in which case further discovery may proceed as set forth in Rule 51.

COMMITTEE COMMENT

[No change in text.]

Rule 50. [No change in text.]

Rule 51. Discovery

A. [No change in text.]

B. Discovery Scope and Limits. Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows.

1. *In General.* Parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery, including the existence, description, nature, custody, condition, and location of any books, documents, [electronically stored information](#) or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. The frequency or extent of use of the discovery methods set forth in paragraph A may be limited by the court if it determines that:

a.-c. [No change in text.]

2. *Trial Preparation: Materials.* Subject to the provisions of subdivision B(3), a party may obtain discovery of documents, [electronically stored information](#) and tangible things otherwise discoverable under subdivision B(1) and prepared in anticipation of litigation or for trial by or for another party or by or for that other party's representative (including the other party's attorney or consultant) only upon a showing that the party seeking discovery has substantial need of the materials in the preparation of the party's case and that the party is unable

without undue hardship to obtain the substantial equivalent of the materials by other means. In ordering discovery of such materials, the court shall protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation.

3.-4. [No change in text.]

C.-F. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 52. Subpoena

A. Form; Issuance.

1. Every subpoena shall:

a.-b. [No change in text.]

c. command each person to whom it is directed to attend and give testimony or to produce and permit inspection, ~~and~~ copying, testing or sampling of designated books, documents, electronically stored information, or tangible things in the possession, custody or control of that person, or to permit inspection of premises, at a time and place therein specified; and

d. set forth the recipients' rights and obligations under the subpoenas as follows:

Your Duties In Responding To This Subpoena:

You have the duty to produce the documents requested as they are kept by you in the usual course of business, or you may organize the documents and label them to correspond with the categories set forth in this subpoena. See Rule 52(D)(1) of the *Arizona Rules of Family Law Procedure*.

If this subpoena asks you to produce and permit inspection and copying of designated books, papers, documents, tangible things, or the inspection of premises, you need not appear to produce the items unless the subpoena states that you must appear for a deposition, hearing, or trial. See Rule 52(C)(2)(a) of the *Arizona Rules of Family Law Procedure*.

Your Right To Object:

The party or attorney serving the subpoena has a duty to take reasonable steps to avoid imposing an undue burden or expense on you. The Superior Court enforces this duty and may impose sanctions upon the party or attorney serving the subpoena if this duty is breached. See Rule 52(C)(1) of the *Arizona Rules of Family Law Procedure*.

You may object to this subpoena if you feel that you should not be required to respond to the request(s) made. Any objection to this subpoena must be made within 14 days after it is served upon you, or before the time specified for compliance, by providing a written objection to the party or attorney serving the subpoena. See Rule 52(C)(2)(b) of the *Arizona Rules of Family Law Procedure*.

If you object because you claim the information requested is privileged or subject to protection as trial preparation material, you must express the objection clearly and support each objection with a description of the nature of the document, communication or item not produced so that the demanding party can contest the claim. See Rule 52(D)(2) of the *Arizona Rules of Family Law Procedure*.

If you object to the subpoena in writing, you do not need to comply with the subpoena until a court orders you to do so. It will be up to the party or attorney serving the subpoena to seek an order from the court to compel you to provide the documents or inspection requested, after providing notice to you. See Rule 52(C)(2)(b) of the *Arizona Rules of Family Law Procedure*.

If you are not a party to the litigation, or an officer of a party, the court will issue an order to protect you from any significant expense resulting from the inspection and copying commanded. See Rule 52(C)(2)(b) of the *Arizona Rules of Family Law Procedure*.

You also may file a motion in the superior court of the county in which the case is pending to quash or modify the subpoena if the subpoena:

- (1) does not provide a reasonable time for compliance;

- (2) requires a non-party or officer of a party to travel to a county different from the county where the person resides or does business in person; or to travel to a county different from where the subpoena was served; or to travel to a place farther than 40 miles from the place of service; or to travel to a place different from any other convenient place

fixed by an order of a court, except that a subpoena for you to appear and testify at trial can command you to travel from any place within the state;

(3) requires the disclosure of privileged or protected information and no waiver or exception applies; or

(4) subjects you to an undue burden. See Rule 52(C)(3)(d) of the *Arizona Rules of Family Law Procedure*.

If this subpoena:

(1) requires disclosure of a trade secret or other confidential research, development, or commercial trade information; or

(2) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or

(3) requires a person who is not a party or an officer of a party to incur substantial travel expense,

the court may either quash or modify the subpoena, or the court may order you to appear or produce documents only upon specified conditions, if the party who served the subpoena shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that you will be reasonably compensated. See Rule 52(C)(3)(d)(3) of the *Arizona Rules of Family Law Procedure*.

A command to produce evidence or to permit inspection, [copying, testing, or sampling](#), may be joined with a command to appear at trial or hearing or at deposition, or may be issued separately.

2. A subpoena commanding attendance at a trial or hearing shall issue from the superior court for the county in which the hearing or trial is to be held. A subpoena for attendance at a deposition shall issue from the superior court for the county in which the case is pending. If separate from a subpoena commanding the attendance of a person, a subpoena for production, ~~or~~ inspection, [copying, testing, or sampling](#) shall issue from the superior court for the county in which the production or inspection is to be made.

3. The clerk shall issue a [signed but otherwise blank](#) subpoena ~~signed, but otherwise blank~~, to a party requesting it, ~~and that party who~~ shall complete [the subpoena](#) ~~#~~ before service. [The State Bar of Arizona may also issue signed subpoenas on behalf of the clerk through an online subpoena issuance service approved by the Supreme Court of Arizona.](#)

B. [No change in text.]

C. Protection of Persons Subject to Subpoenas.

1. [No change in text.]

2. *Personal Appearance; Objections.*

a. A person commanded to produce and permit inspection and copying of designated books, papers, documents, [electronically stored information](#), or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing, or trial.

b. [No change in text.]

3. [No change in text.]

D. Duties in Responding to Subpoena.

1. A person responding to a subpoena to produce documents [or electronically stored information](#) shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

2. When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made in writing and shall be supported by a description of the nature of the documents, communications, [electronically stored information](#) or things not produced, sufficient to enable the demanding party to contest the claim.

E. [No change in text.]

F. Failure to Produce Documentary Evidence. Upon failure to produce documentary evidence as provided in this rule, secondary evidence of the books, papers, documents, [electronically stored information](#) or tangible things may be offered at trial.

G. [No change in text.]

H. Service on Other Parties. Unless otherwise stipulated or ordered by the court, documents [or electronically stored information](#) obtained by subpoena shall be copied or made available to the other parties, whether or not intended to be used at trial, not later than fourteen (14) days after receipt of the documents. In the event the trial or hearing is set in fewer than fourteen (14) days after receipt of the documents, disclosure shall be made not later than three (3) days prior to the trial or hearing. The

cost to copy the subpoenaed documents for another party initially shall be paid by such other party, subject to further order of the court.

COMMITTEE COMMENT

[No change in text.]

Rule 53. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 54. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 55. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 56. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 57. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 58. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 59. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 60. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 61. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 62. Production of Documents and Things and Entry upon Land for Inspection and Other Purposes

A. Scope. Any party may serve on any other party requests (1) to produce and permit the party making the request, or someone acting on the requester's behalf, to inspect, ~~and~~ copy, test or sample any designated documents or electronically stored information - (including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations from which information can be obtained, translated ~~through detection devices~~ into reasonable usable form when translation is practicably necessary) - or to inspect, ~~and~~ copy, test, or sample any designated tangible things that constitute or contain matters within the scope of Rule 51(B) and that are in the possession, custody, or control of the party upon whom the request is served; or (2) to permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspection and measuring, appraising, inventorying personal property, surveying, photographing, testing, or sampling the property or any designated object or operation thereon, within the scope of Rule 51(B).

B. Procedure and Limitations. The requests may, without leave of court, be served upon the petitioner after commencement of the action and upon any other party with or after service of the summons and petition upon that party. The requests shall set forth the items to be inspected, either by individual item or by specific category, and describe each item and specific category with reasonable particularity. The request may specify the form or forms in which electronically stored information is to be produced. The request(s) shall not, without leave of court, cumulatively include more than ten (10) distinct items or specific categories of items. Each request shall specify a reasonable time, place, and manner of making the inspection and performing the related acts. If a party believes that good cause exists for more than ten (10) distinct items or categories of items, that party shall consult with the party upon whom a request would be served and attempt to secure a written stipulation to that effect. The party upon whom a request is served shall serve a written response within forty (40) days after the service of the request, except that a respondent may serve a response within sixty (60) days after service of the summons and petition upon that respondent, or execution of a waiver of service by that respondent. The court may allow a shorter or longer time. The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless the request is objected to, including an objection to the requested form or forms for producing electronically stored information, in which event stating the reasons for objection ~~shall be stated~~. If objection is made to part of an item or category, the part shall be specified. If objection is made to the requested form or forms for producing electronically stored information – or if no form was specified in the request – the responding party must state the form or forms it intends to use. The party submitting a request may move for an order under Rule 65(A) with respect to any objection to or other

failure to respond to the request or any part thereof, or any failure to permit inspection as requested. Unless the parties otherwise agree, or the court otherwise orders:

1. A a party who produced documents for inspection shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the request.

2. if a request does not specify the form or forms for producing electronically stored information, a responding party must produce the information in a form or forms in which it is ordinarily maintained or in a form or forms that are reasonably useable; and,

3. a party need not produce the same electronically stored information in more than one form.

C. Document Organization. A party who produces documents for inspection shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the request. The party who produces the documents shall also provide a list of the documents produced.

D. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 63. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 64. [No change in text.]

COMMITTEE COMMENT

[No change in text.] .

Rule 65. Failure to Make Disclosure or Discovery; Sanctions

A. –D. [No change in text.]

E. Electronically Stored Information. Absent exceptional circumstances, a court may not impose sanctions under these rules on a party for failing to provide electronically stored information lost as a result of routine, good faith operation of an electronic information system.

COMMITTEE COMMENT

[No change in text.]

VIII. SETTLEMENT AND ALTERNATIVE DISPUTE RESOLUTION (ADR)

Rule 66. Alternative Dispute Resolution: Purpose, Definitions, Initiation, and Duty

A. [No change in text.]

B. Definitions. The court may provide or authorize ADR processes, which may include, but are not necessarily limited to, the following:

1.-5. [No change in text.]

6. “*Settlement Conference*” means a confidential process, except as provided in subdivision D(7) ~~of this rule~~, in which parties to a dispute meet with a judge, commissioner, or judge pro tempore acting as a neutral third party to engage in settlement discussions.

7. [No change in text.]

C.-F. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 67. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

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 Orders.

a. ~~When the conciliation court accepts~~ 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. 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.

b.-c. [No change in text.]

3.-5. [No change in text.]

B. Mediation/ADR. All family law cases that involve a controversy over child custody or parenting time shall be subject to mediation or other alternative dispute resolution or process provided for in local rules. Unless the parties agree to mediation by a private mediator, the court or conciliation services shall determine whether mediation or ADR services are appropriate in a particular case. The court or conciliation services may deem mediation inappropriate for reasons such as parental unfitness, substance abuse, mental incapacity, domestic violence, or other good cause. The mediator may not conduct any subsequent family assessment or evaluation in the same case.

1.-5. [No change in text.]

6. Agreements, Signature of Counsel, Notice to Counsel, and Notice of Objection. Any agreements reached as a result of mediation by conciliation services must be placed in writing, following either procedure set forth below.

a. [No change in text.]

b. Alternatively, the agreement shall be signed by the parties, and conciliation services shall submit a copy of the agreement to the parties' attorneys, who shall have thirty (30) days from the date of signing to file a Notice of Objection to the agreement, unless a different period is specified by the court or in correspondence transmitting the agreement. If no timely objection is filed, the agreement will be forwarded to the court with a proposed order for the court's consideration and signature. Any Notice of Objection to the Agreement must be filed with the court, a

copy provided to conciliation services and the other party's attorney or, if the party is not represented, to the party. The Notice of Objection shall not state the reasons for the objections. Such objections shall, however, be set forth in separate correspondence to the party's attorney, or if the party is not represented, to the party. Upon receipt of a Notice of Objection, conciliation services will terminate the mediation and issue a memorandum to the court indicating that as a result of the objection being received, there is no agreement in the matter.

c. The court shall retain final authority to accept, modify or reject or set further hearing on the agreement. Upon the entry of a written order by the court approving or modifying an agreement reached by the parties in mediation, it shall be considered binding.

~~7. Failure to Appear. The parties are required to appear at all scheduled mediation conferences. If one or both parties fail to appear, the mediator shall report to the court the identity of each person who failed to appear and the court may impose sanctions, as permitted by Rule 71(A).~~

C.-E. [No change in text.]

F. Failure to Appear. The parties are required to appear at all scheduled mediation conferences, open negotiations and other alternative dispute proceedings scheduled by Conciliation Services. If one or both parties fail to appear, the mediator shall report to the court the identity of each person who failed to appear and the court may impose sanctions, as permitted by Rule 71(A).

COMMITTEE COMMENT

[No change in text.]

Rule 69. [No change in text.]

COMMITTEE COMMENT

Arizona Constitution, Article 6, § 30 designates the superior court as a court of record. A proceeding or agreement is "on the record" if it is conducted or memorialized by a court reporter in accordance with A.R.S. § 12-221 to 12-225, et seq., or if recorded by any recording device authorized by law. A.R.S. § 38-424 currently authorizes the use of "tape recorders or other recording devices in lieu of reporters or stenographers." This rule also contemplates that the parties may reach binding

agreements at the time a deposition is conducted if both parties are present or represented by counsel, and the agreement is recited on the record. This rule is adapted from Rule 80(d), *Arizona Rules of Civil Procedure*.

Rule 70. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 71. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 72. Family Law Master

A.-K. [No change in text.]

L. Retirement, Benefits, Stock Options, and other Employment Related Compensation. If an order of the court requires the division of retirement benefits, stock options or other employment related benefits, the court may appoint an attorney or other professional with the appropriate expertise to carry out the division of retirement benefits, stock options or other employment related benefits. The court shall identify the specific assets to be so divided, whether a determination is to be made as to the community's interest in such assets and any other special determinations to be made. The court shall in addition to the powers specifically listed in this rule, provide that a family law master under this paragraph shall have the power to require the production of documents, answers to interrogatories and to issue subpoenas to obtain any needed records and to take into account the availability of records and the cooperativeness of the parties in determining the parties' relative interests in such retirement benefits, stock options or other employment related benefits. The family law master under this section shall have the power to order the appearance of each party using the most recent address of a party that is available and can proceed to determine the parties' relative interests even if a party does not appear or present to the court a position on the merits of the parties' claims or the terms of division of retirement benefits, stock options or other employment related benefits.

COMMITTEE COMMENT

[No change in text.]

Rule 73. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 74. Parenting Coordinator

A.-C. [No change in text.]

D. Fees. The court will determine ~~the fees for the services of a Parenting Coordinator and~~ the allocation of fees between the parties. The court may order that the parents pay the Parenting Coordinator a retainer before the Parenting Coordinator begins work with a family. ~~If permitted by the Order of Appointment, t~~he Parenting Coordinator may recommend to the court an adjustment in the division of payment under special circumstances.

E.-L. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 75. [No change in text.]

IX. PRETRIAL AND TRIAL PROCEDURES

Rule 76. Pretrial Procedures

A. Resolution Management Conference (RMC); Preparation and Matters to Be Discussed.

1.-2. [No change in text.]

3. At any Resolution Management Conference under this rule, the court may:

a.-e. [No change in text.]

f. resolve any discovery and disclosure schedules and disputes and adopt any agreements of the parties regarding discovery and disclosure;

g.-n. [No change in text.]

B. [No change in text.]

C. Pretrial Statement, Inventory of Property, and Financial Affidavits; Preparation; Final Pretrial Conference.

1. The parties shall file a pretrial statement not later than twenty (20) days prior to trial, unless another date is set by the court. If not specified by the court, the statement may be joint or separate. Except in the case where that if there is has been domestic violence between unrepresented parties, the parties shall file a joint pretrial statement separate statements. If a joint statement is to be filed, upon initiative there has been domestic violence between unrepresented parties, the parties may file separate pretrial statements. Upon the initiative of the petitioner or counsel for the petitioner, the parties or counsel, if the parties are represented, shall confer and prepare a written pretrial statement, signed by each party or counsel, to be filed by the petitioner ~~no later than twenty (20) days prior to trial, unless another time is set by the court.~~ Such Each pretrial statement shall contain the following:

a.-d. [No change in text.]

e. a list of the names, addresses, and phone numbers of witnesses intended to be used by each party during the trial, indicating witnesses whose testimony will be received by deposition only (no witness shall be used at the trial other than those listed, except for good cause shown). Each party shall list any objections to a witness and the basis for that objection;

f.-l. [No change in text.]

2.-5. [No change in text.]

D. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 77. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

X. JUDGMENTS AND DECREES

Rule 78. Judgments; Costs; Attorneys' Fees

A.-C. [No change in text.]

D. Attorneys' Fees, Costs, and Expenses.

1.-2. [No change in text.]

3. *Method of Establishing Claim.* A claim for attorneys' fees, costs, and expenses shall be supported by an itemized affidavit, exhibits, or, at the discretion of the court, by testimony. If the motion is contested, opposing parties may respond to the motion and a hearing may be granted in the discretion of the court. In addition, the court may refer issues relating to the value of services to a [family law](#) master under Rule 72.

4. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 79. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 80. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 81. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 82. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 83. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 84. Motion to Alter or Amend a Judgment [or Order](#)

A party seeking alteration or amendment of a judgment [or order](#) of the court may file a motion for alteration or amendment of a judgment [or order](#). All such motions shall be filed not later than 15 days after entry of the judgment [or order](#). A motion authorized by this rule may not be employed as a substitute for a motion pursuant to Rule 82(B), 83 or 85(C). Responsive pleadings shall be filed no later than ten (10) days after filing of the motion to alter or amend the judgment [or order](#), except as otherwise ordered by the court.

COMMITTEE COMMENT

[No change in text.]

Rule 85. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 86. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 87. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 88. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 89. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 90. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

XI. POST-DECREE/POST-JUDGMENT PROCEEDINGS

Rule 91. Post-Decree/Post-Judgment Proceedings

A. -M. [No change in text.]

N. Hearings on ~~Motions and~~ Petitions. Matters brought before the court by motion may be heard by oral argument without testimony. Matters that will require testimony at an evidentiary hearing shall be brought before the court by a Petition for Order to Appear and shall indicate that testimony will be required. Upon receipt of a proper Petition for Order to Appear, the court shall schedule the petition for an evidentiary hearing, a return hearing, oral argument, a ~~p~~Post-decree or ~~p~~Post-judgment Management eConference, mediation, or other proceeding, and issue an appropriate Order to Appear. The Order to Appear shall state the scheduled date and time and length thereof, and whether evidence will be received at the hearing or conference.

1. If the court schedules a Post-decree or Post-judgment Management Conference (PMC), each party shall within the time set by the court in the particular case, or if no time is set then not less than five (5) judicial days prior to the date of the RMC:

a. Personally meet and confer with the opposing party or parties and their counsel to resolve as many issues as possible; except that if there is a current court order prohibiting contact of the parties or a significant history of domestic violence between the parties, the parties shall not be required to personally meet or contact each other in violation of the court order, but the parties and their counsel shall take all steps reasonable under the circumstances to resolve as many issues as possible;

b. Comply with all applicable disclosure requirements set forth in paragraph P; and

c. If specifically ordered by the court, prepare and file a written Post-decree or Post-judgment Resolution Statement as directed by the court setting forth any agreements and a specific and detailed position the party proposes to resolve all disputed issues in the case, without argument in support of the position.

2. At any Post-decree or Post-judgment Management Conference under this rule, the court may take all actions set forth in Rule 76(A)(3) applicable to a pre-decree or pre-judgment Resolution Management Conference. After any PMC held pursuant to this rule, an order shall be entered reciting the action taken. This order shall control the subsequent course of the action unless modified by a subsequent order.

3. The parties shall file a pre-hearing statement. Unless otherwise ordered by the court, all pre-hearing statements shall be filed within the time and in the form set forth in Rule 76(C) applicable to pretrial statements.

O. Mediation. The court may require, by local rule, or on the court’s own initiative, that the parties submit to mediation before any issues of custody, parenting time or visitation may be heard. ~~As to those matters for which mediation is not required, the parties, unless otherwise ordered by the court, shall personally meet and confer in a good faith effort to resolve any disputes prior to proceeding to hearing and shall be required, at the time of hearing, to avow to the court their efforts to do so.~~

P. Disclosure.

1. In any proceeding for modification of child custody or parenting time, each party shall provide to the other party or parties, the information and documentation set forth in Rule 49(B).

~~2.~~ In any proceeding for modification of child support or spousal maintenance, or for attorneys’ fees and expenses, each party shall provide to the other party or parties, including the state, if applicable, copies of the following documents:

a.-d. [No change in text.]

~~23.~~ In addition to the above documents, each party shall likewise disclose, in writing, the following:

a.-b [No change in text.]

~~34.~~ Upon motion of any party, or by the court’s own motion, additional disclosure may be ordered.

~~45.~~ The provisions of this rule do not preclude any party from requesting additional documents or information through discovery procedures.

~~56.~~ Unless otherwise ordered by the court, the information and documents required to be disclosed shall be served in such a manner as to assure their receipt as soon as possible after the initiation of proceedings, but in no event less than three (3) judicial days prior to the scheduled hearing, absent good cause shown.

Q. –T. [No change in text.]

XII. CIVIL CONTEMPT AND ARREST WARRANTS

Rule 92. [No change in text.]

Rule 93. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

Rule 94. [No change in text.]

COMMITTEE COMMENT

[No change in text.]

XIII. OTHER FAMILY LAW SERVICES AND RESOURCES

Rule 95. Other Family Law Services and Resources

In addition to services prescribed elsewhere in these rules, the court may consider the services set forth in this rule, if available, in a family law case.

A. –H. [No change in text.]

I. Child Protective Services. The court may request or order the services of the division of children and family services in the department of economic security if the court believes that a child may be the victim of child abuse or neglect as defined in A.R.S. § 8-201.

Rule 96. [No change in text.]

XIV. FAMILY LAW FORMS

RULE 97. [No change in text.]

ARIZONA RULES OF CIVIL PROCEDURE

Rule 8(h). Classification of Civil Actions

(1) Counsel for plaintiff or petitioner shall describe in the caption of each complaint or petition filed with the court the nature of the civil action or proceeding, as follows: Tort Motor Vehicle, Tort Non-Motor Vehicle, Contract, ~~Domestic Relations~~, Eminent Domain or Non-classified Civil, Writ of Garnishment.

(2) – (3) [No change in text.]

Rule 38.1. Setting of Civil Cases for Trial; Postponements

(a)-(c) [No change in text.]

(d) Inactive Calendar. The clerk of the court or court administration shall place on the Inactive Calendar every case in which a Motion to Set and Certificate of Readiness has not been served within nine months after the commencement thereof, ~~except that in domestic relations cases, by general order of the presiding judge in any county or by local rule, the time within which domestic relations cases shall be placed on the Inactive Calendar may be shortened to not less than 120 days.~~ All cases remaining on the Inactive Calendar for two months shall be dismissed without prejudice for lack of prosecution, and the court shall make an appropriate order as to any bond or other security filed therein, unless prior to the expiration of such two month period;

(1)–(3) [No change in text.]

(e)-(k) [No change in text.]

Rule 55(b). Judgment by Default

Judgment by default may be entered as follows:

1. *By Motion.*

(†) [No change except to delete number]

~~(ii) When a petition for legal separation, dissolution, or annulment of marriage has been filed, a decree may be entered upon motion supported by the affidavit of either or both parties to the marriage, provided that : a) there are no minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage, and the wife, to affiant's knowledge, is not pregnant; b) neither party has any interest in real property wherever situated; c) the parties waive any right to spousal maintenance; d) there are no unpaid obligations in excess of \$10,000 incurred by either or both of the parties from the date of the marriage; and e) the total fair market value of community personal property assets, excluding all encumbrances, is less than \$15,000. The supporting affidavit shall set forth facts showing that jurisdictional requirements have been met and that the provisions of A.R.S. §25-381.09 have been met or do not apply. The affidavit shall also set forth factual averments supporting the relief requested in the proceeding, including an award of attorney's fees, if applicable. A default decree under this rule is not available if the adverse party is an infant or incompetent person, or if the adverse party has otherwise appeared and default has not been entered for failure to appear unless the parties have agreed that the matter may proceed as if by default.~~

2. [No change in text.]

Rule 80(f). [Reserved] Proof of authority by attorney for defendant not appearing in divorce action

~~In divorce actions the attorneys appearing for a defendant not personally served shall be affidavit show their authority to act for such defendant.~~

Delete Form 7. Domestic Relations Interrogatories