

FILED

JUL 18 2008

RACHELLE M. RESNICK
CLERK SUPREME COURT
BY

**IN THE SUPERIOR COURT
OF THE STATE OF ARIZONA,
YAVAPAI COUNTY**

**ORDER REPEALING RULE 8.1,
LOCAL RULES OF PRACTICE,
YAVAPAI COUNTY SUPERIOR COURT**

A majority of the judges of the Yavapai County Superior Court having approved, pursuant to Rule 83, Ariz. R. Civ. Proc., the proposed amendment to the Yavapai County local court rules,

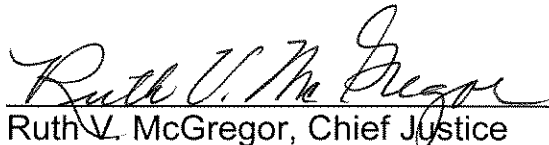
IT IS ORDERED repealing Rule 8.1, Local Rules of Practice for the Yavapai County Superior Court, in accordance with the attachment hereto,* effective August 1, 2008.

DATED in the City of Prescott, Arizona, this 7 day of July, 2008.



Robert M. Brutinel, Presiding Judge
Yavapai County Superior Court

APPROVED this 18th day of July, 2008.



Ruth V. McGregor, Chief Justice
Arizona Supreme Court

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

Rule 8.1. Consent Decree

A. General:

Whenever the petitioner and respondent agree to the terms of a legal separation, annulment, dissolution, paternity, custody by non-parent, or maternity action, the parties may elect to proceed by consent Decree, Order, or Judgment upon a showing that the required appearance fees by petitioner and respondent, where appropriate, have been paid or deferred. Additionally, for an annulment, dissolution, and legal separation, 60 days must have passed since the service of process or acceptance of service prior to the submission of the consent decree. To proceed, the parties shall jointly submit a Stipulation to Proceed by Consent Decree and a Consent Decree, Order, or Judgment that states the terms upon which the parties have agreed. The judge, commissioner, or family court officer assigned to the case shall determine whether the parties have met the requirements for a Decree, Order, or Judgment by consent.

B. Stipulation:

The Stipulation shall state (1) that the parties agreed to proceed by consent, (2) that each party believes no duress or coercion is involved, and (3) that, for any dissolution or legal separation, each party believes that any division of property is fair and equitable. The Stipulation shall also state that each party understands (1) that each party (a) may retain legal counsel of his or her choice and (b) is waiving the right to trial, and (2) that the judicial officer has the discretion to reject the Consent Decree, Order, or Judgment if it fails to comply with these Rules or Arizona law. If children are involved and the parties are requesting joint custody, the parties shall indicate whether domestic violence has occurred, and the extent of any such violence, and for a paternity, maternity or non-parent custody action, the parties must identify the natural mother and father. If children are involved, each party shall complete a Parent Information Program and shall include proof of attendance. The Stipulation shall be dated, and if a party is represented by counsel, counsel shall sign the stipulation, and if a party is not represented by counsel, the party shall sign the stipulation and have that signature acknowledged by a notary public.

C. Decree, Order, or Judgment:

The Decree, Order, or Judgment shall comply with the following requirements:

1. If a party is represented by counsel, counsel shall sign the Decree, Order, or Judgment, and if a party is not represented by counsel, the party shall sign the Decree, Order, or Judgment.
2. If any party is receiving benefits under Temporary Assistance for Needy Families (TANF) (formerly AFDC) or the Title IV-D program, the parties shall obtain the written approval of the Attorney General for any specified child support amount.
3. In any action for dissolution, annulment, or legal separation, the parties shall indicate the following:
 - a. Whether the marriage is or was a covenant marriage;
 - b. Whether there are children common to the parties; and
 - c. Whether the wife is pregnant with a child common to the parties.

~~D. When Children Are Involved.~~

~~When there are children common to the parties, the parties shall include the following:~~

- ~~1. A separate Parenting Plan, which provides clear and specific custody and access provisions. The parenting plan shall be signed by both parents, and each joint custody plan shall comport with all requirements of A.R.S. § 25-403(F).~~
- ~~2. A Parent's Worksheet for Child Support, signed by at least one party or that party's counsel.~~
- ~~3. Copies of each parent's Parent Information Program Certification of Completion.~~
- ~~4. A Child Support order setting forth the amount of child support, effective date, a calculation of arrearages, an assignment of responsibility for medical and dental insurance, the allocation of uncovered medical and dental expenses and the allocation of the dependency exemption as well as a completed Order of Assignment including a current employer information sheet. The order must include presumptive emancipation dates for all children for whom support is being ordered.~~