



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

**ORDER REPEALING RULE 8,
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, 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. Domestic Relations Affidavits—OSC Time Limit

A. Order to Show Cause for Temporary Orders

1. In all domestic relations proceedings, where temporary support, spousal maintenance or attorneys fees are sought, the petitioner shall file with the Order to Show Cause, an affidavit of wife or affidavit of husband, as shall be appropriate. A copy of the affidavit shall be served with a copy of the Order to Show Cause. The affidavit shall accurately reflect the financial status of the parties including income, expenses, assets and liabilities. The respondent shall serve on the petitioner or his or her attorney, not less than five (5) days prior to the date set for hearing on the Order to Show Cause, an affidavit of wife or an affidavit of husband, as shall be appropriate.

2. If the respondent fails to comply with this rule, upon the applicant's request and in the absence of good cause shown, the Court shall enter an interim award of relief to the applicant and award applicant his or her attorney's fees incurred in preparing for and attending the hearing. The respondent shall be precluded from introducing any evidence and from cross-examining the applicant for purposes of making an interim award. For purposes of making an award, the Court may, on its own motion, examine the applicant if the Court deems such examination necessary and in the interest of justice.

B. Petition for Modification

1. A petition for modification of a prior order for spousal maintenance or child support shall set forth verbatim in the body of the petition the order sought to be modified, the date the order was entered and the name of the judge or commissioner who entered the order. Whenever a petition for modification is filed, each party shall file Spouse's Affidavit on Order to Show Cause for Modification. The party petitioning for the modification shall attach the original of such affidavit to the petition for modification and file such affidavit with the Clerk of the Superior Court along with his or her petition for modification. A copy of the petition and affidavit shall be exhibited to the court at the time of the request for issuance of the order to show cause. A copy shall be served upon the respondent. The respondent shall respond by filing Spouse's Affidavit on Order to Show Cause for Modification. The original of such affidavit shall be filed with the Clerk of the Superior Court and it shall be the responsibility of the respondent, or his or her attorney, to insure that the applicant's attorney, or if unrepresented the applicant, receives a copy no later than five (5) days prior to the date set for hearing.

2. If the respondent fails to comply with this rule, upon the applicant's request and in the absence of good cause shown, the court shall continue the hearing, enter an interim award of relief to the applicant based upon his or her attorney's fees incurred in preparing for and attending the hearing. For purposes of making an interim award, the court, on its own motion, may examine the applicant if it deems such examination necessary. The respondent shall be precluded from introducing any evidence and from cross-examining the applicant for purposes of making an interim award.

C. Time Limit:

All hearings shall be limited to thirty (30) minutes unless a request for additional time has been made prior to the hearing and allowed by the court. A request for additional time shall be made at the time of filing the petition or not later than five (5) days prior to the date set for hearing.