



# Supreme Court

STATE OF ARIZONA

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September 6, 2007

**RE: ARIZONA RULES OF FAMILY LAW PROCEDURE**  
Arizona Supreme Court No. R-06-0022

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on August 27, 2007, in regard to the above-referenced cause:

**ORDERED: Petition to Amend Arizona Rules of Family Law Procedure =  
ADOPTED as modified, effective January 1, 2008.**

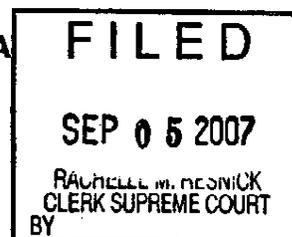
Rachelle M Resnick, Clerk

TO:

Norman J Davis, Chairperson, Family Law Rules Review Committee  
Juanita Mann, President, Arizona Association of Superior Court Clerks  
Final Rule Distribution List  
cf

IN THE SUPREME COURT OF THE STATE OF ARIZONA

Supreme Court No. R-06-0022

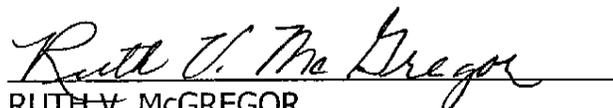


ORDER AMENDING ARIZONA RULES OF FAMILY LAW PROCEDURE

IT IS ORDERED that the Arizona Rules of Family Law Procedure be amended in accordance with the attachment hereto,\* effective as of January 1, 2008.

DATED in the City of Phoenix, Arizona, at the Arizona Courts Building, this 5<sup>th</sup> day of September, 2007.

For the Court:

  
RUTH V. MCGREGOR  
Chief Justice

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

# ARIZONA RULES OF FAMILY LAW PROCEDURE

## I. GENERAL ADMINISTRATION

### Rule

- 1.-21. [No change in text.]  
22. Conduct of Proceedings

## II. PLEADINGS AND MOTIONS

### Rule

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

## III. PARTIES

### Rule

- 36.-37. [No change in text.]  
38. ~~Process on Behalf of and Against Persons Not Parties~~ [Reserved]  
39. [No change in text.]

## IV. SERVICE OF PROCESS

### Rule

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

## V. DEFAULT DECREE, CONSENT DECREE, AND DISMISSAL

### Rule

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

## VI. TEMPORARY ORDERS

### Rule

- 47.-48. [No change in text.]

## VII. DISCLOSURE AND DISCOVERY

### Rule

- 49.-65. [No change in text.]

## VIII. SETTLEMENT AND ALTERNATIVE DISPUTE RESOLUTION (ADR)

### Rule

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

## IX. PRETRIAL AND TRIAL PROCEDURES

### Rule

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

## X. JUDGMENTS AND DECREES

### Rule

- 78.-83. [No change in text.]  
84. Motion to Alter or Amend a Judgment ~~or Decree~~  
85. Motion to Correct Mistakes; Relief from a Judgment ~~or Decree~~ Order  
86.-87. [No change in text.]  
88. Disability of a ~~Judge~~ Judicial Officer

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

#### **XI. POST-DECREE/POST-JUDGMENT PROCEEDINGS**

**Rule**

91. [No change in text.]

#### **XII. CIVIL CONTEMPT AND ARREST WARRANTS**

**Rule**

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

#### **XIII. OTHER FAMILY LAW SERVICES AND RESOURCES**

**Rule**

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.

### 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 ~~all or part of~~ the *Arizona Rules of Evidence*, except as provided in subsection 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 rules 403, 602, 801-806, 901-903 and 1002-1005, *Arizona Rules of Evidence*, except as provided in subsection 2(B)3 of this rule. All remaining provisions of the *Arizona Rules of Evidence* apply.

3. ~~The foregoing notwithstanding~~ Regardless of whether a notice is filed under 2(B)1:

a. ~~+~~ Records of regularly conducted activity as defined in Rule 803(6), *Arizona Rules of Evidence*, may be admitted into evidence without testimony of a custodian or other qualified witness as to its authenticity if such document (~~a~~ i) appears complete and accurate on its face, (~~b~~ ii) appears to be relevant and reliable, and (~~e~~ iii) is seasonably disclosed and copies are provided at time of disclosure to all other parties ~~-and~~

4. ~~b.~~ Any report, document, or standardized form required to be submitted to the court for the current hearing or trial may be considered as evidence if either filed with the court or admitted into evidence by the court.

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, ~~guardians ad-litem~~, 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 is limited to the particular trial, hearing or conference for which it ~~is was~~ prepared shall be left to the discretion of the Court and filed.

### Rule 3. Definitions

A. [No change in text.]

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

1. *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.

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

### Rule 4. Time

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

**C. Orders to Appear.** A judge of the superior court, upon request or petition supported by affidavit showing cause therefore, may issue an order requiring a party to appear and may make the order returnable at such time as the judge designates. Any such order to appear shall be served in accordance with the requirements of Rule 40, 41, ~~or~~ 42, or Rule 91 as applicable, of these rules or, if the party to whom the order is directed has entered an appearance in the action, in accordance with the requirements of Rule 43, within such time as the judge shall direct.

**D. Additional Time after Service by Mail.** Whenever a party has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon the party and the notice or paper is served by a method authorized by Rule 43(C)(2)(c); or (d), ~~or (e)~~, five (5) calendar days shall be added to the prescribed period. This rule has no application to the distribution of notice of entry of judgment required by Rule 81(D).

## COMMITTEE COMMENT

[No change in text.]

## 2006 COURT COMMENT

\* \* \*

As amended, the five-day “mailing rule” applies to service authorized by Rule 43(C)(2)(c), (d) ~~[deleted by amendment effective January 1, 2008]~~ or (e) ~~[relettered as (d) by amendment effective January 1, 2008]~~. Rule 4(D)’s reference to the “mailing” of a notice of entry of judgment under Rule 81(D) was changed to “distribution” to conform with Rule 81(D), which allows a notice of entry of judgment to be “distributed” by the clerk by mail, electronic mail or delivery to an attorney drop-box.

\* \* \*

## **Rule 5. Consolidation**

[No change in text.]

### **COMMITTEE COMMENT**

This rule is based on Rules 42(a) ~~and 65(a)~~, *Arizona Rules of Civil Procedure*.

**Rule 6.** [No change in text.]

## **Rule 7. Protected and Unpublished Addresses**

**A. When Filing an Initial or Post-judgment Petition or Motion.** Any person filing an initial or post-judgment petition, motion or response, whose address is not known to the other party and who reasonably believes that physical or emotional harm may result to the person or a minor child if the person’s address is not protected from disclosure, may request the court to designate that party’s address as protected by:

1. [No change in text.]

2. filing a written request ~~in a form substantially similar to using the~~ Form 15 Request for Protected Address; and ~~Form, Rule 97, Form 15; and~~

3. lodging a proposed form of order with the court, ordering that the address be protected, except that if there is a valid Order of Protection and the clerk can verify the existence of the Order of Protection, address confidentiality shall be automatic upon filing a written request as required by subdivision A(2) ~~above~~; and

4. [No change in text.]

[No change in remaining text.]

**B.-E.** [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. *Limited Appearance.* An attorney may make a limited appearance subject to E.R. 1.2, *Arizona Rules of Professional Conduct*, by filing a notice substantially similar to Form 1, Notice of Limited Scope Representation, as prescribed in Rule 97, Form 1, stating that the attorney and the party have a written agreement that the attorney will provide limited scope representation to the party and specifying the matter or issues with regard to which the attorney will represent the party. Service on an attorney who has made a limited appearance for a party shall be valid, to the extent permitted by statute and Rule 43(C), in all matters in the case but shall not extend the attorney's responsibility for representation of the client beyond the specific matter for which the attorney has appeared. Nothing in this rule shall limit an attorney's ability to provide limited services to a client without appearing of record in any judicial proceedings.

2. *Withdrawal and Substitution.* In addition to the provisions for withdrawal of counsel pursuant to paragraph A ~~of this rule~~, an attorney who has made a limited appearance in an action shall be permitted to withdraw, or be substituted, as attorney of record in any pending action as set forth in this rule.

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

**C. Responsibility to Court.** Each attorney shall be responsible for keeping the court advised of the status of cases in which that attorney has appeared and for being informed of ~~or their positions on the calendars of the court and of~~ any assignments for hearing or argument. Upon relocation, each attorney shall advise the clerk of court and court administrator, in each of the counties in which that attorney has cases that are pending, of the attorney's current office address and telephone number.

#### COMMITTEE COMMENT

\* \* \*

Examples of limited scope services under paragraph B that a client may seek from a licensed attorney ~~are stated~~ may be found in ~~Rule 97,~~ Form 1, Notice of Limited Scope Representation, and include but are not limited to such matters as protective orders, establishment or modification of child support, temporary orders, and Qualified Domestic Relations Orders (QDROs).

### **Rule 10. Representation of Children; Minors and Incompetent Persons**

#### **A. Appointment of Child's Attorney, Best Interests Attorney, and Court-Appointed Advisor**

1. [No change in text.]

2. The court may appoint an attorney to represent a child in a family law case pursuant to A.R. S. § 25-321 or a court-appointed advisor if it finds any of the following:

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

3. [No change in text.]

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

**E. Participation in Proceeding by Child’s Attorney, Best Interests Attorney, And Court-Appointed Advisor.**

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

4. The court shall ensure that any court-appointed advisor for a child has an opportunity to testify or submit a report setting forth:

a. [No change in text.]

b. the ~~bases~~ **basis** for the court-appointed advisor’s recommendations.

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

**F. Fees and Expenses in Custody Proceeding.** The court may allocate fees and expenses between the parties as the court deems appropriate. ~~in accordance with all applicable Arizona law and rules.~~

**G.H.** [No change in text.]

**COMMITTEE COMMENT**

\* \* \*

Paragraph ~~G H of this rule~~ is based on Rule 17(g), *Arizona Rules of Civil Procedure*.

**Rules 11.-17.** [No change in text.]

**Rule 18. Preservation of ~~Court Reporters’ Notes~~ Verbatim Recording of Court Proceedings**

The official verbatim recording ~~and electronic recordings~~ of any court proceeding is an official record of the court. The original of such verbatim recording notes shall be kept by the person who recorded it, a court-designated custodian, or the clerk of the court in such place or places as shall be designated by the court. Unless the court specifies a different period for the retention of such verbatim recording, it shall be retained according to the records retention and disposition schedules and purge lists adopted by the Supreme Court.

**Rules 19.-21.** [No change in text.]

**Rule 22. ~~Reserved~~ Conduct of Proceedings.**

1. The court may impose reasonable time limits on all proceedings or portions thereof and limit the time to the scheduled time. Any party may request additional time by filing a motion within a reasonable time or as directed by the court.
2. All proceedings shall be conducted in an orderly, courteous, and dignified manner. Arguments and remarks shall be addressed to the court.

**COMMITTEE COMMENT**

This rule is based on Rule 80(a), Arizona Rules of Civil Procedure.

**II. PLEADINGS AND MOTIONS**

**Rule 23.** [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, ~~and -803(C); and -1055~~), or to establish, enforce, register or modify support (A.R.S. §§ 25-320, ~~and 25-503, -1031 and -1033~~).

**B.-F.** [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, Aalong with the original petition seeking relief ~~for other than those actions listed in paragraphs A and B,~~ 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. Notices, Forms and Orders.** A party filing a petition shall present to the clerk of the court for issuance; of all notices, forms and orders required by statute, these rules, local rule or administrative order to be served on the opposing party.

## **Rule 27. Service on the Opposing Party or Additional Parties**

**A. Summons, Preliminary Injunction and Petition.** In an action for annulment, dissolution, legal separation, dissolution of covenant marriage or legal separation in covenant marriage, the petitioner shall serve upon the opposing party a copy of the petition, a copy of the summons, the preliminary injunction issued pursuant to A.R.S. § 25-315(A); and ~~the~~ any notices, forms; and orders required under Rule 26(D).

**B. Summons and Petition.** In an action for paternity or maternity; or child custody by a nonparent; ~~or grandparent or great-grandparent visitation~~, the petitioner shall serve upon all parties entitled to service a copy of the petition and ~~a copy of~~ the summons; and ~~the~~ any notices, forms; and orders required under Rule 26(D).

**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).

## **Rule 28. Mandatory Responsive Filings**

The opposing party in an action for annulment, dissolution, legal separation, child custody by parent, dissolution of covenant marriage, legal separation in covenant marriage, paternity or maternity who has been served with a petition and summons shall respond by filing a response to the petition. In the event the opposing party in one of these proceedings does not file a response, the party who filed the action will have the right to file for a default and receive a default judgment under Rule 44. All mandatory responsive filings shall be verified.

**Rule 29.** [No change in text.]

## **Rule 30. Form of Pleading**

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

### **D. Method of Preparation and Filing**

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

3. All pleadings and other papers filed shall have the pages numbered and shall state the number of the action, the title of the court and action, the nature of the paper filed and the name, address and telephone number of the attorney or party if not represented by counsel. The attorney shall also provide the attorney's Arizona Bar number, and a certified legal document preparer shall provide the document preparer's certification number. Only Originals only shall be filed, except ~~that where~~ when it is necessary to file more than one copy of a pleading or other paper. All pleadings and other papers filed, other than standardized forms, shall be clearly printed on one side of the page only and shall be double-spaced or one and one-half spaced except for quotations and footnotes, which may be single spaced. Standardized forms may be single spaced except that those requiring the signature of a judge or commissioner shall be double-spaced or one and one-half spaced. Text of standardized forms may continue

from the front to the reverse side of a page, but any such continuation of text to the reverse side of the page shall be printed in tumbled fashion and shall cover no more than the top half of the tumbled page. All standardized forms shall be on paper of sufficient quality and weight to assure legibility on both sides without bleed-through upon duplication or microfilming.

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

**Rule 31.** [No change in text.]

**Rule 32. Defenses and Objections; When and How Presented; By Pleading or Motion; Motion for Judgment on Pleadings**

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

**D. Preliminary Hearings.** On application of any party, the defenses specifically enumerated as 1 through 6 in paragraph B ~~of this rule~~, whether made in a pleading or by motion, and the motion for judgment mentioned in paragraph C ~~of this rule~~ shall be heard and determined before trial unless the court orders that the hearing and determination thereof be deferred until the trial.

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

**Rule 33. Counterclaims; Third Party Practice**

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

H. In the event the court authorizes a party to file a claim or otherwise consolidates a civil cause of action into a family law case that entitles any party to a jury trial as a matter of right the Arizona Rules of Civil Procedure shall thereafter govern all further proceedings in the case until the jury verdict has been rendered and judgment entered on those issues. Thereafter, the Arizona Rules of Family Law Procedure shall apply.”

**Rule 34. Amended and Supplemental Pleadings**

A. [No change in text.]

**B. Amendments to Conform to the Evidence.** When issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendment of the pleadings as may be necessary to cause them to conform to the evidence and to raise these issues may be made upon motion of any party at any time, even after judgment, but failure ~~so to~~ to so amend does not affect the result of the trial of these issues. If evidence is objected to at the trial on the ground that it is not within the issues raised in the pleadings, the court may allow the pleadings to be amended and shall do so freely when the presentation of the merits of the action will be subserved thereby and the objecting party fails to satisfy the court that the admission of such evidence would prejudice the party in maintaining the party’s action or defense upon the merits. The court may grant a continuance to enable the objecting party to meet such evidence.

C. [No change in text.]

**D. Supplemental Pleadings.** Upon motion of a party the court may, upon reasonable notice and upon such terms as are just, permit the party to serve a supplemental pleading setting forth transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented. Permission may be granted even though the original pleading is defective in its statement of a claim for relief or defense. If the court deems it advisable that the adverse party plead to the supplemental pleading, it shall so order, specifying the time ~~therefor~~ thereof.

## **Rule 35. Family Law Motion Practice**

### **A. Formal Requirements; Time Periods.**

1. The grounds for any motion shall be stated with particularity; and shall set forth the relief or order which is sought. All written motions made before or after trial shall be accompanied by a memorandum indicating, at a minimum, the precise legal points, statutes and authorities relied ~~on~~, upon and citing the specific portions or pages thereof.

2.-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; which ~~time~~ shall not be exceeded without special permission in advance.

D. [No change in text.]

**Rules 36.-37.** [No change in text.]

## **Rule 38. ~~Process on Behalf of and Against Persons Not Parties~~ [Reserved]**

~~When an order is made in favor of a person who is not a party to the action, that person may enforce obedience to the order by the same process as if a party, and, when obedience to an order may be lawfully enforced against a person who is not a party, that person is liable to the same process for enforcing obedience to the order as if a party.~~

### ~~COMMITTEE COMMENT~~

~~This rule is adapted from 71, Arizona Rules of Civil Procedure.~~

**Rule 39.** [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. 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 ~~of this rule~~. 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.]

### Rule 41. Service of Process within Arizona

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

#### C. Service of Summons upon Individuals.

1. *Personal Service.* Service upon an individual from whom a waiver has not been obtained and filed, other than those specified in paragraphs D, E, and F, shall be effected by delivering a copy of the summons, pleading and other documents being served to that individual personally or by leaving copies thereof at that individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein or by delivering a copy of the summons, pleading and other documents being served to an agent authorized by appointment or by law to receive service of process, except as otherwise provided in subdivision C(2) ~~of this rule~~.

2. *Service by Mail or National Courier Service; Return.* When the location of a party is within the state, service may be made by depositing, with delivery charges prepaid, the summons and a copy of the pleading and other documents being served with the United States Postal Service or any other national courier service that provides delivery and signature confirmation or certified mail, signed return receipt, to be sent to the person to be served. Service under this rule and the return or confirmation of service may be made by the party procuring service or by that party's attorney. Service in this manner is only effective if the return receipt or signature confirmation is signed by the

party to be served. Upon receiving from the U.S. Postal Service or other national courier service the signed return receipt, or a copy of the signature confirmation and cash register receipt or package label of the person being served, the serving party shall file an affidavit with the court stating:

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

This affidavit shall be *prima facie* evidence of personal service of the summons, the pleading and other documents to be served. Service shall be deemed complete and time shall begin to run for the purposes of ~~paragraph J of this rule~~ Rule 32(A) from the date of receipt by the party being served, provided that no default may be had on such service until the required affidavit has been filed.

**D. Service of Summons upon Minors.** Service upon a minor under the age of sixteen years shall be effected by service in the manner set forth in paragraph C ~~of this rule~~ upon the minor and upon the minor's father, mother or guardian, within this state, or if none is found therein, then upon any person having the care and control of such minor, or with whom the minor resides.

**E. Service of Summons upon a Minor with Guardian or Conservator.** Service upon a minor for whom a guardian or conservator has been appointed in this state shall be effected by service in the manner set forth in paragraph C ~~of this rule~~ upon such guardian or conservator and minor.

**F. Service of Summons upon Incompetent Persons.** Service upon a person who has been judicially declared to be insane, gravely disabled, incapacitated or mentally incompetent to manage that person's property and for whom a guardian or conservator has been appointed in this state shall be effected by service in the manner set forth in paragraph C ~~of this rule~~ upon such person and also upon that person's guardian or conservator, or if no guardian or conservator has been appointed, upon such person as the court designates.

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

**L. Alternative or Substituted Service.** If service by one of the means set forth in the preceding paragraphs of this rule proves impracticable, then service may be accomplished in such manner, other than by publication, as the court, upon motion and without notice, may direct. Whenever the court allows an alternative or substitute form of service pursuant to this subpart, reasonable efforts shall be undertaken by the party making service to assure that actual notice of the commencement of the action is provided to the person to be served and, in any event, the summons and the pleading to be served, as well as any order of the court authorizing an alternative method of service, shall be mailed to the last known business or residence address of the person to be served. Service by publication may be employed only under the circumstances, and in accordance with the procedures, specified in paragraph M ~~of this rule~~ and Rule 42(D).

M. [No change in text.]

## **Rule 42. Service of Process Outside of State**

A. [No change in text.]

**B. Direct Service.** Service of process may be made outside the state but within the United States in the same manner provided in Rule 41(C) through (K) by a person authorized to serve process under the law of the state where such service is made. Such service shall be complete when made, and time for purposes of paragraph J ~~of this rule~~ shall begin to run at that time, provided that before any default may be had on such service, there shall be filed an affidavit of service showing the circumstances warranting the utilization of this procedure and attaching an affidavit of the process server showing the facts and circumstances of the service.

**C. Service by Mail or National Courier Service; Return.** When the location of a party outside the state is known, service may be made by depositing, with delivery charges prepaid, the summons and a copy of the pleading and other documents being served with the United States Postal Service or any other national courier service that provides delivery and signature confirmation or certified mail, signed return receipt, to be sent to the person to be served. Service under this rule and the return or confirmation of service may be made by the party procuring service or by that party's attorney. Service in this manner is only effective if the return receipt or signature confirmation is signed by the party to be served. Upon receiving from the U.S. Postal Service or other national courier service the signed return receipt, or a copy of the signature confirmation and cash register receipt or package label of the person being served, the serving party shall file an affidavit with the court stating:

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

This affidavit shall be *prima facie* evidence of personal service of the summons, the pleading and other documents to be served. Service shall be deemed complete and time shall begin to run for the purposes of paragraph J ~~of this rule~~ from the date of receipt by the party being served, provided that no default may be had on such service until the required affidavit has been filed.

**D.-F.** [No change in text.]

**G. Service of Summons Upon Minors and Incompetent Persons in a Foreign Country.** Service upon a minor, a minor with a guardian or an incompetent person in a place not within any judicial district of the United States shall be effected in the manner prescribed by subdivision ~~(F)~~(2)(a) or ~~(F)~~(2)(b) ~~of paragraph F of this rule~~, or by such means as the court may direct.

**H. Service of Summons Upon Corporation and Associations in a Foreign Country.** Unless otherwise provided by federal law, service upon a corporation or upon a partnership or other unincorporated association that is subject to suit under a common name, and from which a waiver of service has not been obtained and filed, shall be effected in a place not within any judicial district of the United States in any manner prescribed for individuals by paragraph F ~~of this rule~~ except personal delivery as provided in subdivision (2)(c)(1) thereof.

**I.-J.** [No change in text.]

#### COMMITTEE COMMENT

This rule is based on Rule 4.2, *Arizona Rules of Civil Procedure*. Rules 41(M) and ~~Rule~~ 42(D) are intended to require personal service prior to the court adjudicating issues of paternity, child support, spousal maintenance, division of marital property or any other issue that does require personal jurisdiction over the parties. *Taylor v. Jarrett*, 191 Ariz. 550, 959 F. 2d 807

(App. 1998). Service by publication is sufficient for the court to dissolve a marriage, enter custody orders and resolve any other *in rem* or *quasi in rem* issue that does not require personal jurisdiction. This rule does not follow the holding in *Master Financial, Inc. v. Woodburn*, 208 Ariz. 70, 90 P.3d 1236 (App. 2004), applicable to Rule 4.1, *Arizona Rules of Civil Procedure*.

[No change in remainder of text.]

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

**A. Service: When Required.** Except as otherwise provided in these rules, every order required by its terms to be served, every pleading subsequent to the original petition, every paper relating to discovery required to be served upon a party unless the court otherwise orders, every written motion other than one which may be heard *ex parte*, and every written notice, appearance, demand, offer of judgment, designation of record on appeal, and similar paper shall be served upon each of the parties. No service need be made on parties in default for failure to appear except that pleadings asserting new or additional claims for relief against them shall be served upon them in the manner provided for service of summons in Rules 40, 41, ~~and~~ or 42, as applicable.

**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 to the person's last know address--in which event service is complete upon mailing; or

~~d. leaving it with the court clerk if the person's address is unknown; or~~

ed. delivering the paper by any other means, including electronic means, if the recipient consents in writing to that method of service or if the court orders service in that manner--in which event service is complete upon transmission.

3. [No change in text.]

4. *Service After Judgment.* After the time for appeal from a judgment has expired or a judgment has become final after appeal, the service of a motion, petition, or other pleading required to be served and requests for modification, vacation, or enforcement of that judgment, shall be served pursuant to Rules 40, 41 ~~and~~ or 42, as applicable, as if serving a summons and petition.

#### **D. Filing; Attachments; Public Access.**

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

5. *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 ~~the affidavit of service thereof is filed, or~~ 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 ~~paper 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. In the discretion of the clerk, sensitive data forms, ~~and~~ 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 ~~the 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. Whenever new information is needed to supplement the record in a case, the parties or their attorneys shall file an updated sensitive data form, reflecting all previously disclosed sensitive data plus any additional sensitive data required to be filed in the case.

c. Orders of Assignment and Orders to Stop Order of Assignment shall contain any sensitive data required by law, but shall be ~~closed confidential~~ and only available to the parties, the parties' attorneys, the parties' employers, child support enforcement agencies, court personnel, and any other person or agency authorized by court order.

d. [No change in text.]

e. If a document containing sensitive information is filed with a court, any party or their attorney may request that the court order that the document be sealed ~~or removed from the file and/or replaced with an identical document with the sensitive data redacted or removed.~~

2. [No change in text.]

3. *Sensitive Data Form.* ~~The A form substantially similar to Form 3, Confidential Sensitive Data Form, provided in Rule 97, Form 3, or a substantially similar form,~~ shall be used.

## 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. [No change in text.]

b. 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:

1) [No change in text.]

2) ~~the parties waive any right to spousal maintenance.~~ neither party requests spousal maintenance.

[No change in remaining text.]

c. When a petition to establish maternity or paternity has been filed, 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 worksheets to support the amounts requested and the supporting affidavit shall state the basis for the determination(s) 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.]

**C. Setting Aside Default.** For good cause shown the court may set aside an entry of default and, if a judgment by default has been entered, may likewise set it aside in accordance with Rule 85(C).

**D.-G.** [No change in text.]

## **Rule 45. Consent Decree, Order, or Judgment Without Hearing**

**A. General.** Whenever the petitioner and respondent agree to the terms of a legal separation, annulment, dissolution, paternity, or maternity action, the parties may elect to proceed by Consent Decree, Order, or Judgment without hearing, upon a showing that the required appearance fees have been paid or deferred. Additionally, for a dissolution or legal separation, sixty (60) days must have passed since the service of process or acceptance of service prior to the submission of the Consent Decree. To proceed with a Consent Decree of Dissolution of Marriage, the parties shall jointly submit a decree substantially similar to Form 8, Consent Decree, ~~substantially in compliance with Rule 97, Form 8~~ and shall state the terms upon which the parties have agreed. The judge or commissioner assigned to the case shall determine whether the parties have met the requirements for a Decree, Order, or Judgment by consent.

**B. Decree, Order, or Judgment.** The Decree, Order, or Judgment shall comply with the requirements of this paragraph B.

1. If a party is represented by counsel, counsel and the party 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.-3. [No change in text.]

4. The Consent Decree, Order, or Judgment shall state that: (a) the parties agree to proceed by consent; (b) each party believes no duress or coercion is involved; (c) for any dissolution or legal separation, each party believes that any division of property is fair and equitable; (d) each party understands that he or she (i) may retain or has retained legal counsel of his or her choice and (ii) is waiving the right to trial; and (e) the effect, if any, on any existing protective orders. ~~The Consent Decree, Order or Judgment shall also state the effect thereof, if any, on any protective orders.~~

5. [No change in text.]

**C.** [No change in text.]

## **Rule 46. Dismissal**

**A.-D.** [No change in text.]

### **COMMITTEE COMMENT**

This rule is based in part on Rule 41, Arizona Rules of Civil Procedure. Paragraph B ~~of this rule~~ is an adaptation of that portion of existing Rule 38.1, *Arizona Rules of Civil Procedure*, which deals with dismissals from the Inactive Calendar. The Committee recognizes that the time periods set forth in subdivision B(1) are the same as those set forth in Rule 40(I); however, the word “may” as used in subdivision B(1) allows different counties to impose a time period in excess of ~~four months~~ one hundred twenty (120) days after filing.

## VI. TEMPORARY ORDERS

### Rule 47. Temporary Orders

**A. Motions for Pre-Decree or Pre-Judgment Temporary Orders.** A party seeking temporary orders under A.R.S. §§ 25-315, 25-324, 25-404, 25-408, 25-817 or 25-905 shall do so by filing a separate verified motion with the court setting forth the legal and jurisdictional basis for the motion and the specific relief requested. The motion shall be filed after or concurrently with the initial petition, shall incorporate the relevant allegations of a filed petition by reference and not separately repeat them, and shall include the following information and documents, where relevant:

1. [No change in text.]

2. *Child Support.* If a party seeks a temporary child support order, the party shall include and file with the motion a completed a Child Support Worksheet setting forth the amount requested in accordance with the current *Arizona Child Support Guidelines*. The movant shall also provide copies of all child support disclosure documents required by Rule 49(B) to the opposing party within the time period specified in paragraph E ~~of this rule~~, and shall provide an additional copy of these documents to the court at the time of any evidentiary hearing held on the motion.

3. *Spousal Maintenance.* If a party seeks a temporary spousal maintenance order, that party shall state the specific duration and amounts requested and file an affidavit substantially similar to Form 2, Affidavit of Financial Information ~~on a form substantially in compliance with Rule 97, Form 2~~.

4. *Property, Debt, and Attorneys' Fees.* If a party seeks temporary orders to exclude a party from a residence, to divide community property, or to order payment of debt, expenses, or attorneys' fees, the motion shall set forth the specific relief requested, the proposed division of property, the income and assets that will be available to each party, and the responsibility each will have for payment of debt, expenses, and attorneys' fees if the order is granted. If a party seeks a temporary order for payment of attorneys' fees that party shall state the specific amount requested and file an affidavit substantially similar to Form 2, Affidavit of Financial Information ~~on a form substantially in compliance with Rule 97, Form 2~~.

**B. Motions for Post-Decree or Post-Judgment Temporary Custody Orders.** A party seeking a temporary custody, parenting time, or visitation order ~~under A.R.S. §§ 25-404, 25-408, or 25-1034~~, following a previous custody determination, shall do so by filing a separate verified motion setting forth the legal and jurisdictional basis for the motion and the specific relief requested. The motion shall be filed after or concurrently with a post-decree or post-judgment petition authorized by statute, shall incorporate the relevant allegations of the pending post-decree or post-judgment petition by reference and not separately repeat them, and shall set forth the relief requested, including a proposed parenting plan stating the custody and parenting time requested for all parties to the action. Upon receiving a post-decree or post-judgment motion for temporary custody, parenting time, or visitation orders, the court shall schedule a post-decree or

post-judgment management conference, or an evidentiary hearing at an appropriate time determined by the court.

**C. Order To Appear.** Unless a different procedure is established by local rule, the moving party shall submit to the assigned judicial officer the original and three (3) copies of an order substantially similar to Form 13, Order To Appear ~~in substantially the form set forth in Rule 97, Form 13~~, three (3) copies of the Motion, and three (3) copies of the financial documents required by paragraph A ~~of this rule~~. The clerk of the court shall file the original Order to Appear when signed by the assigned judicial officer.

**D. Hearing.** Upon receiving a Motion for Temporary Orders and documents required by paragraph C in a pre-decree matter, the court shall schedule ~~issue an Order to Appear at~~ a pretrial conference, a Resolution Management Conference pursuant to Rule 76(A), or an evidentiary hearing, which shall be set not later than thirty (30) days after receiving the motion. In the event the court holds a pretrial conference or Resolution Management Conference at which all issues are not resolved, the court shall then set an evidentiary hearing not later than thirty (30) days thereafter to resolve the remaining issues, unless the parties agree to a different timeframe or procedure. The court shall not resolve disputed issues of fact at a pretrial conference or Resolution Management Conference absent agreement of the parties. The court for good cause shown may extend the timeframes set forth in this paragraph.

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

**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 ~~written Resolution Statement as prescribed by Rule 97, 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) 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.]

## **Rule 48. Temporary Orders without Notice**

A. **Filing Affidavit.** A party seeking a temporary order without notice shall do so by filing a ~~separate, verified~~ motion, verified or supported by affidavit, together with a proposed form of order, and a notice of hearing on the motion. The motion shall be filed after or concurrently with an initial pre-decree, post-decree or post-judgment petition. A temporary order may be granted without written or oral notice to the other party or that party's attorney only if:

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

B.-C. [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, 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.

A. **Resolution Statement.** Each party shall ~~disclose~~ file a ~~written~~ Resolution Statement ~~substantially similar to in a form that substantially complies with Rule 97,~~ 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.

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

1. a fully completed affidavit substantially similar to Form 2, Affidavit of Financial Information ~~on a form substantially in compliance with Rule 97, Form 2;~~

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

**C. 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, ~~each party shall disclose~~ the following ~~information documents shall be served with the Resolution Statement~~:

1. a fully completed ~~affidavit substantially similar to Form 2, Affidavit of Financial Information-on a form substantially in compliance with Rule 97, Form 2;~~ and
2. those documents set forth in subdivision B(2)-~~above~~.

**D. 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 ~~information documents~~ in every action for dissolution of marriage or for legal separation:

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

6. copies of all business tax returns, balance sheets, profit and loss statements, and all documents 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.]

**E. 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.-2. [No change in text.]

**F. 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 ~~a~~-witnesses who ~~has~~-have not been disclosed at least sixty (60) days before trial, or such different period as may be ordered by the court.

**G. Disclosure of Expert Witnesses.** Each party shall disclose the name, ~~and~~-address ~~and~~ ~~telephone number~~ of ~~each~~ 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.

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

## **Rule 50. Complex Case Disclosure**

Not later than twenty (20) days after filing of a responsive pleading, if a party believes more detailed disclosure is necessary than that set forth in Rule 49, that party shall file a notice with the court that disclosure pursuant to Rule 26.1, *Arizona Rules of Civil Procedure*, shall be required. If this rule is timely invoked, disclosure shall be made by all parties within forty (40) days after the filing of the notice.

## **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. [No change in text.]

2. *Trial Preparation: Materials.* Subject to the provisions of subdivision B(3), a party may obtain discovery of documents 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 ~~when the required showing has been made~~, 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. *Prior Statement.* A party may obtain, without ~~the required a~~ showing of substantial need, a statement concerning the action or its subject matter previously made by that party. If the request is refused, the person may move for a court order. The provisions of Rule 65(A)(4) apply to the award of expenses incurred in relation to the motion. For purposes of this ~~paragraph~~ subdivision, a statement previously made is (a) a written statement signed or otherwise adopted or approved by the person making it, or (b) a stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and is contemporaneously recorded.

~~3.4~~ *Trial Preparation: Experts.*

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

c. Unless manifest injustice would result, (1) the court shall require that the party seeking discovery pay the expert a reasonable fee for time spent in responding to discovery under subdivisions B~~(3)(4)~~(a) and B~~(3)(4)~~(b); and (2) with respect to discovery obtained under subdivision B~~(3)(4)~~(b), the court shall require the party seeking discovery to pay the other party a fair portion of the fees and expenses reasonably incurred by the latter party in obtaining facts and opinions from the expert.

**C. Sequence and Timing of Discovery.** Unless the court upon motion orders otherwise, methods of discovery may be used in any sequence and the fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party's discovery.

**D.-F.** [No change in text.]

## **Rule 52. Subpoena**

### **A. Form; Issuance.**

1. Every subpoena shall:

a. [No change in text.]

b. state the title of the action, the name of the court in which it is pending, and its ~~civil action~~ case number; and

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

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

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

**G. ADA Notification.** The subpoena shall state that "Requests for reasonable accommodation for a persons with a disabilities must be made to the court by or on behalf of parties ~~the person requesting accommodations~~ at least three (3) working days in advance of a scheduled court proceeding."

**H.** [No change in text.]

## **Rule 53. Protective Orders Regarding Discovery Requests**

**A. Protection of Persons Subject to Discovery Request.** Subject to paragraph B ~~of this rule~~, upon motion by a party or by the person from whom discovery or disclosure is sought, and for good cause shown, the court in which the action is pending or alternatively, on matters relating to a deposition, the court in the county where the deposition is to be taken, may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

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

6. that a deposition, ~~after being sealed~~, be sealed and thereafter opened only by order of the court;

7. ~~that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court that documents or information specified by the court be submitted to the court in sealed envelopes for the court's *in camera* review and disseminated as thereafter directed by the court.~~ If the motion for a protective order is denied in whole or in part, the court may, on such terms and

conditions as are just, order ~~that~~ any party or person to provide or permit discovery or disclosure. The provisions of Rule 65(A)(4) apply to the award of expenses incurred in relation to the motion.

B. [No change in text.]

## **Rule 54. Depositions before Action or Pending Appeal**

### **A. Before Action; Petition; Notice and Service; Order and Examination; Use of Deposition**

1. A person who desires to perpetuate that person's own testimony or that of another person regarding any matter that may be cognizable in any court may file a verified petition in the superior court in the county of the residence of any expected adverse party. The petition shall be entitled in the name of the petitioner and shall show:

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

d. the names ~~or a description if known, and, if the name is not known, a general description sufficient to identify the person or particular class or group to which the person belongs, and address~~ of each ~~the~~ persons the petitioner expects will be an adverse party ~~parties and their addresses so far as known~~; and

e. the names if known, and, if the name is not known, a general description sufficient to identify the person or particular class or group to which the person belongs, and addresses of ~~the~~ each persons to be examined and the substance of the testimony which the petitioner expects to elicit from each. The petition shall also ask for an order authorizing the petitioner to take the depositions of the persons to be examined named in the petition, for the purpose of perpetuating their testimony.

2. The petitioner shall ~~thereafter~~ serve a notice upon each person named in the petition as an expected adverse party, together with a copy of the petition, stating that the petitioner will apply to the court, at a time and place named therein, for the order described in the petition. At least twenty (20) days before the date of hearing the notice shall be served either within or without the state in the manner provided in Rule 41 or ~~Rule~~ 42 for service of summons, but if such service cannot with due diligence be made upon any expected adverse party named in the petition, the court may make such order as is just for service by publication or otherwise, and shall appoint, for persons not served in the manner provided in Rule 41 or ~~Rule~~ 42, an attorney who shall represent them, and, in case they are not otherwise represented, shall cross-examine the deponent. If any expected adverse party is a minor or incompetent, the provisions of Rule 10(H) shall apply.

3. If the court ~~is satisfied~~ finds that the perpetuation of the testimony ~~may prevent is proper to avoid~~ a failure or delay of justice, it shall make an order designating or describing the persons whose depositions may be taken and specifying the subject matter of the examination and whether the depositions shall be taken upon oral

examination or written interrogatories. ~~The depositions may then be taken in accordance with these rules, and the court may make orders of the character provided for by Rules 62 and 63. For the purpose of applying these rules to depositions for perpetuating testimony, each reference therein to the court in which the action is pending shall be deemed to refer to the court in which the petition for such deposition was filed. The depositions may then be taken and used in the same manner and under the same conditions as are prescribed in these rules for depositions taken in pending actions and may be used in any action involving the same subject matter subsequently brought in accordance with the provisions of Rule 59(A).~~

~~4. If a deposition to perpetuate testimony is taken under these rules, it may be used in any action involving the same subject matter subsequently brought, in accordance with the provisions of Rule 59(A). Subject to the same requirements for the filing of a verified petition, notice, hearing and finding of the court as set forth in paragraph A the court may make orders of the character provided for by Rules 62 and 63 prior to bringing an action.~~

~~5. Each reference in these rules to “the court in which the action is pending shall, for the purpose of paragraph A, be deemed to refer to the court in which the petition referenced in this rule was filed.~~

**B. Pending Appeal.** If an appeal has been taken from a judgment of a superior court or before taking an appeal if the time therefore has not expired, the court in which the judgment was rendered may allow the taking of the depositions of witnesses to perpetuate their testimony for use in the event of further proceedings in the court. In such case the party who desires to perpetuate the testimony may make a motion in the court for leave to take the depositions, upon the same notice and service thereof as if the action was pending in the court. The motion shall show the names and addresses of the persons to be examined, the substance of the testimony which the party expects to elicit from each and the reasons for perpetuating their testimony. If the court finds that the perpetuation of the testimony is proper to avoid a failure or delay of justice, it shall make an order designating or describing the persons whose depositions may be taken and specifying the subject matter of the examinations and whether the depositions shall be taken upon oral examination or written interrogatories. The depositions may then be taken and used in the same manner and under the same conditions as are prescribed in these rules for depositions taken in actions pending in the superior court. Subject to the requirements set forth in this paragraph B for the taking of depositions the court may make orders of the character provided by for Rules 62 and 63 pending appeal ~~may make an order allowing the depositions to be taken and may make orders of the character provided for by Rules 62 and 63, and thereupon the depositions may be taken and used in the same manner and under the same conditions as are prescribed in these rules for depositions taken in actions pending in the superior court.~~

**Rules 55.-56.** [No change in text.]

## **Rule 57. Depositions upon Oral Examination**

**A. When Depositions May Be Taken.** After commencement of the action, the testimony of parties or their current spouses, or any expert witnesses expected to be called, may be taken by deposition upon oral examination. Depositions of document custodians may be taken to secure

production of documents and to establish evidentiary foundation. No other depositions shall be taken except upon: (1) agreement of all parties; (2) an order of the court following a motion demonstrating good cause; or (3) an order of the court following a Resolution Management Conference pursuant to Rule 76(A).

If the petitioner or other party seeks to take a deposition prior to the expiration of thirty (30) days after personal service or completion of service under Rule 42 of the summons and petition upon any respondent or other party ~~or service that is completed under Rule 42~~, leave of court, granted with or without notice, is required, except that leave is not required: (1) if a respondent or other party has served a notice of taking deposition or otherwise sought discovery, or (2) if special notice is given as provided in subdivision B(2). The attendance of witnesses may be compelled by subpoena as provided in Rule 52. The deposition of a person in confinement may be taken only by leave of court on such terms as the court prescribes.

**B. Notice of Examination; General Requirements; Special Notice; Non-Stenographic Recording; Production of Documents and Things; Deposition of Organization; Deposition by Telephone.**

1. [No change in text.]

2. Leave of court is not required for the taking of a deposition by petitioner or other party initiating an action if the notice (a) states that the person to be examined is about to go out of the State of Arizona and will be unavailable for examination unless the person's deposition is taken before expiration of the 30-day period, and (b) sets forth facts to support the statement. The petitioner's or other initiating party's attorney shall sign the notice, and the attorney's signature constitutes a certification by the attorney that to the best of the attorney's knowledge, information, and belief the statement and supporting facts are true. The sanctions provided by Rule 31(A) are applicable to the certification. ~~If a party shows that when the party was served with notice under subdivision B(2) the party was unable through the exercise of diligence to obtain counsel to represent the party at the taking of the deposition, the deposition may not be used against the party.~~ If a party served with notice under this subdivision shows that said party was unable, through the exercise of reasonable diligence, to obtain counsel to represent the party at the taking of the deposition, the deposition may not be used against the party.

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

7. The parties may stipulate or the court may order that a deposition be taken by telephone. For the purpose of this rule and Rules ~~55(A), 65(A)(1), 52(C)(3), and 52(E), 52(C)(3), 52(E), 55(A), and 65(A)(1)~~ a deposition is taken in the county where the deponent is to answer questions propounded to the deponent.

**C. Examination and Cross-Examination; Record of Examination; Oath; Objections.** Examination and cross-examination of witnesses may proceed as permitted at the trial under the provisions of Rule 2(B). The examination shall commence at the time and place specified in the notice or within thirty (30) minutes thereafter and, unless otherwise stipulated or ordered, will be continued on successive days, except Saturdays, Sundays and legal holidays, until completed. Any party not present within thirty (30) minutes following the time specified in the notice of

taking deposition waives any objection that the deposition was taken without that party's presence. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally, or by someone acting under the officer's direction and in the officer's presence, record the testimony of the witness. If the deposition is taken telephonically and the witness is not physically in the presence of the officer before whom the deposition is to be taken, the officer may nonetheless place the witness under oath with the same force and effect as if the witness were physically present before the officer. The testimony shall be taken stenographically or recorded by any other means ordered in accordance with subdivision B(4). If requested by one of the parties, the testimony shall be transcribed. If the testimony is transcribed, the party noticing the deposition or the party causing the deposition to be taken shall be responsible for the cost of the original transcript.

All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. The court shall ~~assess an appropriate impose~~ sanctions, ~~including a sanction provided for under pursuant to~~ Rule 76(D), ~~against any party or attorney who has engaged in for~~ unreasonable, groundless, abusive or obstructionist conduct. In lieu of participating in the oral examination, parties may serve written questions in a sealed envelope on the party taking the deposition and the party taking the deposition shall transmit them to the officer, who shall propound them to the witness and record the answers verbatim.

**D. Length of Deposition; Motion to Terminate or Limit Examination.** Depositions shall be of reasonable length. The oral deposition of any party or witness, including expert witnesses, whenever taken, shall not exceed four (4) hours in length, except pursuant to stipulation of the parties or upon motion and a showing of good cause. The court shall impose sanctions pursuant to Rule 76(D) for unreasonable, groundless, abusive or obstructionist conduct.

At any time during the taking of the deposition, on motion of a party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the court in which the action is pending or the court in the county where the deposition is being taken may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in Rule 53. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the court in which the action is pending. Upon ~~demand~~ request of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion and for issuance of an order. The provisions of Rule 65(A)(4) apply to the award of expenses incurred in relation to the motion.

**E.-G.** [No change in text.]

**Rule 58.** [No change in text.]

## **Rule 59. Use of Depositions in Court Proceedings**

**A. Use of Depositions.** At the trial or at any hearing ~~any part of~~ all or any part of a deposition, so far as admissible under the rules of evidence applied as though the witness were

then present and testifying, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof, and had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination. The party who seeks admission of said testimony by deposition may do so without proof of the deponent's unavailability to testify at trial. Nothing contained in this rule shall be construed to limit in any way the right of any party to call the deposed witness to testify in person at trial or hearing.

...

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

## **Rule 60. Interrogatories to Parties**

**A. Availability; Procedures for Use.** Any party may serve upon any other party written interrogatories to be answered by the party served or, if the party served is a public or private corporation, a partnership, an association, or a governmental agency, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may be served without leave of court 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. Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney making them. The answering party ~~upon whom the interrogatories have been served~~ shall serve a copy of the answers, and objections if any, within forty (40) days after the service of the interrogatories, except that a respondent may serve answers or objections within sixty (60) days after service of the summons and petition upon that ~~defendant~~ respondent, or execution of a waiver of service, by that respondent. The court may allow a shorter or longer time. The party submitting propounding the interrogatories may ~~move~~ apply for an order under Rule 65(A) with respect to any objection to or other failure to answer an interrogatory.

**B. Scope; Use at Trial.** Interrogatories may relate to any matters which can be inquired into under Rule 51(B), and the answers may be used to the extent permitted by Rule 2(B) ~~of these rules~~. An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact, but the court may order that such an interrogatory need not be answered until after designated discovery has been completed or until a pretrial conference or other later time.

**C. Option to Produce Business, Medical, Therapeutic, Psychological, Psychiatric, Employment, and Income Tax or Education Records.** Where the answer to an interrogatory may be derived or ascertained from the business, medical, therapeutic, psychological, psychiatric, employment, ~~and~~ income tax or education records of the answering party ~~upon whom the interrogatory has been served~~ or that party's minor child or children, or from an examination, audit, or inspection of such business, medical, therapeutic, psychological, psychiatric, employment, ~~and~~ income tax or education records, including a compilation, abstract, or summary thereof, and the burden of deriving or ascertaining the answer is substantially the same for the party servicing propounding the interrogatory as for the answering party ~~served~~, it is a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford ~~to~~ the propounding party ~~servicing the interrogatory~~

reasonable opportunity to examine, audit, or inspect such records and to make copies, compilations, abstracts, or summaries. A specification shall be in sufficient detail to permit the ~~interrogating propounding~~ party to locate and to identify, as readily as can the ~~answering~~ party ~~served~~, the records from which the answer may be derived or ascertained. The ~~answering~~ party ~~responding~~ to the interrogatory shall provide appropriate and specific signed releases to the propounding party authorizing that party's access to the specific information.

## **Rule 61. Uniform and Non-Uniform Interrogatories; Limitations; Procedure**

**A.-D.** [No change in text.]

**E. Non-uniform Interrogatories.** The method of propounding and answering Non-Uniform Interrogatories shall be as follows.

1. ~~A-The~~ party propounding interrogatories, other than Uniform Interrogatories, shall serve upon the answering party, and not the clerk of the court, the original and one (1) copy of the interrogatories and shall serve a copy upon every other party.

2. [No change in text.]

**F. Uniform Interrogatories.** The ~~Uniform Family Law I~~interrogatories set forth in ~~Rule 97,~~ Form 7, ~~titled,~~ are approved for use by counsel as a standard or guide in accordance with preparation by counsel of interrogatories under Rule 60. ~~The use of Uniform Interrogatories shall be governed by Rule 60 and this rule.~~ The use of Uniform Interrogatories is not mandatory and should serve as a guide only. They are not to be used as a standard set of interrogatories for submission in all cases. Each interrogatory should be used only where it fits the particular case. The method of propounding and answering Uniform Interrogatories shall be as follows:

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

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

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

**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.

~~C. D. Persons not Parties.~~ A person not a party to the action may be compelled to produce documents and things or to submit to an inspection as provided in ~~Rule 52~~ this rule.

**Rules 63-64.** [No change in text.]

## **Rule 65. Failure to Make Disclosure or Discovery; Sanctions**

**A. Motion for Order Compelling Disclosure or Discovery.** A party, upon reasonable notice to other parties and all persons affected thereby, may apply for an order compelling disclosure or discovery as follows.

1. [No change in text.]

2. *Motion.*

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

c. No motion brought under this rule will be considered or hearing scheduled thereon unless a separate statement of the moving party is attached thereto-included in the motion certifying that, after personal consultation and good faith efforts to do so, counsel have been unable to satisfactorily resolve the matter.

3. *Evasive or Incomplete Disclosure, Answer, or Response.* For purposes of this subdivision-rule an evasive or incomplete disclosure, answer, or response is to be treated as a failure to disclose, answer, or respond.

4. *Expenses and Sanctions.*

a. [No change in text.]

b. If the motion is denied, the court may enter any protective order authorized under Rule 53 and shall, after affording an opportunity to be heard, require the moving party movant or the attorney filing the motion or both of them to pay to the party or deponent who opposed the motion the reasonable expenses incurred in opposing the motion, including attorneys' fees, unless the court finds that the making of the motion was substantially justified or that other circumstances make an award of expenses unjust.

c. [No change in text.]

## **B. Failure to Comply with Order.**

1. [No change in text..]

2. *Sanctions by court in which action is pending.* If a party or an officer, director, or managing agent of a party or a person designated under Rule 57(B)(6) or 58(A) to testify on behalf of a party fails to obey an order to provide or permit discovery, including an order made under paragraph A or Rule 63, the court in which the action is pending may make such orders in regard to the failure as are just, and among others the following:

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

e. where a party has failed-who fails to comply with an order under Rule 63(A) requiring that party to produce another for examination, such orders as are-is subject to the sanctions listed in subdivisions 2(a), (b), and (c) -of this rule, unless the party failing to comply shows that that party is unable to produce such person for examination.

[No change in remainder of text.]

### **C. Failure to Disclose; False or Misleading Disclosure; Untimely Disclosure.**

1. A party who fails to timely disclose information required by Rule 49 or 50 shall not, unless such failure is harmless, be permitted to use as evidence at trial, at a hearing, or ~~on a~~ in support of a motion, the information or the testimony of a witness not disclosed, except by leave of court for good cause shown. A party or attorney who makes a disclosure pursuant to Rule 49 or 50 that the party or attorney knew or should have known was inaccurate or incomplete and thereby causes an opposing party to engage in investigation or discovery, shall be ordered by the court to reimburse the opposing party for the cost, including attorneys' fees, of such investigation or discovery. In addition to or in lieu of these sanctions, the court on motion of a party or on the court's own motion, and after affording an opportunity to be heard, may impose other appropriate sanctions. ~~In addition to requiring payment of reasonable expenses, including attorneys' fees, caused by the failure, these sanctions~~ which may include any of ~~the actions~~ those authorized under subdivisions B(2)(a), (b), and (c) ~~under paragraph B and may include informing the jury of the failure to make the disclosure.~~

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

**D.** [No change in text.]

## **VIII. SETTLEMENT AND ALTERNATIVE DISPUTE RESOLUTION (ADR)**

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

**A.-D.** [No change in text.]

**E. Duty to Attempt Settlement, Agree on ADR, and Report to Court.** The attorneys of record and all unrepresented parties who have appeared in the case are jointly responsible for attempting in good faith to settle the case or agree on an ADR process and for reporting the outcome of their conference to the court. Within thirty (30) days after their conference or at the Resolution Management Conference, whichever is earlier, the parties shall inform the court, ~~(using a statement substantially similar to Rule 97, Form 6, Joint Alternative Dispute Resolution Statement To The Court, or a form substantially similar)~~ of the following:

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

**F.** [No change in text.]

### **Rule 67. Mediation, Arbitration, Settlement Conferences, and Other Dispute Resolution Processes Outside of Conciliation Court Services**

**A.** [No change in text.]

**B. Mediation.** Any issues in dispute may be subject to mediation. Mediation may be conducted by a private mediator agreed upon by the parties, a mediator assigned by the court

from a roster of mediators maintained by the court, or a mediator participating in an ADR process overseen, administered, or approved by the court.

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

7. *Report to the Court; Agreements.* If the court refers or orders a case to mediation, the parties shall notify the court that the mediation has concluded and advise the court of any agreements reached within ten (10) days after the conclusion of the mediation and not later than ten (10) days prior to the date set for trial or hearing. All binding agreements reached by the parties shall comply with Rule 69. As part of any agreement reached, the parties shall acknowledge that the agreement was entered into by them voluntarily and without undue influence, after full disclosure of all relevant facts and information, and is intended to be a final binding agreement pursuant to these rules, and that it is fair, equitable and in the best interests of the children. If no or partial agreement is reached during mediation, the mediator shall file a brief report with the court stating that the parties met and attempted to resolve their differences but the mediation was unsuccessful. The report shall also state any agreements reached and the issues remaining for resolution. The mediator shall not report the positions of the parties and shall not comment upon or offer any opinion about the position of any party. The mediator may also advise the court if the parties or the mediator believe that further mediation would be helpful ~~to resolving in order to resolve~~ the remaining issues.

8. *Failure to Appear.* After entry of an order referring a matter for mediation, the parties are required to appear at all mediation conferences scheduled by the mediator. 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).

9. *Participation in the Process; Reports to the Court; Sanctions.* Although a party is required to appear for a mediation conference, participation in mediation is voluntary. The mediator may advise the court in writing about the schedule for mediation and any procedural matter related to the mediation, so long as the substance of what was said or done by the parties or their counsel during mediation remains confidential. Other than reporting to the court about matters set forth in this rule, unless otherwise agreed by the parties or required or permitted by law, the mediator shall not report to the court about anything that was said or done before or during the mediation. For violation of this rule, the court may impose appropriate sanctions as permitted by Rule 71(A).

C.-E. [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 ~~policy~~ administrative order. A copy of the Petition for Conciliation will be sent to conciliation court.

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

**B.-E.** [No change in text.]

**Rule 69.** [No change in text.]

## **Rule 70. Settlement**

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

### **COMMITTEE COMMENT**

Paragraph A ~~of this rule~~ is based on Rule 5.1(c), *Arizona Rules of Civil Procedure*.

**Rules 71.-73.** [No change in text.]

## **Rule 74. Parenting Coordinator**

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

**H. Report.** Recommendations by the Parenting Coordinator ~~must~~ shall be made or confirmed to the court and parties in a form substantially similar to written report to the court and parties in substantially the same format as Rule 97 Form 9, Parenting Coordinator's Report and Recommendation, which shall be submitted no later than five (5) days after an oral determination or receipt of all information necessary to make a recommendation. A copy of the report will be mailed or transmitted to the parties or their counsel on the date of submission. The report may be transmitted by fax or email to the parties at a fax number or email address provided by the parties to the Parenting Coordinator.

**I.** [No change in text.]

**J. Court Action.** The court, upon receipt of a report and recommendation from a Parenting Coordinator, may: (1) approve the recommendation and adopt it as an interim order of the court, subject to either party objecting or requesting a hearing within ten (10) days from the date the report and recommendation is submitted to the court; (2) modify the recommendation and adopt the modified recommendation as an interim order of the court, subject to either party objecting or requesting a hearing within ten (10) days from the date the report and recommendation is submitted to the court; (3) reject the recommendation report in whole or in part and affirm the current order, subject to either party objecting or requesting a hearing within ten (10) days from the date the report and recommendation is submitted to the court; or (4) set a hearing on the assigned judicial officer's calendar. The court may use ~~an order substantially similar to Rule 97~~, Form 10, Order Regarding Parenting Coordinator's Report and Recommendations, for purposes of this paragraph.

**K.-L.** [No change in text.]

## COMMITTEE COMMENT

This rule is based on Maricopa County Local Rule 6.12, Pima County Local Rule 8.11 and Coconino County Local Rule 20. The term “Parenting Coordinator” replaces the terms “special master” and “family court advisor” previously used in Arizona based on a national trend. Further, the Association of Family and Conciliation Courts (AFCC) has promulgated guidelines for the appointment of Parenting Coordinators. The appointment of a Parenting Coordinator is appropriate when parents have ongoing conflicts related to enforcement of custody and parenting time orders, which without a Parenting Coordinator would result in protracted litigation. The appointment of such persons to assist the court is authorized pursuant to A.R.S. § 25-405, and shall also comply with the requirements of A.R.S. § 25-406. Parenting Coordinators are used throughout the country to assist in the effective resolution of the ongoing conflicts surrounding custody and parenting time issues. This rule is not intended to transfer the authority and jurisdiction of the superior court to make custody decisions or substantially modify parenting time.

...

Additional parent information regarding the use of Parenting Coordinators may be found in Rule 97, Form 11, Parent Information Regarding the Use of Parenting Coordinators.

### **Rule 75. Plan for Expedited Process**

Any county which has a plan for expedited process pursuant to A.R.S. §§ 25-326 and 25-412, shall set forth that county’s plan in a local rule or an administrative order.

## IX. PRETRIAL AND TRIAL PROCEDURES

### **Rule 76. Pretrial Procedures**

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

1. ~~Except as otherwise provided in Rule 47(H) and u~~Upon written request of any party, the court shall, or upon its own motion the court may, schedule one or more Resolution Management Conferences that shall be held within sixty (60) days of receipt of written request by the court, unless extended for good cause shown.

2. 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 Resolution Management Conference, each party shall:

a. personally meet and confer with the opposing party or parties and their counsel to resolve as many issues as possible (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 Rule 49 or 50; ~~and~~

c. prepare and file a written Resolution Statement 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: ~~(The Resolution Statement shall be submitted in a form that substantially similar to complies with Rule 97, Form 4 or 5, as applicable; -If child support is an issue in the case, the statement shall include a completed Child Support Worksheet prepared in accordance with the Arizona Child Support Guidelines-); and~~

d. comply with the ADR reporting requirement of Rule 66(E).

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

a. [No change in text.]

b. determine the positions of the parties on the disputed issues and explore reasonable solutions ~~with the parties~~ to facilitate settlement of the issues;

c. enter temporary orders ~~as agreed upon by the parties (on agreement of the parties, the court may also enter temporary orders based upon the discussions, avowals, and arguments presented by the parties in accordance with the stipulations of the parties or, if agreed to by the parties, based upon the discussions, avowals, and arguments presented~~ without an evidentiary hearing on the contested issues);

d. [No change in text.]

e. schedule ~~a trial date or~~ an evidentiary hearing, a trial date and any other necessary hearings or conferences;

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

l. set a date for filing the joint pretrial statement required by paragraph D ~~of this rule;~~

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

**B. Pretrial Orders.** After any conference 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. ~~The order following a final pretrial conference shall be modified only to prevent manifest injustice.~~

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

1. Except in the case where there is domestic violence between unrepresented parties, the parties shall file a joint pretrial statement. If 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 pretrial statement shall contain the following:

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

d. the length of the trial if ~~different from~~ shorter than that scheduled by the court;

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

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

i. detailed and concise statements of contested issues of fact and law by each party;

j.-k. [No change in text.]

2. The parties shall each file with the joint or separate pretrial statement(s) the following:

a. ~~an Affidavit of Financial Information on a form approved by the court; and a comprehensive statement of income and expenses substantially similar to Form 2, Affidavit of Financial Information, or such other form permitted by local rule of the Superior Court in which the matter is pending;~~

b. if the case involves custody, parenting time or child support issues, a fully completed Parent's Worksheet for Child Support Amount; and

~~b.-c.~~ if the case involves an action for dissolution, legal separation or annulment, a detailed itemized inventory of property and debt, listing the community, joint tenancy, and other property and debts held in common by the parties, and the separate property and debts of each party. This inventory shall set forth the date the property was acquired, by what title the parties hold the property, the amount of encumbrance thereon, and each party's evaluation of

the fair market value of the property. The inventory shall also set forth the party's proposed distribution of property and debts. The ~~inventory~~ shall be in a format substantially similar to ~~accordance with Rule 97~~, Form 12, "Inventory of Property and Debts."

3. No ~~other~~ exhibits or witnesses shall be offered or presented during the trial other than those listed and exchanged, except when otherwise permitted by the court in the interest of justice and for good cause shown.

4. If there has been a failure by either or both counsel, or the parties if not represented by counsel, to meet and prepare the pre-trial statement, the court may impose any of the sanctions or penalties provided by these rules or any statute or authority of the court, ~~or on request of a party~~, and in the absence of good cause shown, the court may continue the trial, enter an interim award for relief to the requesting party based on his or her Financial Affidavit, and award the requesting party his or her attorneys' fees and expenses incurred in preparing for and attending the pretrial hearing, trial or settlement conference scheduled by the court.

5. In its discretion, the court may schedule a final pretrial conference prior to trial at which the ~~trial court judge~~ shall review the pretrial statement and ascertain whether the parties have complied with the requirements of this rule. The participants at any such conference shall formulate a plan for trial, including a program for facilitating the admission of evidence. The conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties. The order following a final pretrial conference shall be modified only in upon a showing of extraordinary circumstances.

**D. Sanctions.** If a party or attorney fails to obey a scheduling or pretrial order, or any provision of this rule, or if no appearance is made on behalf of a party at a Resolution Management Conference, a pretrial conference, an evidentiary hearing, a trial or other scheduled hearing, or if a party or party's attorney is substantially unprepared to participate in the conference, or if a party or party's attorney fails to participate in good faith in a conference, hearing, or trial, or in the preparation of a resolution statement or joint pretrial statement, the ~~judge, court~~ upon motion or ~~its the judge's~~ own initiative, shall, except upon a showing of good cause, make such orders with regard to such conduct as are just, including, among others:

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

[No change in remainder of text.]

## **Rule 77. Trial Procedures**

**A. Setting of Cases for Trial.** In every family law case, unless a trial has been set at a Resolution Management Conference or on the court's own motion, any party may file a Motion to Set requesting that the case be set for trial. The motion shall state:

1. ~~that the date by which~~ the case will be ready for trial ~~on or after [insert date]~~;

2. ~~that~~ the names, addresses and telephone numbers of the parties or their individual attorneys who are responsible for the conduct of the litigation ~~are: [insert the appropriate information];~~

3. ~~whether the case is entitled to a preference for trial because custody is at issue the estimated time for trial;~~ and

4. ~~the estimated time for trial whether the case is entitled to a preference for trial because custody is at issue.~~

#### **~~Conduct in Trial~~ Trial Scheduling.**

1. ~~The court may impose reasonable time limits on the trial proceedings or portions thereof., and limit the time for trial to scheduled time. Any party may request additional time by motion made no less than 45 days before the scheduled trial date.~~

2. Trials shall be conducted in an orderly, courteous, and dignified manner. Arguments and remarks shall be addressed to the court, except that by permission of the court, counsel may make proper inquiries or ask questions of opposing counsel.

#### **~~Trial~~ Continuances and Scheduling Conflicts.**

1. ~~Trial~~ Continuance. When an action has been set for trial, hearing or conference on a specified date by order of the court, no continuance of the trial, hearing or conference shall be granted except upon written motion setting forth sufficient grounds and good cause, or as otherwise ordered by the court. Stipulations for continuances shall be regarded as joint motions to continue and must set forth grounds or good cause for the request. No trial setting or hearing date shall be vacated or continued except by formal order of the court.

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

5. ~~Time Limitation. The court may impose reasonable time limits on the trial proceedings or portions thereof.~~

### COMMITTEE COMMENT

Paragraph B is based on Rule 80(a), *Arizona Rules of Civil Procedure*. ~~Subdivision C(5) is based on Rule 16(h), Arizona Rules of Civil Procedure.~~

## 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 special Family Law master under Rule 72.

4. [No change in text.]

## **Rule 79. Summary Judgment**

**A. For Claimant.** A party seeking to recover upon a claim, counterclaim, or to obtain a declaratory judgment may move for a summary judgment in the party's favor upon all or any part thereof. Said motion may be made with or without supporting affidavits at any time after the expiration of twenty (20) days from the service of process upon the adverse party, but no sooner than the date on which the answer-response is due, or after service of a motion for summary judgment by the adverse party.

**B.** [No change in text.]

### **C. Motion and Proceedings Thereon.**

1. Unless otherwise ordered by the court, all motions for summary judgment shall be filed not later than sixty (60) days prior to trial. Upon timely request by any party, the court shall set a time for hearing of the motion. If no request is made, the court may, in its discretion, set a time for such hearing. A party opposing the motion must file affidavits, memoranda, or both within fifteen (15) days after service of the motion. The moving party shall have five (5) days thereafter in which to serve reply memoranda and affidavits. The foregoing time periods may be shortened or enlarged by the court or by agreement of the parties. The judgment sought shall be rendered forthwith if the pleadings, deposition, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.

2. [No change in text.]

**D. Case Not Fully Adjudicated on Motion.** If, on motion under this rule, judgment is not rendered upon the whole case or for all the relief asked and a trial is necessary, the court at the hearing of the motion, by examining the pleadings and the evidence before it and by interrogating counsel, shall if practicable ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. It shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which the amount of damages or other requested relief is not in controversy, and directing such further proceedings in the action as are just. Upon the trial of the action, the facts so specified shall be deemed established, and the trial shall be conducted accordingly.

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

**Rule 80.** [No change in text.]

### **Rule 81. Entry of Judgment**

**A. Preparation and Signing of Judgments and Other Orders.** Forms of judgment shall be served upon all parties and counsel. Except as provided in Rule 78(~~E~~) (D), a party seeking attorneys' fees shall provide in the form of judgment for an award of attorneys' fees in an amount to be entered by the court. All judgments shall be in writing and signed by a judge or a court commissioner duly authorized to do so. The filing with the clerk of the judgment constitutes entry of such judgment, and the judgment is not effective before such entry, except that in such circumstances and on such notice as justice may require, the court may direct the entry of a judgment *nunc pro tunc*, and the reasons for such direction shall be entered of record. The entry of the judgment shall not be delayed for taxing costs.

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

**D. Minute Entries: Notice of Entry of Judgments.** The clerk shall distribute, either by U.S. mail, electronic mail, or attorney drop box, copies of all minute entries to all parties. Immediately upon the entry of a judgment as defined in Rule 78(A), the clerk shall distribute, either by U.S. mail, electronic mail, or attorney drop box, a notice of the entry of judgment stating the date of entry, in the manner provided for in Rule 43, to every party who is not in default for failure to appear, and shall make a record of the distribution. Any party may in addition serve a notice of such entry, in the manner provided in Rule 43 for the service of papers. In the case of a judgment in the form of a minute entry, the date of entry shall be the date on which the clerk affixes a file stamp on the minute entry. Lack of notice of the entry by the clerk does not affect the time to appeal or relieve or authorize the court to relieve a party for failure to appeal within the time allowed, except as provided in Rule 9(a), *Arizona Rules of Civil Appellate Procedure*.

Notice of entry of judgment shall be accomplished by any of the following:

1. a specifically designated notice form;
2. a minute entry; ~~and~~ or
3. a conformed copy of the file stamped judgment.

**Rule 82.** [No change in text.]

### **Rule 83. Motion for New Trial**

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

#### **G. After Service by Publication.**

1. When judgment has been rendered on service by publication, and the ~~defendant~~ respondent has not appeared, a new trial may be granted upon application of the

~~defendant~~ respondent for good cause shown by affidavit, made within one (1) year after rendition of the judgment.

2. [No change in text.]

#### **Rule 84. Motion to Alter or Amend a Judgment ~~or Decree~~**

A party seeking ~~reconsideration~~, alteration, or amendment of a ruling judgment of the court may file a motion for alteration or amendment of a judgment ~~of decree~~. All such motions, ~~however denominated, shall be filed not later than 15 days after entry of the judgment submitted without oral argument and without response or reply, unless the court otherwise directs. No motion for alteration or amendment 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 85, ~~and shall not operate to extend the time within which a notice of appeal must be filed.~~ 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.

#### **Rule 85. Motion to Correct Mistakes; Relief from a Judgment or ~~Decree~~Order**

A. [No change in text.]

##### **B. Correction of Error in Record of Judgment or Order**

1. When a mistake in a judgment or decree order is corrected as provided by paragraph A, thereafter the execution shall conform to the judgment as corrected.

2. [No change in text.]

##### **C. Mistake; Inadvertence; Surprise; Excusable Neglect; Newly Discovered Evidence; Fraud, etc.**

1. On motion and upon such terms as are just the court may relieve a party or a party's legal representative from a final judgment, order or proceeding for the following reasons:

a. [No change in text.]

b. newly discovered evidence, which by due diligence could not have been discovered in time to move for a new trial under Rule 83(~~AD~~);

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

2. The motion shall be filed within a reasonable time, and for reasons ~~(1), (2), 1(a), 1(b)~~ and ~~(3)~~ 1(c) not more than six (6) months after the judgment or order was entered or proceeding was taken.

3. A motion under this subdivision does not affect the finality of a judgment or suspend its operation. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding, or to grant

relief to a ~~defendant-respondent~~ served by publication as provided by Rule 83(G), or to set aside a judgment for fraud upon the court. The procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action.

D. [No change in text.]

**Rules 86.-87.** [No change in text.]

**Rule 88. Disability of a ~~Judge~~ Judicial Officer**

If a trial or hearing has been commenced and the ~~judge~~ judicial officer is unable to proceed, any other ~~judge-judicial officer~~ may proceed with it upon certifying familiarity with the record and determining that the proceedings in the case may be completed without prejudice to the parties. ~~In a hearing or trial without a jury, At the request of a party and if an adequate electronic record is not available,~~ the successor ~~judge~~ judicial officer shall ~~at the request of a party~~ recall any witness whose testimony is material and disputed and who is available to testify again without undue burden. The successor ~~judge~~ judicial officer may also recall any other witness.

**Rules 89.-90.** [No change in text.]

## XI. POST-DECREE/POST-JUDGMENT PROCEEDINGS

### **Rule 91. Post-Decree/Post-Judgment Proceedings**

#### **A. Modification or Enforcement of Prior Orders; General Provisions.**

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

~~4. Except for petitions to Modify Child Custody filed pursuant to Rule 91(D) or 91(E)(2), and unless a different procedure is established by local rule, the applicant shall submit to the assigned judicial officer the original and three (3) copies of an Order to Appear, three(3) copies of the Petition showing evidence of being filed with the clerk of the court, and by the applicable provision of this rule. The clerk of the court shall file the original Order to Appear when signed by the assigned judicial officer.~~

~~4.5. Whenever the term “Affidavit of Financial Information” is used in this rule, parties shall refer to the relevant Form 2, Rule 97 an affidavit of financial information is required by this rule, an affidavit substantially similar to Form 2, Affidavit of Financial Information, or such other form permitted by local rule of the Superior Court in which the matter is pending, shall be used.~~

#### **B. Petitions for Modification of Spousal Maintenance or Child Support.**

1. *Petition for Modification of Spousal Maintenance.* A petition for modification of spousal maintenance shall comply with paragraph A, and shall set forth the substantial and continuing changes in circumstances supporting a modification, and the applicant shall attach to and file with the original petition a current Affidavit of Financial

Information. ~~Within the time provided by paragraph L, a~~ A copy of the petition, the Affidavit of Financial Information, and the issued Order to Appear shall be served upon the opposing party along with a blank copy of an Affidavit of Financial Information ~~within the time provided by paragraph L.~~ The opposing party shall respond by filing and serving a completed Affidavit of Financial Information within the time provided by paragraph M.

## *2. Petition for Modification of Child Support.*

a. *Order to Appear.* A petition for modification of child support shall comply with paragraph A and shall set forth the substantial and continuing changes in circumstances supporting a modification. The applicant shall attach to and file with the original petition a current Affidavit of Financial Information. ~~Within the time provided by paragraph L, a~~ A copy of the petition, the Affidavit of Financial Information, and the issued Order to Appear shall be served upon the opposing party, along with a blank copy of an Affidavit of Financial Information ~~within the time provided by paragraph L.~~ The opposing party shall respond by filing and serving a completed Affidavit of Financial Information within the time provided by paragraph M. Both parties shall also within the time provided by paragraph M serve upon the other party and bring to the hearing copies of the documents and information set forth in paragraph P.

b. *Request for Simplified Procedure.* A party seeking to modify child support by use of the ~~S~~-simplified ~~P~~-procedure for modification outlined in the *Arizona Child Support Guidelines* shall file with the clerk of the court a request for ~~S~~ simplified ~~M~~ modification, accompanied by a sworn Parent's Worksheet for Child Support Amount, and pay the required filing fee. The parties shall then follow the procedures specified in the *Arizona Child Support Guidelines*, Appendix to A.R.S. § 25-320.

c. *Title IV-D.* In Title IV-D matters, the state shall serve both parents with the petition or request, the issued Order to Appear, and a blank Affidavit of Financial Information, with instructions to complete, file, and serve the Affidavit as required by paragraph M.

**C. Petition for Enforcement of Child Support or Spousal Maintenance.** A petition to enforce an order to pay spousal maintenance, child support, medical or dental costs, or other sums due pursuant to a child support order shall comply with paragraph A, and shall include a current summary calculation of arrears derived from the ~~e~~Clearinghouse records of the Department of Child Support Enforcement, if available, or if not available, a statement of all sums due. If the petition includes a request for reimbursement of medical, dental, or vision costs, the petition shall include a detailed summary of all medical, dental, and vision bills claimed, the amount of each bill paid by insurance or other third party, the amount of each bill paid by each party, the remaining unpaid balance, and the remaining pro rata obligation of each party, ~~in a form substantially in accord with a worksheet for unreimbursed health care and other allowed expenses, as required by the court.~~ A copy of the petition and issued Order to Appear shall be served upon the opposing party along with a blank copy of an Affidavit of Financial Information within the time provided by paragraph L. The opposing party shall respond by filing and serving

a completed Affidavit of Financial Information within the time provided by paragraph M, along with copies of the following documents:

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

**D. Petition to Modify Child Custody.** No hearing for modification of a child custody order or decree shall be set unless there is compliance with A.R.S. § 25-411 and the requirements set forth in this paragraph.

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

4. Unless otherwise ordered by the court, all persons entitled to notice ~~may shall~~ file a response, verified or supported by affidavit, within twenty (20) days from the date of service if served in Arizona, and within thirty (30) days from the date of service if served outside of Arizona—a response or controverting affidavits. A copy of each document shall be provided to the applicant's attorney or, if unrepresented, the applicant and, unless otherwise provided by local rule, to the assigned division.

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

**E.** [No change in text.]

**F. Petition for Modification or Clarification of Parenting Time or Visitation.**

1. Any party seeking a modification or clarification of parenting time or visitation that does not involve a change of joint custody, joint legal custody, joint physical custody or sole custody, shall file with the clerk of the court, and provide a copy to the assigned division of, the following:

a. a Petition for Modification or Clarification of Parenting Time or Visitation in compliance with paragraph A that sets forth detailed facts supporting the requested modification or clarification, the ~~particular type of custody and~~ specific parenting time or visitation plan sought, and a certification whether the underlying parenting time or visitation order or agreement contains a provision requiring the parties to pursue mediation or other alternative dispute resolution process prior to requesting the court to modify or clarify the order or agreement;

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

2. [No change in text.]

**G.-H.** [No change in text.]

**I. Temporary Orders.** A request for post-decree or post-judgment temporary orders, if any, shall be filed in accordance with Rules 47 and 48.

**J. Contempt.** An action for contempt shall comply, where applicable, with the provisions of this rule and with the provisions of Rule 92.

**K. Order to Appear.** An Order to Appear submitted to the court ~~for issuance~~ shall be substantially similar to include the information set forth in Form 14, Order to Appear Post-Judgment/Decree Rule 97. Any original Order to Appear, other order, or warrant required to be submitted to the court for issuance under these rules shall be accompanied by two (2) or more copies of such order or warrant, equal to the number of parties in the action, to be returned to the applicant for service upon all other parties in the action entitled to notice.

**L.-R.** [No change in text.]

**S. Attorneys' Fees, Costs, and Expenses.** In any post-decree/post-judgment proceeding in which an award of attorneys' fees, costs, and expenses is an issue, both parties shall file a completed Affidavit of Financial Information. If sought by the applicant, the Affidavit of Financial Information shall be filed with the petition and served upon the opposing party along with a blank copy of an Affidavit of Financial Information. The opposing party shall respond by filing a completed Affidavit of Financial Information that shall be provided to the applicant's attorney, or if unrepresented, to the applicant, as soon as possible after service but in no event less than three (3) judicial days prior to the scheduled hearing, unless another specific time is ordered by the court. If the opposing party initiates a request for attorneys' fees, costs, and expenses, a completed Affidavit of Financial Information shall be filed with the court and served upon the applicant's attorney or, if unrepresented, the applicant within five (5) judicial days after service and the applicant shall respond by filing a completed Affidavit of Financial Information to be provided to the opposing party's attorney, or if unrepresented, the opposing party, not less than three (3) judicial days prior to the scheduled hearing, unless another specific time is ordered by the court.

**T.** [No change in text.]

## **XII. CIVIL CONTEMPT AND ARREST WARRANTS**

### **Rule 92. Civil Contempt and Sanctions for Non-Compliance with a Court Order**

**A.** [No change in text.]

**B. ~~Motion~~ Petition and Notice.** Civil contempt may be initiated by a petition ~~motion~~ that recites the essential facts alleged to be contemptuous and complies with the requirements of this rule and Rules 91(A)(1), (2), (3), (J) and (K). No civil contempt may be imposed without notice to the alleged contemnor and without providing the alleged contemnor with an opportunity to be heard. The civil contempt ~~motion~~ petition and order to show cause or order to appear containing the hearing date and time must be personally served upon the alleged contemnor in the manner required by Rules 40(C), (E) or (F), and 41(C)(1).

**C. Order to Show Cause or Order to Appear.** The order to show cause or order to appear must specify the time and place of the hearing and must contain substantially the following language:

[No change in remaining text.]

**D. Hearing.** The court shall make an express finding as to whether the alleged contemnor had notice of the ~~motion~~ petition and order to show cause or appear. The court shall determine whether movant has established that a prior order was entered and that the alleged contemnor had notice of the prior order and has willfully failed to comply with the order.

**E. Order and Sanctions.** After hearing the testimony and evidence presented, the court shall enter a written order granting or denying the ~~motion~~ petition for contempt. An order finding the alleged contemnor in contempt shall include the following:

1. a recital of facts on which the contempt finding is based, and

2. if the court finds it appropriate, a statement setting out appropriate sanctions to obtain compliance with the order, including incarceration, seizure of property, attorneys' fees, costs, compensatory or coercive fines, parenting time to make-up for time missed due to the contemnor, parent education classes, and any other coercive sanction or relief permitted by law, provided the order includes a purge provision as set forth in paragraph F ~~of this rule~~.

**F. Purge.** If the court orders incarceration, a fine, or any other sanction for failure to comply with a court order, the court shall set conditions for the purging of the contempt based on the contemnor's present ability to comply. The court shall include in its order a separate affirmative finding that the contemnor has the present ability to comply with the purge and the factual basis for that finding. The court may grant the contemnor a reasonable time to comply with the purge conditions. If the court orders incarceration but defers incarceration for more than twenty-four (24) hours to allow the contemnor a reasonable time to comply with the purge conditions, and the contemnor fails to comply within the time provided, the ~~movant~~ petitioner shall file an affidavit of noncompliance with the court. The court may then issue a civil arrest warrant. Upon incarceration, the contemnor must be brought before the court within twenty-four (24) hours for a determination of whether the contemnor continues to have the present ability to comply with the purge.

**G.** [No change in text.]

**Rule 93.** [No change in text.]

## **Rule 94. Civil and Child Support Arrest Warrants**

**A.** [No change in text.]

### **B. When Issued.**

1. [No change in text.]

2. The court may in any action pursuant to A.R.S. § 25-502, on motion of a party or on its own motion, issue a child support arrest warrant as provided by A.R.S. § 25-681(A).

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

### XIII. OTHER FAMILY LAW SERVICES AND RESOURCES

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

### XIV. FAMILY LAW FORMS

#### **RULE 97. Family Law Forms ~~and Appendix~~**

##### **~~A. Family Law Forms~~**

The forms listed ~~and included~~ in this rule are the recommended forms and meet the requirements of these rules. Whenever these rules require use of a form that is “substantially similar” to a form contained in this rule, such language means that the content of these forms may be adapted to minimize or delete information that does not apply to a particular case, ~~and to facilitate the use of automated or prompted computer forms programs to prepare streamlined and concise forms~~, provided that all information contained in the recommended form and applicable to the case is included. The deletion of information ~~required by a form contained in the recommended form~~ or the failure to complete a portion of a the recommended form is a representation to the court and to all adverse parties that the question(s) or item(s) are not applicable. ~~Any such form may be modified for submission at times and under circumstances provided for by an Administrative Order entered by the presiding judge of the county or the presiding judge’s designee.~~ These forms and other family law forms are available at ~~the Court’s Self-Service Centers~~, if any, or at the Supreme Court of Arizona’s website: <http://www.supreme.state.az.us/nav2/selfserv.htm> [http://supreme.state.az.us/selfserv/ARFLP\\_forms.htm](http://supreme.state.az.us/selfserv/ARFLP_forms.htm). These forms may be modified ~~from time to time~~ by Administrative Order of the Supreme Court of Arizona, and the ~~modified most current~~ forms will also be available at this website and court self-service centers.

## INDEX OF FORMS

- Form 1.** Notice of Limited Scope Representation
- Form 2.** Affidavit of Financial Information
- Form 3.** Confidential Sensitive Data Form
- Form 4.** Proposed Dissolution Resolution Statement
- Form 5.** Proposed Paternity Resolution Statement
- Form 6.** Joint Alternative Dispute Resolution Statement to ~~T~~ the Court
- Form 7.** Uniform Family Law Interrogatories
- Form 8.** Consent Decree of Dissolution of Marriage (Divorce) With Children
- Form 9.** Parenting Coordinator's Report and Recommendations
- Form 10.** Order Regarding Parenting Coordinator's Report and Recommendations
- Form 11.** Parent Information Regarding the Use of Parenting Coordinators
- Form 12.** Inventory of Property and Debts
- Form 13.** Order to Appear Temporary Orders
- Form 14.** Order to Appear Post-Judgment/Decree
- Form 15.** Request for Protected Address and Order for Protected Address

FORM 1: NOTICE OF LIMITED SCOPE REPRESENTATION

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Daytime Phone Number: \_\_\_\_\_  
Evening Phone Number: \_\_\_\_\_  
Representing: [ ] Self [ ] Petitioner [ ] Respondent  
State Bar Number: \_\_\_\_\_

ARIZONA SUPERIOR COURT, COUNTY OF \_\_\_\_\_

Case No. \_\_\_\_\_

\_\_\_\_\_  
Petitioner/~~Plaintiff~~

ATLAS No. \_\_\_\_\_

\_\_\_\_\_  
Respondent/~~Defendant~~

NOTICE OF LIMITED SCOPE  
REPRESENTATION

~~COMES NOW~~ I the undersigned attorney ~~and~~ enters a Notice of Limited Appearance for [ ] Petitioner [ ] Respondent \_\_\_\_\_, pursuant to ~~ARFLP~~ Rule 27 9(B).

1. Counsel's appearance in this matter shall be limited in scope to the following matter(s): (Select all that are applicable, and provide detailed description of services, including any scheduled appearances, as needed.)

- [ ] Protective Orders
  - [ ] Order of Protection
  - [ ] Injunction Against Harassment
  - [ ] Injunction Against Workplace Harassment
- [ ] Voluntary acknowledgment of paternity
- [ ] Establishment of Child Support (IV-D)
- [ ] Rule ~~38(b)~~ 32 motion (specify) \_\_\_\_\_
- [ ] \_\_\_\_\_
- [ ] U.C.C.J.E.A. Hearing \_\_\_\_\_
- [ ] \_\_\_\_\_
- [ ] Temporary Orders (Pre-Decree) (specify any limitations) \_\_\_\_\_
- [ ] \_\_\_\_\_
- [ ] Accelerated or Expedited Petition (Pre-Decree) \_\_\_\_\_
- [ ] \_\_\_\_\_
- [ ] Resolution Management Conference
- [ ] Arbitration
- [ ] Mediation
- [ ] Other ADR Process (specify) \_\_\_\_\_

- Settlement Conference
- Expedited Services Conference (specify type, e.g. child support establishment, enforcement, or modifications; custody or parenting time enforcement or modification; or other) \_\_\_\_\_
- Enforcement of Decree or Order (specify, as follows):
  - Child support \_\_\_\_\_
  - Custody & parenting time \_\_\_\_\_
  - \_\_\_\_\_
  - Spousal maintenance \_\_\_\_\_
  - Property/debt issues \_\_\_\_\_
  - Other: \_\_\_\_\_
  - \_\_\_\_\_
- Modification of Decree or Order (specify as follows):
  - Child support \_\_\_\_\_
  - Custody & parenting time \_\_\_\_\_
  - \_\_\_\_\_
  - Spousal maintenance \_\_\_\_\_
  - Other: \_\_\_\_\_
  - \_\_\_\_\_
- Emergency Petition (Post-Decree) \_\_\_\_\_
- Qualified Domestic Relations Order \_\_\_\_\_
- Filing of Foreign Decree \_\_\_\_\_
- Warrant to take Physical Custody \_\_\_\_\_
- Child Custody or Parenting Time by a Non-parent \_\_\_\_\_
- Other motion and hearing thereon, specifically: \_\_\_\_\_
- Attend Deposition(s) of (names) \_\_\_\_\_
- Conduct the following discovery: \_\_\_\_\_
- \_\_\_\_\_
- Other: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

- 2. Counsel named above is attorney of record and ~~available for service of process in accordance with Rule 27, ARFLP.~~ ~~S~~ service of process on counsel shall be valid, to the extent permitted by statute and Rule 43(C), in all matters in the case but shall not extend the counsel's responsibility for representation of the client beyond the specific matter for which the attorney has appeared. For service directly upon the party, the party's name, address and phone number are listed below.

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State Zip Code: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

- 3. The opposing party, or his/her counsel [ ] may [ ] may not directly contact the party represented by the undersigned attorney regarding matters outside the scope of this limited representation without first consulting the undersigned attorney.
- 4. Counsel's representation of client will terminate at the conclusion of the hearing noted above, if shown, or at the conclusion of the matter noted above, upon the filing of a Notice of Withdrawal of Attorney, pursuant to Rule 9(B)(2) 27, ARFLP.
- 5. This accurately sets forth the terms of the written agreement between counsel and the party for limited scope legal representation.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney

I have read and approve of this notice.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Client

ORIGINAL of the foregoing filed with the Clerk of the Superior Court;  
COPIES of the foregoing mailed/delivered this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, to:

The Honorable \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attorney for \_\_\_\_\_

FORM 2: AFFIDAVIT OF FINANCIAL INFORMATION

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Daytime Phone Number: \_\_\_\_\_  
Evening Phone Number: \_\_\_\_\_  
Representing: [ ] Self [ ] Petitioner [ ] Respondent  
State Bar Number: \_\_\_\_\_

ARIZONA SUPERIOR COURT, COUNTY OF \_\_\_\_\_

Case No. \_\_\_\_\_

\_\_\_\_\_  
Petitioner/~~Plaintiff~~

ATLAS No. \_\_\_\_\_

**AFFIDAVIT OF FINANCIAL INFORMATION**

\_\_\_\_\_  
Respondent

Affidavit of \_\_\_\_\_  
(Name of Person Whose Information is on this Affidavit)

**IMPORTANT INFORMATION ABOUT THIS DOCUMENT**

WARNING TO ~~BOTH~~ PARTIES: This Affidavit is an important document. You must fill out this Affidavit completely, and provide accurate information. You must provide copies of this Affidavit and all other required documents to the other party and to the judge. ~~If you do not do this, the court may order you to pay a fine.~~

I have read the following document and know of my own knowledge that the facts and financial information stated below are true and correct, and that any false information may constitute perjury by me. I also understand that, if I fail to provide the required information or give misinformation, the judge may order sanctions against me, including assessment of fees ~~for fines and expenses~~ under Rule 31, ~~Arizona Rules of Family Law Procedure.~~

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Person Making Affidavit

**INSTRUCTIONS**

**1. Complete the entire Affidavit in black ink.** If the spaces provided on this form are inadequate, use separate sheets of paper to complete the answers and attach them to the Affidavit. Answer every question completely! You must complete every blank. If you do not know the answer to a question or are guessing, please state that. If a question does not apply, write "NA" for "not applicable" to indicate you read the question. Round all amounts of money to the nearest dollar.

~~2. Answer the following statements YES or NO. If you mark NO, explain your answer on a separate piece of paper and attach the explanation to the Affidavit.~~ You must provide the other party with copies of the following:

- A. Proof of your year to date income from all sources, including your two most recent pay stubs.
- B. Complete copies of your federal income tax returns for the last three years with all schedules and attachments.
- C. All W-2 and 1099 forms from all sources of income for the last three years.
- D. If self-employed, a member of a partnership, or a shareholder of a closely held corporation, complete copies of the business federal income tax returns for the last three years with all schedules and attachments.

YES  NO I have provided the other party with copies of the documents described above. If no, explain your answer.

\_\_\_\_\_

**1. GENERAL INFORMATION:**

- A. Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_
- B. Current Address: \_\_\_\_\_
- C. Date of Marriage: \_\_\_\_\_ Date of Divorce: \_\_\_\_\_
- D. Last date when you and the other party lived together: \_\_\_\_\_
- E. Full name(s) of child(ren) common to the parties (in this case), ~~their~~ date(s) of birth, and Social Security Number(s) (last 4 digits only):

Name	Date of Birth	<u>Last Four Digits of Social Security Number</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

F. The name, date of birth, relationship to you, and gross monthly income for each individual who lives in your household:

Name	Date of Birth	Relationship to you	Income
_____	_____	_____	_____
_____	_____	_____	_____

G. Any other person for whom you contribute support:

Name	Age	Relationship to You	Reside With You (Y/N)	Court Order to Support (Y/N)
_____	_____	_____	_____	_____

H. Attorney's Fees paid in this matter \$ \_\_\_\_\_. Source of funds \_\_\_\_\_

**2. EMPLOYMENT INFORMATION:**

A. Your job/occupation/profession/title: \_\_\_\_\_  
 Name and address of current employer: \_\_\_\_\_

Date employment began: \_\_\_\_\_  
 How often are you paid:  Weekly  Every other week  Monthly  Twice a month  
 Other \_\_\_\_\_

B. If you are not working, why not? \_\_\_\_\_

C. Previous employer name and address: \_\_\_\_\_

Previous job/occupation/profession/title: \_\_\_\_\_  
 Date previous job began: \_\_\_\_\_ Date previous job ended: \_\_\_\_\_  
 Reason you left job: \_\_\_\_\_

Gross monthly pay at previous job: \$ \_\_\_\_\_

D. Total gross income from last three (3) years' tax returns. (~~attach copies of pages 1 and 2 of your federal income tax returns for the last three (3) years~~):

Year 20 \$ \_\_\_\_\_ Year 20 \$ \_\_\_\_\_ Year 20 \$ \_\_\_\_\_

E. Your total gross income from January 1 of this year to the date of this Affidavit (year-to-date income): \$ \_\_\_\_\_

**3. YOUR EDUCATION/TRAINING:** List name of school, length of time there, year of last attendance, and degree earned:

- A. High School: \_\_\_\_\_
- B. College: \_\_\_\_\_
- C. Post-Graduate: \_\_\_\_\_
- D. Occupational Training: \_\_\_\_\_

**4. YOUR GROSS MONTHLY INCOME:**

- List **all** income you receive from **any** source, whether private or governmental, taxable or not.
- List all income payable to you individually and all non-wage income ~~or~~ payable jointly to you and your spouse.
- Use a monthly average for items that vary from month to month.
- Multiply weekly income ~~and deductions~~ by 4.33 to arrive at the monthly total. Multiply biweekly income by 2.165 to arrive at the ~~total amount for the~~ monthly total.

A. Gross salary/wages per month \$ \_\_\_\_\_

- **Attach copies of your two most recent pay stubs.**

Rate of **P** pay \$ \_\_\_\_\_ per  hour  week  month  year

- B. Expenses paid for by your employer:
    - 1. Automobile provision or allowance \$ \_\_\_\_\_
    - 2. Auto expenses, such as gas, repairs, insurance \$ \_\_\_\_\_
    - 3. Lodging \$ \_\_\_\_\_
    - 4. Other (~~E~~ explain) \_\_\_\_\_ \$ \_\_\_\_\_
  - C. Commissions/~~B~~ bonuses \$ \_\_\_\_\_
  - D. Tips \$ \_\_\_\_\_
  - E. Self-employment ~~I~~ income (~~S~~ see below) \$ \_\_\_\_\_
  - F. Social Security benefits \$ \_\_\_\_\_
  - G. Worker's compensation and/or disability income \$ \_\_\_\_\_
  - H. Unemployment compensation \$ \_\_\_\_\_
  - I. Gifts/~~P~~ priz es \$ \_\_\_\_\_
  - J. Payments from prior spouse \$ \_\_\_\_\_
  - K. Rental income (net after expenses) \$ \_\_\_\_\_
  - L. Contributions to household living expense by others \$ \_\_\_\_\_
  - M. Other (~~E~~ explain): \_\_\_\_\_ \$ \_\_\_\_\_  
 (Include dividends, pensions, interest, trust income, annuities or royalties.)
- TOTAL:** \$ \_\_\_\_\_

**5. SELF-EMPLOYMENT INCOME (if applicable):**

~~If you are self-employed, attach a copy of the Schedule C for your business from your last tax return and the most recent income/expense statement from your business.~~

**If you are self-employed, a member of a partnership, or a shareholder of a closely held corporation, provide the following information:**

- Name, address and telephone no. of business: \_\_\_\_\_
- \_\_\_\_\_
- Type of business entity: \_\_\_\_\_
- State and ~~D~~ date of incorporation/formation: \_\_\_\_\_
- Nature of your interest: \_\_\_\_\_
- Nature of business: \_\_\_\_\_
- Percent ownership: \_\_\_\_\_
- Number of shares of stock: \_\_\_\_\_
- Total issued and outstanding shares: \_\_\_\_\_
- Gross sales/revenue last 12 months: \_\_\_\_\_

**INSTRUCTIONS**

Both parties must answer item 6 if either party asks for child support. These expenses include only those expenses for children who are common to the parties, which means one party is the birth/adoptive mother and the other is the birth/adoptive father of the children.

**6. SCHEDULE OF ALL MONTHLY EXPENSES FOR CHILDREN:**

- **DO NOT LIST** any expenses for the other party, or child(ren) who live(s) with the other party, **unless** you are paying those expenses.
- Use a monthly average for items that vary from month to month.
- If you are listing anticipated expenses, indicate this by putting an asterisk (\*) next to the estimated amount.

**A. HEALTH INSURANCE:**

1. Total monthly cost \$ \_\_\_\_\_
2. Premium cost to insure you alone \$ \_\_\_\_\_
3. Premium cost to insure child(ren) common to the parties \$ \_\_\_\_\_
4. List all people covered by your insurance coverage:  
\_\_\_\_\_  
\_\_\_\_\_

5. Name of insurance company and ~~P~~policy/~~G~~group ~~N~~number:  
\_\_\_\_\_

**B. DENTAL/VISION INSURANCE**

1. Total monthly cost \$ \_\_\_\_\_
2. Premium cost to insure you alone \$ \_\_\_\_\_
3. Premium cost to insure child(ren) common to the parties \$ \_\_\_\_\_
4. List all people covered by your insurance coverage:  
\_\_\_\_\_  
\_\_\_\_\_

5. Name of insurance company and ~~P~~ policy/~~G~~ group ~~N~~ number:  
\_\_\_\_\_

**C. UNREIMBURSED MEDICAL AND DENTAL EXPENSES:**

(~~C~~ost to you after, or in addition to, any insurance reimbursement)

1. Drugs and medical supplies \$ \_\_\_\_\_
2. Other \_\_\_\_\_ \$ \_\_\_\_\_

**TOTAL:**

\$ \_\_\_\_\_

**D. CHILD CARE COSTS:**

1. Total monthly child care costs \$ \_\_\_\_\_

(~~D~~o not include amounts paid by D.E.S.)

2. Name(s) of child(ren) cared for and amount per child:

\_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_

3. Name(s) and address(es) of child care provider(s):  
\_\_\_\_\_  
\_\_\_\_\_

**E. EMPLOYER PRETAX PROGRAM:**

Do you participate in an employer program for pretax payment of child care expenses (Cafeteria Plan)? [ ] YES [ ] NO

**F. COURT ORDERED CHILD SUPPORT:**

1. Court ordered current child support for child(ren)

- not common to the parties** \$ \_\_\_\_\_
- 2. Amount of any arrears payment \$ \_\_\_\_\_
- 3. Amount per month actually paid in last 12 months. \$ \_\_\_\_\_
  - **Attach proof that you are paying**
- 4. Name(s) and relationship of minor child(ren) who you support or who live with you, but are **not** common to the parties: \_\_\_\_\_

**G. COURT ORDERED SPOUSAL MAINTENANCE/SUPPORT (Alimony):**

- 1. Court ordered spousal maintenance/support you actually pay to previous spouse: \$ \_\_\_\_\_

**H. EXTRAORDINARY EXPENSES:**

- 1. For **Children** (~~E~~ducational ~~E~~xpense/~~S~~pecial ~~N~~eeds/~~O~~ther): \$ \_\_\_\_\_  
 Explain: \_\_\_\_\_
- 2. For **Self**: \$ \_\_\_\_\_  
 Explain: \_\_\_\_\_

**INSTRUCTIONS**

~~Both parties~~ You must answer items 7 and 8 if either party is requesting:

- Spousal maintenance
- Division of expenses
- Attorneys' fees and costs
- Adjustment or deviation from the child support amount
- Enforcement of prior orders

**7. SCHEDULE OF ALL MONTHLY EXPENSES:**

- Do NOT list any expenses for the other party, or children who live with the other party unless you are paying those expenses.
- Use a monthly average for items that vary from month to month.
- If you are listing anticipated expenses, indicate this by putting an asterisk (\*) next to the estimated amount.

**A. HOUSING EXPENSES:**

- 1. House payment:
    - a. First ~~M~~mortgage \$ \_\_\_\_\_
    - b. Second ~~M~~mortgage \$ \_\_\_\_\_
    - c. Homeowners' ~~A~~ association ~~F~~fee \$ \_\_\_\_\_
    - d. Rent \$ \_\_\_\_\_
  - 2. Repair & upkeep \$ \_\_\_\_\_
  - 3. Yard work/~~P~~pool/~~P~~pest ~~C~~ontrol \$ \_\_\_\_\_
  - 4. Insurance & taxes not included in house payment \$ \_\_\_\_\_
  - 5. Other (~~E~~xplain) \_\_\_\_\_ \$ \_\_\_\_\_
- TOTAL:** \$ \_\_\_\_\_

**B. UTILITIES:**

- 1. Water, sewer, and garbage \$ \_\_\_\_\_
  - 2. Electricity \$ \_\_\_\_\_
  - 3. Gas \$ \_\_\_\_\_
  - 4. Telephone \$ \_\_\_\_\_
  
  - 5. Mobile phone/pager \$ \_\_\_\_\_
  - 6. Internet Pprovider \$ \_\_\_\_\_
  - 7. Cable/Ssatellite television \$ \_\_\_\_\_
  - 8. Other (Eexplain: ) \_\_\_\_\_ \$ \_\_\_\_\_
- TOTAL:** \$ \_\_\_\_\_

**C. FOOD:**

- 1. Food, milk, and household supplies \$ \_\_\_\_\_
  - 2. School lunches \$ \_\_\_\_\_
  - 3. Meals outside home \$ \_\_\_\_\_
- TOTAL:** \$ \_\_\_\_\_

**D. CLOTHING:**

- 1. Clothing for you \$ \_\_\_\_\_
  - 2. Uniforms or special work clothes \$ \_\_\_\_\_
  - 3. Clothing for children living with you \$ \_\_\_\_\_
  - 4. Laundry and dry-cleaning \$ \_\_\_\_\_
- TOTAL:** \$ \_\_\_\_\_

**E. TRANSPORTATION OR AUTOMOBILE EXPENSES:**

- 1. Car insurance \$ \_\_\_\_\_
  
  - 2. List all cars and individuals covered:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
  - 3. Car payment, if any \$ \_\_\_\_\_
  - 4. Car repair and maintenance \$ \_\_\_\_\_
  - 5. Gas and oil \$ \_\_\_\_\_
  - 6. Bus fare/parking fees \$ \_\_\_\_\_
  - 7. Other (explain: ) \_\_\_\_\_ \$ \_\_\_\_\_
- TOTAL:** \$ \_\_\_\_\_

**F. MISCELLANEOUS:**

- 1. School tuition \$ \_\_\_\_\_
- 2. School supplies \$ \_\_\_\_\_
- 3. School activities or fees \$ \_\_\_\_\_
- 4. Extracurricular activities of child(ren) \$ \_\_\_\_\_
- 5. Church/contributions \$ \_\_\_\_\_
- 6. Newspapers, magazines and books \$ \_\_\_\_\_
- 7. Barber and beauty shop \$ \_\_\_\_\_
- 8. Life insurance (beneficiary: \_\_\_\_\_) \$ \_\_\_\_\_
- 9. Disability insurance \$ \_\_\_\_\_

- 10. Recreation/entertainment \$ \_\_\_\_\_
  - 11. Child(ren)'s allowance(s) \$ \_\_\_\_\_
  - 12. Union/Professional dues \$ \_\_\_\_\_
  - 13. Voluntary retirement contributions and savings deductions \$ \_\_\_\_\_
  - 14. Family gifts \$ \_\_\_\_\_
  - 15. Pet Expenses \$ \_\_\_\_\_
  - 16. Cigarettes \$ \_\_\_\_\_
  - 17. Alcohol \$ \_\_\_\_\_
  - 18. Other (explain): \_\_\_\_\_ \$ \_\_\_\_\_
- TOTAL:** \$ \_\_\_\_\_

**8. G. OUTSTANDING OTHER DEBTS AND ACCOUNTS:** List all debts and installment payments you currently owe that are but do not include items listed above. in Item 8-7 "Monthly Schedule of Expenses". Follow the format below. Use additional paper if necessary.

Creditor Name	Purpose of Debt	Unpaid Balance	<u>Minimum Monthly Payment</u>	Date of Your Last Payment	<u>Amount of Last Monthly Payment</u>
<u>TOTAL OF LAST MONTHLY PAYMENTS:</u>					\$ _____

**8. TOTAL OF ALL MONTHLY EXPENSES FROM ITEMS 6 & 7 ABOVE:** \$ \_\_\_\_\_

FORM 3: CONFIDENTIAL SENSITIVE DATA FORM

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Daytime Phone Number: \_\_\_\_\_  
Evening Phone Number: \_\_\_\_\_  
Representing: [ ] Self [ ] Petitioner [ ] Respondent  
State Bar Number: \_\_\_\_\_

ARIZONA SUPERIOR COURT, COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
Petitioner Case No. \_\_\_\_\_  
ATLAS No. \_\_\_\_\_

\_\_\_\_\_  
Respondent CONFIDENTIAL SENSITIVE DATA FORM

A. Personal Information:

Name	Date of Birth	Social Security Number
Petitioner: _____	_____	_____
Respondent: _____	_____	_____
Child: _____	_____	_____
Child: _____	_____	_____
Child: _____	_____	_____
Child: _____	_____	_____

B. Financial ~~A~~ account ~~N~~ numbers (including credit cards, financial institution accounts, investments, debts):

Financial Institution	Type of Account	Name(s) <del>of</del> <u>on</u> Account <del>Owner</del>	Account #
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

C. Pension and ~~R~~ retirement ~~A~~ accounts (including IRAs, 401~~K~~ (k)s):

Financial Institution	Type of Account	Name(s) <del>of</del> <u>on</u> Account <del>Owner</del>	Account #
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

D. Life ~~I~~ insurance ~~P~~ policies:

Insurance Company	Type of Policy	Name(s) <del>of</del> <u>on</u> Policy <del>Owner</del>	Policy #
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

FORM 4: PROPOSED DISSOLUTION RESOLUTION STATEMENT

Name: \_\_\_\_\_
Mailing Address: \_\_\_\_\_
City, State, Zip Code: \_\_\_\_\_
Daytime Phone Number: \_\_\_\_\_
Evening Phone Number: \_\_\_\_\_
Representing: [ ] Self [ ] Petitioner [ ] Respondent
State Bar Number: \_\_\_\_\_

ARIZONA SUPERIOR COURT, COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
Petitioner/~~Plaintiff~~

Case No. \_\_\_\_\_

ATLAS No. \_\_\_\_\_

\_\_\_\_\_  
Respondent/~~Defendant~~

PROPOSED RESOLUTION STATEMENT  
OF:

[ ] HUSBAND

[ ] WIFE

Date of Marriage: \_\_\_\_\_

The undersigned party provides the following ~~specific~~ positions on each of the issues in this case. ~~(BE SPECIFIC.)~~

1. IV-D Case:

[ ] I receive or have received public assistance which may include AFDC, TANF, or AHCCCS for my child(ren) or me.

[ ] I have a case with the Division of Child Support Enforcement.

2. Custody: The parties have the following natural or adopted child(ren) in common. (If there are no minor or disabled child(ren) common to the parties, skip to paragraph 3)

Table with 3 columns: Child(ren)'s Name(s), Date(s) of Birth, Age(s). Includes four rows of blank lines for data entry.

The child(ren) should live primarily with [ ] Mother [ ] Father and have parenting time with [ ] Mother [ ] Father as follows (check all that apply):

[ ] Generally in accordance with \_\_\_\_\_ County Guidelines for reasonable parenting time.

[ ] Model Parenting Time Plans (describe plan) \_\_\_\_\_.

[ ] Every other weekend from \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. to \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

[ ] One-half of the holidays on an alternating basis.

[ ] For \_\_\_\_\_ weeks in the summer from \_\_\_\_\_ to \_\_\_\_\_ (inclusive).

[ ] Spring Break from school.

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

~~This should be a  sole custody  joint custody arrangement.~~

~~Mother  Father  Both parents should make decisions about the child(ren), such as schools, doctors, etc.~~

~~Mother or  Father should have sole legal custody.~~

~~OR~~

~~Mother and Father should have joint legal custody.~~

3. Child Support: ~~(If there are no minor or disabled children common to the parties and were no minor or disabled children from the date the parties separated, skip to paragraph 5.)~~ My position ~~on the~~ The financial factors necessary to calculate child support under the ~~statewide child support guidelines~~ Arizona Child Support Guidelines is ~~are~~ as follows ~~(complete in full):~~ ~~(If there are no minor or disabled children common to the parties and were no minor or disabled children from the date the parties separated, skip to paragraph 5.)~~

Father's ~~G~~ gross ~~M~~ monthly ~~I~~ income: \$ \_\_\_\_\_

Mother's ~~G~~ gross ~~M~~ monthly ~~I~~ income: \$ \_\_\_\_\_

Father has \_\_\_ other child(ren) not listed above whom ~~he~~ he is supporting who live(s) in his household.

Father has \_\_\_ other child(ren) not listed above for whom he pays court-ordered child support in the amount of \$\_\_\_\_\_ per month.

Mother has \_\_\_ other child(ren) not listed above whom ~~she~~ she is supporting live(s) in her household.

Mother has \_\_\_ other child(ren) not listed above for whom she pays court-ordered child support in the amount of \$\_\_\_\_\_ per month.

Medical/~~D~~dental/~~V~~vision ~~I~~nsurance should be paid by  Mother  Father. ~~What if one parent is paying medical and the other dental? The m~~ Monthly cost for the child(ren) in this case is \$ \_\_\_\_\_

~~Dental insurance should be paid by  Mother  Father. Monthly cost for the child(ren) in this case is \$ \_\_\_\_\_~~

~~Vision insurance should be paid by  Mother  Father. Monthly cost for the child(ren) in this case is \$ \_\_\_\_\_~~

Monthly ~~C~~child ~~C~~care ~~C~~costs for \_\_\_ child(ren) in this case ~~is are~~ \$ \_\_\_\_\_.

Extra ~~E~~ducation ~~E~~xpenses or ~~E~~xtraordinary ~~C~~child ~~A~~adjustments - I believe the court should add the following to the child support calculation (leave blank if none claimed):

Description <u>of expense</u>	Monthly Amount
_____	_____
_____	_____

Uninsured ~~M~~medical/~~D~~dental/~~V~~vision ~~E~~xpenses should be paid:

Pro rata based upon each party's income, as provided in the gGuidelines; or

Other: \_\_\_\_\_ % paid d by Father and \_\_\_\_\_ % paid by Mother.

Tax ~~E~~xemptions for the child(ren) should be divided:

Pro rata based upon each party's income, as provided in the gGuidelines; or

Other: \_\_\_\_\_

4. Past ~~S~~ support should be paid by  Mother  Father for the period of \_\_\_\_\_ through \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.

5. Spousal Maintenance: My position on spousal maintenance is:  
 No spousal maintenance need be paid by either me or my spouse.  
 I should pay my spouse \$ \_\_\_\_\_ per month for \_\_\_\_\_ months.  
 I should receive from my spouse \$ \_\_\_\_\_ per month for \_\_\_\_\_ months.  
 ~~I pay spousal maintenance ordered for another marriage.~~

6. Separate Property: I believe the following property is my sole and separate property (describe):  
 \_\_\_\_\_  
 \_\_\_\_\_

7. Community Liens on Separate Property: I believe I have a community interest in the following sole and separate property of my spouse:  
 \_\_\_\_\_  
 \_\_\_\_\_

8. Community Property. I want to divide all of the community property (except tangible personal property) as follows:

Directions:

Column 1: List short description of each item or real and personal property.

Column 2: List your estimate of the fair market value of each item of property. List the loan or encumbrance amount(s) on the line directly below its value.

Column 3: List the amount of net value of each item you propose for Husband.

Column 4: List the amount of net value of each item you propose for Wife.

1. <del>Real Property</del> <u>Property Description</u>	2. Fair Market Value ( <del>Less minus</del> <u>Encumbrances</u> )	3. Proposed for Husband	4. Proposed for Wife
<u>Real Property</u>	\$	\$	\$
<u>Personal Property</u> <u>Property Description</u> (e.g. stocks, bonds, life insurance, etc.)			



Each of us should pay the following debts and amounts:

Amount To Be Paid By Husband	Amount To Be Paid By Wife	Creditor	Total Amount
\$	\$		\$
\$	\$		\$
\$	\$		\$
\$	\$		\$
\$	\$		\$

11. Attorney's Fees: If the case is settled today, I want the court to order (choose one):

- Each of us is to pay his/her own attorney's fees and costs.
- My spouse should pay \$ \_\_\_\_\_ of my attorney's fees and costs within \_\_\_\_ days.
- I should pay \$ \_\_\_\_\_ to my spouse for attorney's fees and costs within \_\_\_\_ days.

12. Name Change: I want ~~to be restored to~~ my ~~former~~ name changed to of (~~List full name you want restored~~):

\_\_\_\_\_

13. Other Issues: Briefly state the other issues that you believe must be resolved to fully settle this case:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

14. Settlement: I understand that I am required to personally meet and confer with the opposing party and their counsel at least five court days before my court date to resolve as many issues as possible unless there is a current court order prohibiting contact or a significant history of domestic violence between us. I verify that the above statements are true ~~upon~~ based on my best information and belief, and I am willing to settle and resolve this case based upon ~~the information~~ my positions as provided above. I will be prepared to show documentation to support my positions at the time of the conference or hearing.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of  Husband  Wife  
 Attorney for  Husband  Wife

FORM 5: PROPOSED PATERNITY RESOLUTION STATEMENT

Name: \_\_\_\_\_
Mailing Address: \_\_\_\_\_
City, State, Zip Code: \_\_\_\_\_
Daytime Phone Number: \_\_\_\_\_
Evening Phone Number: \_\_\_\_\_
Representing: [ ] Self [ ] Petitioner [ ] Respondent
State Bar Number: \_\_\_\_\_

ARIZONA SUPERIOR COURT, COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
Petitioner/~~Plaintiff~~

Case No. \_\_\_\_\_

\_\_\_\_\_  
Respondent/~~Defendant~~

ATLAS No. \_\_\_\_\_

PROPOSED PATERNITY RESOLUTION STATEMENT OF:

[ ] FATHER

[ ] MOTHER

The undersigned party provides the following **specific** positions on each of the issues in this case (~~BE SPECIFIC~~):

- 1. IV-D Case:
[ ] I receive or have received public assistance that may include AFDC, TANF, or AHCCCS for my children or me.
[ ] I have a case with the Division of Child Support Enforcement.

2. Custody: The other parent and I have the following natural or adopted children in common:

Table with 3 columns: Child(ren)'s Name(s), Date(s) of Birth, Age(s). Includes blank lines for entry.

~~I want the child[ren] to~~ The child(ren) should live primarily with [ ] Mother [ ] Father and have parenting time with [ ] Mother [ ] Father as follows (check all that apply):

- [ ] In accordance with \_\_\_\_\_ County Guidelines for reasonable parenting time.
[ ] Model Parenting Time Plans (describe plan)
[ ] Every other weekend from: \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. to \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.
[ ] One-half of the holidays on an alternating basis.
[ ] For \_\_\_ weeks in the summer from \_\_\_\_\_ to \_\_\_\_\_ (inclusive).
[ ] Spring Break from school.
[ ] Other: \_\_\_\_\_

~~Mother  Father  Both parents should make the decisions about the child(ren), such as schools, doctors, etc.~~

~~This should be a  sole custody  joint custody arrangement.~~

Mother or  Father should have sole legal custody,

OR

Mother and Father should have joint legal custody.

3. Child Support: ~~My position on~~ The financial factors necessary to calculate child support under the ~~statewide child support guidelines~~ Arizona Child Support Guidelines ~~is are~~ as follows (complete in full):

Father's ~~G~~gross ~~M~~monthly ~~I~~income: \$ \_\_\_\_\_

Mother's ~~G~~gross ~~M~~monthly ~~I~~income: \$ \_\_\_\_\_

Father has \_\_\_ other child(ren) not listed above who live(s) in his household.

Father has \_\_\_ other child(ren) not listed above for whom he pays court-ordered child support in the amount of \$ \_\_\_\_\_ per month.

Mother has \_\_\_ other child(ren) not listed above who live(s) in her household.

Mother has \_\_\_ other child(ren) not listed above for whom she pays court-ordered child support in the amount of \$ \_\_\_\_\_ per month.

Medical ~~I~~nsurance should be paid by  Mother  Father. ~~The m~~ Monthly cost for the child(ren) is \$ \_\_\_\_\_.

Dental insurance should be paid by  Mother  Father. Monthly cost for the child(ren) is \$ \_\_\_\_\_.

Vision insurance should be paid by  Mother  Father. Monthly cost for the child(ren) is \$ \_\_\_\_\_.

Monthly ~~C~~child ~~C~~are ~~C~~osts for \_\_\_ child[ren] is \$ \_\_\_\_\_.

Extra ~~E~~ducation ~~E~~xpenses or ~~E~~xtraordinary ~~C~~child ~~A~~adjustments: I believe the court should add the following to the child support calculation (leave blank if none claimed):

Description <u>of expense</u>	Monthly Amount
_____	\$ _____
_____	\$ _____
_____	\$ _____

Uninsured ~~M~~medical/dental/vision ~~E~~xpenses should be paid:

Pro rata based upon each party's income as provided in the gGuidelines; or

Other: \_\_\_\_\_% paid by Father and \_\_\_\_\_% paid by Mother.

Tax Exemptions for the child(ren) should be divided (check one):

Pro rata based upon each party's income as provided in the gGuidelines; or

Other: \_\_\_\_\_

Past ~~S~~upport should be paid by  Mother  Father for the period of \_\_\_\_\_ through \_\_\_\_\_ in the amount of \$\_\_\_\_\_.

Direct payments for support have been  received by me  paid by me for the period of \_\_\_\_\_ through \_\_\_\_\_ in the amount of \$\_\_\_\_\_.

Past **M**edical **E**xpenses have been incurred by me (and not reimbursed by insurance) for the period of \_\_\_\_\_ through \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ and the other parent should be ordered to reimburse me for \_\_\_\_\_% of those expenses.

Expenses for pregnancy, childbirth, and genetic testing have been incurred by me (and not reimbursed by insurance) in the amount of \$ \_\_\_\_\_ and the other parent should be ordered to reimburse me for \_\_\_\_\_% of those expenses.

4. Attorneys' Fees: If the case is settled today, I want the court to order (choose one):

Each party to pay his or her own attorneys' fees and costs.

Mother to pay \$ \_\_\_\_\_ of my attorneys' fees and costs within \_\_\_\_ days.

Father to pay \$ \_\_\_\_\_ to other party for attorneys' fees and costs within \_\_\_\_ days.

5. Name Change: I want the child(ren)'s name(s) to be changed as follows:

\_\_\_\_\_  
\_\_\_\_\_

6. Other Issues: Briefly state the other issues that you believe must be resolved to fully settle this case:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Settlement: **I understand that I am required to personally meet and confer with the opposing party and their counsel at least five court days before my court date to resolve as many issues as possible unless there is a current court order prohibiting contact or a significant history of domestic violence between us.** I verify that the above statements are true ~~upon~~ **based on** my best information and belief, and I am willing to settle and resolve this case based upon ~~the information~~ **my positions as** provided above. I will be prepared to show documentation to support my positions at the time of the conference or hearing.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of  Mother  Father

FORM 6: JOINT ALTERNATIVE DISPUTE RESOLUTION STATEMENT TO THE COURT

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Daytime Phone Number: \_\_\_\_\_  
Evening Phone Number: \_\_\_\_\_  
Representing: [ ] Self [ ] Petitioner [ ] Respondent  
State Bar Number: \_\_\_\_\_

ARIZONA SUPERIOR COURT, COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
Petitioner/~~Plaintiff~~

Case No. \_\_\_\_\_

ATLAS No. \_\_\_\_\_

\_\_\_\_\_  
Respondent/~~Defendant~~

JOINT ALTERNATIVE DISPUTE  
RESOLUTION STATEMENT TO THE  
COURT

Pursuant to Rule 66, ~~the Arizona Rules of Family Law Procedure~~, we hereby state the following, under penalty of perjury:

1. [ ] The parties agree to participate in ~~the following~~ Alternative Dispute Resolution (ADR) ~~process~~ and ~~have selected the following ADR process:~~  
  - ~~a. have selected the following ADR process:~~
    - [ ] Arbitration
    - [ ] Mediation
    - [ ] Settlement Conference
    - [ ] Other: \_\_\_\_\_
  - ~~b.a.~~ [ ] The parties will use a private provider OR
  - [ ] The parties request a program provided through the court.
  - ~~e.b.~~ The person or company providing the ADR service is: \_\_\_\_\_
  - ~~d.c.~~ The parties expect to complete the ADR process by \_\_\_\_\_, \_\_\_\_\_.
2. [ ] The parties have been unable to agree on an ADR process.
  - a. [ ] The [ ] Petitioner [ ] Respondent believe(s) that the following ADR process would be appropriate: \_\_\_\_\_
  - b. [ ] The [ ] Petitioner [ ] Respondent request(s) a conference to discuss ADR.
  - c. [ ] The [ ] Petitioner [ ] Respondent believe(s) that an ADR process would not be appropriate for the following reason: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent

FORM 7: UNIFORM FAMILY LAW INTERROGATORIES  
UNIFORM FAMILY LAW INTERROGATORIES

**BACKGROUND AND PERSONAL HISTORY**

1. NAME AND CONTACT INFORMATION

State your full name, current residence, telephone number, social security number, and date of birth; any names by which you have been known in the past; and, for any other person residing in your household, the full name, current residence, telephone number, social security number, date of birth, and any names by which that person has been known in the past.

2. EDUCATION AND TRAINING

Please provide the extent of your education, course of study, degrees obtained, and when obtained.

3. EMPLOYMENT

- a. State the name and address of each employer you have had during the last 3 years, and list your job title at each such employment. If you have been self-employed at any time during those 3 years, so state and give months and years.
- b. State the gross monthly income from each employer or source of income named in paragraph a.
- c. State the monthly net take home from your current employment.
- d. Have you engaged in any part-time employment in addition to your regular occupation within the past 3 years? (Y/N) \_\_\_\_\_. If ~~so~~ yes, please state whether you are still engaged in this part-time employment and state your monthly income from this employment.
- e. Have you received overtime pay, commissions or bonuses within the last 3 years? (Y/N) \_\_\_\_\_. If yes, please state below the monthly gross amount you have earned from overtime pay and the dollar amount of each commission and/or bonus received.
- f. Attach your 6 most recent payroll stubs and your contract of employment.

4. DEFERRED COMPENSATION AND RETIREMENT BENEFITS

Are you or have you ever been a participant in a retirement plan (such as a pension, deferred compensation, profit-sharing, stock, investment, thrift savings, § 401(~~Kk~~), OR military retirement plan), hereinafter referred to as “plan,” or are you receiving or have you ever received disability pay? (Y/N) \_\_\_\_\_. If yes:

- a. Describe the nature of each plan.
- b. Indicate whether each plan is qualified with the IRS.
- c. State the name of the plan and the name and address of the trustee and the plan administrator.

- d. State the date you began the employment that permitted you to participate in the plan and the number of years and months in which you have participated and are entitled to credit.
- e. State the value of your interest as of the last valuation date and state that date.
- f. Attach a copy of your current plan and your most recent plan statement.
- g. State whether there is a survivor benefit available on the plan. If ~~so~~ yes, state who is named the survivor of the plan.

5. HEALTH INSURANCE

a. Do you have health insurance through your present employer? (Y/N) \_\_\_\_\_. If ~~so~~ yes, indicate what conversion benefits are available to your spouse at the time of the dissolution of marriage, and indicate the persons presently covered and the cost for dependent coverage, if any. ~~Attach a copy of your current health plan.~~

a. Attach a copy of your current health plan.

b. Provide documentation from your employer that sets forth the following:

- 1. Cost to insure yourself only, if there is a cost;
- 2. Cost to insure your spouse; and
- 3. Cost to insure your child(ren) ~~or children~~.

6. OTHER INCOME

Do you have any sources of income other than as described in Interrogatory No. 3? (Y/N) \_\_\_\_\_. If ~~so~~ yes, state each source of income and the amount received from each source in this year and in each of the last 3 calendar years. Attach a copy of each document showing each additional source of income.

7. LIFE INSURANCE

Do you presently own or have an interest in any life insurance or annuity policy? (Y/N) \_\_\_\_\_. If ~~so~~ yes, for each policy, please state:

- a. The name and address of the insurance company.
- b. The type of policy, i.e., term, straight life, universal, whole life, tax deferred annuity or other.
- c. Whether that insurance is connected with your employment.
- d. The amount and date of ~~each~~ any loan(s) taken on the policy.
- e. The present cash surrender value of the policy, if any.
- f. Cost to you, if any, on an annual basis.

- g. The name of each beneficiary.
- h. Attach a copy of each insurance policy.
- i. Attach a copy of any beneficiary designation change made by you within the last 12 months.

8. EMPLOYMENT BENEFITS

~~Do you receive or do you expect to receive or~~ In the past calendar year have you received, ~~in the past calendar year or do you expect to receive~~, any employment related benefits, such as a vehicle or vehicle allowance, stock options, pension or profit-sharing payments, vacation pay or expense account payments or reimbursements? (Y/N) \_\_\_\_\_. If ~~so~~ yes, specify the benefits you ~~receive, or~~ received or expect to receive.

9. CHILD CUSTODY

- a. Do you believe that you and your spouse can reach an agreement concerning custody and parenting time without the intervention of the court or conciliation services? (Y/N) \_\_\_\_\_.
- b. How do you want to share parenting time between parents?
  - 1. How do you want to divide the week?
  - 2. How do you want to divide holidays?
  - 3. How do you want to divide summer or other school recesses?
- c. How do you propose making the following decisions regarding your child(ren)?
  - 1. Physical/ ~~M~~medical matters.
  - 2. Psychological/ ~~P~~psychiatric matters.
  - 3. Legal matters.
  - 4. Religious matters.
  - 5. Educational matters.
  - 6. Activities and/or sports.
- d. Is there a child of the marital relationship with special needs, disabilities, psychological, psychiatric or other developmental handicaps? (Y/N) \_\_\_\_\_. If yes, state:
  - 1. What are the child's special needs?
  - 2. What are the extraordinary expenses associated with caring for this child?
  - 3. Is this child over the age of 18?

- e. What, if any, concerns do you have about the other parent's parenting skills?
- f. For each answer you provided above, list each and every fact supporting your position.

10. CHILD PROTECTIVE SERVICES

Have you or has any person residing in your household ever been investigated by any agency in any state for any reason related to abuse or neglect of children? (Y/N) \_\_\_\_\_. If yes, ~~identify the following state:~~

- a. State and agency investigating;
- b. Date of investigation;
- c. Reason for investigation; and
- d. Outcome/findings.

11. PERSONAL LIMITATIONS

Do you have any mental or physical limitations that would affect your ability to care for your minor ~~child~~/child(ren)? (Y/N) \_\_\_\_\_. If yes, identify the limitations in detail.

12. DRIVING HISTORY

a. Has any jurisdiction ever revoked or suspended your driver's license or placed you on probation? If yes, ~~please explain and give information regarding the following state:~~

- 1. Jurisdiction;
- 2. Approximate date(s); and
- 3. The reason for the revocation, suspension, or probation.

b. Have you had any moving violations in the last 3 years? (Y/N) \_\_\_\_\_. If yes, ~~identify the following state:~~

- 1. Jurisdiction;
- 2. Approximate date(s); and
- 3. Nature of the M-moving violations.

13. EMPLOYMENT HISTORY

Have you ever been the subject of disciplinary complaints at any place of employment? If yes, ~~discuss the situation~~ provide explanation and details.

14. CRIMINAL HISTORY

Have you or has any person residing in your household ever been investigated or arrested for any criminal behavior? (Y/N) \_\_\_\_\_. If yes, ~~identify the following state:~~

a. The individual.

b.a. Jurisdiction. Name and location of investigating and/or arresting agency.

c.b. Approximate date. and

d-e. The alleged criminal behavior.

e. Disposition.

15. DOMESTIC VIOLENCE

a. Have you, your spouse, or any person residing in your household been investigated, arrested or a party to any litigation, in any court of this state or any other state in the United States, which relates to domestic violence? (Y/N) \_\_\_\_\_. If yes, state:

i. The individual.

ii. Name and location of investigating and/or arresting agency.

iii. Name and location of the court where the action was filed.

iv. Nature of the complaint.

v. Disposition.

vi. Expiration date of any resultant order.

~~b. If so, please provide the location of the court where the action was filed; the nature of the complaint; the disposition thereof; and the expiration date of any resultant order.~~

~~b.e.~~ Have you, your spouse, or any person residing in your household been subject to an order of any court of this state or any other state in the United States which limits or prohibits conduct or actions because of violence or physical abuse? (Y/N) \_\_\_\_\_. ~~If yes, provide details regarding the order, including specific dates, names of the person subject to such order, other person(s) involved and any conditions, limitations or prohibitions contained in the order.~~

~~c.d.~~ Have there ever been allegations of child abuse, neglect, abandonment or incorrigibility filed against you, your spouse, or any person residing in your household through child protective services or a similar agency, by any law enforcement agency, or by any juvenile courts in any state of the United States? (Y/N) \_\_\_\_\_. ~~If yes, provide details regarding the nature and disposition of said allegations or investigations, including specific dates, names of investigators and other person(s) involved.~~

~~e.~~ ~~Please provide sufficient details regarding disposition of said allegations or investigation, including specific dates, names of investigators and other persons involved.~~

~~f.~~ ~~Have you, your spouse, or any person residing in your household ever been arrested or investigated by a law enforcement agency regarding domestic violence? If so, state when, where, by what agency and the nature of the investigation.~~

#### 16. RESIDENCE AND REAL ESTATE

Please complete the attached Real Estate Chart for each piece of real estate in which you have an interest.

#### 17. SOLE AND SEPARATE PROPERTY

Do you own any property that you believe is your sole and separate property? (Y/N) \_\_\_\_\_. If yes: ~~please:~~

- a. Describe the property;
- b. State the present location of the property;
- c. State the value of your interest in the property on the date of marriage;
- d. State the facts that support your belief that it is sole and separate property; and
- e. Identify and attach every document in your custody, possession or control which supports your claim that the property is separate property.
- f. ~~State whether you h~~ Have you used any community funds to improve, protect, pay for or maintain the separate property? (Y/N) \_\_\_\_\_. If ~~so~~ yes, identify dates, source and amounts of funds expended and identify and attach any documents that show the expenditures.

#### 18. FINANCIAL INSTITUTIONS

- a. If you have had funds on deposit in any financial institution ~~account~~ and/or if you have owned any securities this year or within the past 3 years, ~~please~~ complete the attached Financial Institution Accounts and Securities Charts.

b. Do you have any money on deposit in any account, in any name other than your own? (Y/N) \_\_\_\_\_. If ~~so~~ yes, for each account, ~~please~~ state:

1. Where the account is maintained. ~~and~~
2. The name under which the account is maintained.
3. The account number.

c. Within the past 12 months, have you transferred any assets to a third party or parties or institution, to be held for your benefit? (Y/N) \_\_\_\_\_. If ~~so~~ yes, for each account, ~~please~~ state

1. Where the account is maintained. ~~and~~
2. The name under which the account is maintained.
3. The account number.

d. Attach the financial institution statements and a copy of each check register for each account in which you have or had funds or to which you have transferred funds to be held for your benefit for the past 12 months.

e. Attach any statements showing any securities you own or have owned for the past 12 months.

#### 19. SAFE DEPOSIT BOXES

~~a.~~ Within the last 3 years, have you had access to any safe deposit box, safe or vault or other place of safekeeping (hereinafter "depository")?(Y/N) \_\_\_\_\_. If ~~so~~ yes, for each depository, ~~please~~ state:

- a. ~~†~~ The name of the financial institution or branch or other location where the depository is located.
- b. State whether each depository is open or closed as of the date of your answers to these interrogatories.
- c. List present contents of each depository and identify any items removed within the last 3 years.

#### 20. BUSINESS ENTITIES: CORPORATIONS, PARTNERSHIPS, AND SOLE PROPRIETORSHIPS

- a. Identify every business entity (hereinafter "business") in which you have any interest, whether equitable or legal, and identify the type of business (corporation, general partnership, limited partnership, joint venture, sole proprietorship).
- b. With respect to each business listed, describe the type of records maintained in the last 5 years; e.g., general ledger, general journal, cash disbursements journal, etc.
- c. Indicate the name, address, telephone number, and employee title of each individual or business that has possession, custody or control of the records above described.

- d. Provide the name, address and telephone number of each individual or business that has possession, custody or control of the tax returns for each business listed for the last 3 years.
- e. Provide the current "net worth" of each business listed and the date that "net worth" was derived. "Net worth" means total assets minus total liabilities. If you have an opinion, please provide the fair market value of the business as of this date.
- f. With respect to each business listed, indicate your and your spouse's interest in the business and the name and address of every other person or entity(ies) having an interest in any such business you have listed.
- g. Attach a copy of the most recent federal income tax return ~~filed~~ for each business listed, with all relevant schedules and attachments.

## 21. LAW SUITS

During the last 3 years have either you or your spouse suffered an injury for which you believe you may receive compensation or have you been a party to any lawsuit? (Y/N) \_\_\_\_\_. If ~~so~~ yes, ~~please~~ give details below.

## 22. TAX RETURNS

Did you file federal and state income tax returns for the last 5 tax years? (Y/N) \_\_\_\_\_. If ~~so~~ yes, ~~state~~ as to each tax year state:

- a. Whether it was a joint or separate return.
- b. Who currently has a copy of that return~~?~~.
- c. Who prepared the return~~?~~.
- d. Attach a copy of your 5 most recent personal federal and state income tax returns with all relevant schedules, including all W-2 forms and 1099 forms.

## 23. FINANCIAL STATEMENTS

Has any financial statement, loan application, and/or credit application been prepared for you or by you or for any business entity listed in your answer to Interrogatory No. 20 within the past 3 years? (Y/N) \_\_\_\_\_. If ~~so~~ yes, ~~please~~ state:

- a. The name and address of each person, firm, corporation, partnership, mercantile or trade agency, or other organization to whom they were ~~issued~~ submitted.
- b. The date of each and every financial statement(s), loan application(s), and/or credit application(s).
- c. Attach a copy of each financial statement or application.

## 24. ATTORNEYS' FEES AND COSTS

State the terms and conditions of the employment of your attorney in this case, including the hourly rate or other basis for fees. Give full details of any agreement or understanding between you and your attorney in this case concerning fees and expenses, including information and specific amounts of any payments made to your attorney, the method of payment(s) and the source of the payment(s) in connection with this case. Attach the retainer agreement memorializing the employment of your attorney.

25. WITNESSES AND EXHIBITS

a. Do you intend to offer any documents into evidence at the time of hearing/trial of this case ~~any documents~~? (Y/N) \_\_\_\_\_. If yes, ~~please~~ state ~~in complete detail~~:

1. The description, subject matter, form, name and number of each and every document;
2. The relevancy, in your opinion, of each and every document to the issues before the court.

b. Unless already disclosed pursuant to Rule ~~53 or 85~~ 49 or 91 of these rules, list each witness you intend to call at the hearing/trial ~~of this case~~, and as to each such person:

1. State that person's name, address, telephone number and the relevance of the expected testimony to the case;
2. Give the nature and substance of each such person's expected testimony.

c. Have you employed or do you intend to employ any expert witness for purposes of supporting any of your allegations in this litigation and/or for purposes of testifying at the trial of this action? (Y/N) \_\_\_\_\_. If ~~so~~ yes, unless already disclosed pursuant to Rule ~~53 or 85~~ 49 or 91 of these rules, ~~please~~ state, or provide for each such ~~technician or~~ expert, ~~the following~~:

1. The expert's name, or other means of identification, last known complete address and telephone number;
2. The expert's profession, job title, or occupation and the field in which that person is an expert;
3. Whether you intend to call the expert as a witness during the hearing/trial of this action;
4. At what address the expert is presently employed;
5. Attach a copy of each expert's resume or curriculum vitae.

6. Attach a copy of any reports prepared by each expert.

26. ~~SPOUSAL~~-AFFIDAVITS AND INVENTORYIES

a. If there are minor children common to the parties and/or if either party is asking for spousal maintenance, attorney's fees or costs, or for temporary orders to exclude a party from a residence, to divide community property, or to order payment of debt, expenses or attorney's fees, ~~please~~ complete and attach Form 2, ~~Child Support~~ Affidavit of Financial Information.

~~If either party is asking for spousal maintenance, attorneys' fees or costs, or for temporary orders to exclude a party from a residence, to divide community property or to order payment of debt, expenses or attorneys' fees, please complete Form 3 (Comprehensive Affidavit).~~

b. ~~Please e~~ Complete the attached List of Personal Property ~~inventory of securities and personal property~~, including vehicles, and other personal property having a value greater than \$100.00, owned by you.

**REAL ESTATE CHART**

Please complete the following real estate chart for each parcel of real property in which you or your spouse claims an interest:

<b>Property No. 1 (address)</b>
Legal Description
Type of Property
Date Acquired
Purchase Price
Down Payment
Original Loan Amount
Present Payoff
Additional Liens or loans
Date incurred
Original amount
Current Balance
Purpose of loan
How title is held
Your opinion of current Market Value

<b>Property No. 2 (address)</b>
Legal Description
Type of Property
Date Acquired
Purchase Price
Down Payment
Original Loan Amount
Present Payoff
Additional Liens or loans
Date incurred
Original amount
Current Balance
Purpose of loan
How title is held
Your opinion of current Market Value

<b>Property No. 3 (address)</b>
Legal Description
Type of Property
Date Acquired
Purchase Price
Down Payment
Original Loan Amount
Present Payoff
Additional Liens or loans
Date incurred

Case No. \_\_\_\_\_

Original amount
Current Balance
Purpose of loan
How title is held
Your opinion of current Market Value

<b>Property No. 4 (address)</b>
Legal Description
Type of Property
Date Acquired
Purchase Price
Down Payment
Original Loan Amount
Present Payoff
Additional Liens or loans
Date incurred
Original amount
Current Balance
Purpose of loan
How title is held
Your opinion of current Market Value





FORM 8: CONSENT DECREE OF DISSOLUTION OF MARRIAGE (DIVORCE) WITH CHILDREN

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Daytime Phone Number: \_\_\_\_\_  
Evening Phone Number: \_\_\_\_\_  
Representing: [ ] Self [ ] Petitioner [ ] Respondent  
State Bar Number: \_\_\_\_\_

ARIZONA SUPERIOR COURT, COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
Petitioner/~~Plaintiff~~

Case No. \_\_\_\_\_

ATLAS No. \_\_\_\_\_

\_\_\_\_\_  
Respondent/~~Defendant~~

CONSENT DECREE OF DISSOLUTION OF MARRIAGE (DIVORCE) WITH CHILDREN

**THE COURT FINDS:**

1. This case has come before this court for a final Decree of Dissolution of Marriage. The court has taken all testimony needed to enter a Decree, or the court has determined testimony is not needed to enter the Decree.
2. This court has jurisdiction over the parties under the law, the provisions of this Decree are fair and reasonable under the circumstances and in the best interests of the minor child(ren) as to custody, parenting time (visitation) and support, and the division of property and debt is fair and equitable.

**THE COURT FURTHER FINDS THAT:**

3. **90 Day Requirement.** At the time this action was filed, the Petitioner or the Respondent had lived in Arizona for more than 90 days, or had lived in Arizona while a member of the United States Armed Forces for more than 90 days.
4. **Conciliation Court.** The provisions relating to the Conciliation Court either do not apply or have been met.
5. **Irretrievably Broken.** The marriage is irretrievably broken. This marriage is not a covenant marriage.
6. **Custody, Support, Spousal Maintenance/Support, Division of Property and Debt.** Where it has the legal power and where it is applicable to the facts of this case, this court has considered, approved, and made orders relating to issues of child custody, parenting time (visitation), child support, spousal maintenance/support (alimony), and the division of property and/or debts.

7. **Protective Orders.** Following is the effect, if any, of this Consent Decree on any existing protective orders: \_\_\_\_\_.

8. **Community Property and Debt.** (Select one.)

- The parties did not acquire any community property or debt during the marriage, **OR**
- The parties have agreed to a division of community property and/or debt as evidenced by their signatures on “Exhibit A” attached to and incorporated into this Decree.

9. **Pregnancy.** (Select one.)

- Wife is not pregnant, **OR**
- Wife is pregnant, and the husband  IS **OR**  IS NOT the father of the child.

10. **Spousal Maintenance/Support.** (Select one.)

- A party is entitled to an award of Spousal Maintenance/Support for the reason that  Petitioner, **OR**  Respondent lacks enough property, including property given to him or her as part of this divorce, to provide for his or her reasonable needs, and is unable to support himself or herself through an appropriate job, or he or she is providing the primary care to a child(ren) of young age or is of a condition that they should not be required to look for work outside the home, or lacks earning ability necessary to support himself or herself, or contributed significantly to the educational opportunities of the other spouse, or had a marriage that lasted a long time and is of an age that may severely limit the possibility of getting a job to support himself or herself, **OR**
- Neither party is entitled to an award of Spousal Maintenance/Support.

**If spousal maintenance is to be awarded, the parties further agree: (Select one.)**

- Spousal maintenance award shall be modifiable in accordance with Arizona law, **OR**
- The parties acknowledge that the circumstances of their futures are unknown, but each desires that this maintenance award, so awarded by their agreement, not be modifiable in the future for any reason. Therefore, it is at this time ordered that this spousal maintenance award shall NOT be modifiable for any reason.

11. **Parent Information Program.**

- a.  Petitioner has attended the Parent Information Program class as evidenced by the “Certificate of Completion” in the court file. **OR**
- Petitioner has not attended the Parent Information Program class and  shall be denied any requested relief to enforce or modify the provisions of this decree which address custody or parenting time until Petitioner has completed the class.
- b.  Respondent has attended the Parent Information Program class as evidenced by the “Certificate of Completion” in the court file. **OR**
- Respondent has not attended the Parent Information Program class and  shall be denied any requested relief to enforce or modify the provisions of this decree

which address custody or parenting time until Respondent has completed the class.

12. **Child Support. (Select any that apply.)**

a. Child support has been determined in accordance with the Arizona Child Support Guidelines. **OR**

b. Application of the Arizona Child Support Guidelines in this case is inappropriate or unjust. The Court has considered the best interests of the child(ren) in determining that a deviation is appropriate and makes the following findings:

The child support amount before deviation is \$ \_\_\_\_\_

The child support amount after deviation is: \$ \_\_\_\_\_

The Court finds the guidelines amount is inappropriate or unjust because: \_\_\_\_\_

Attached written agreement incorporated AND

All parties have signed the agreement free of duress and coercion.

Other: \_\_\_\_\_

c. Physical Custody Adjustment, Court Approved Discretionary Parenting Time Adjustment or other Adjustments. (The court must make written findings if any of these adjustments are made.): \_\_\_\_\_

d. Ability to Pay. The Court finds that the person responsible for paying child support has the ability to pay child support:

In the amount entered on Line 34 of the Worksheet of \$ \_\_\_\_\_ OR

In an adjusted amount calculated using the self-support reserve on the Parent's Worksheet for Child Support Amount of \$ \_\_\_\_\_.

13. **Custody of Minor Child(ren). (Select any that apply.)**

a. Joint Custody. If joint custody is awarded the court makes the following findings: The custody order or agreement is in the best interests of the child(ren) for the following reasons: (List the reasons.) \_\_\_\_\_

Domestic Violence.

Domestic violence has not occurred during this marriage, **OR**

Domestic violence has occurred, but the domestic violence has not been significant. Explain why joint custody is in the best interest of the child(ren) even though domestic violence has occurred: \_\_\_\_\_

b. Supervised or No Parenting Time. (Check and complete only if supervised visitation or no visitation is ordered.)

Supervised Parenting Time between the children and  Petitioner **OR**  
 Respondent, is in the best interests of the child(ren), for the following reasons:  
(Explain the reasons) OR

\_\_\_\_\_

No Parenting Time by  Petitioner **OR**  Respondent, is in the best interests of  
the child(ren), for the following reasons: (Explain the reasons).

\_\_\_\_\_

\_\_\_\_\_

**THE COURT ORDERS:**

1. **MARRIAGE IS DISSOLVED:** The marriage of the parties is dissolved and the parties are restored to the legal status of single persons.

2. **NAMES:**

Wife's name is restored to \_\_\_\_\_. (Put only the last name here.)

Husband's name is restored to \_\_\_\_\_. (Put only the last name here.)

3. **ENFORCEMENT OF TEMPORARY ORDERS:**

All obligations ordered to be paid by the parties in Temporary Orders dated (fill in dates of ALL temporary orders here) \_\_\_\_\_

\_\_\_\_\_ are satisfied in full. **OR**

Judgment is awarded against the party with the obligation up to the amount due and owing as of the date of this Decree, with the highest legal interest allowed by law, for the total amount of \$ \_\_\_\_\_.

4. **CHILD CUSTODY, PARENTING TIME, AND CHILD SUPPORT:**

a. **PREGNANCY** **(Complete this section only if Wife is pregnant; otherwise go to section 4(b)):**

A child who is common to the parties is expected to be born this date: \_\_\_\_\_

All orders below as to custody, parenting time, support, and medical insurance/expenses include this child and all other children named below. **OR**

The orders below as to custody, parenting time, support, and medical insurance/expenses do not include this child; the court reserves jurisdiction to address these issues regarding this child when the child is born.

b. **CHILDREN:** This Decree includes all minor children common to the parties as follows:

NAME(S) OF CHILD(REN)	Date of Birth	<u>Last four digits of</u> Social Security Number(s)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

c. **CHILD CUSTODY:** (Select one.)

- (1)  **SOLE CUSTODY:** Sole custody of the minor child(ren) is awarded to:  
 Petitioner, **OR**  Respondent, subject to parenting time as follows:  
 Parenting Time to the parent not having custody, according to the terms of the Parenting Plan attached as Exhibit B and made a part of this Decree. **OR**,  
 Supervised parenting time to  Petitioner **OR**  Respondent according to the terms of the Parenting Plan attached as Exhibit B. Parenting Time may only take place in the presence of another person, named below or otherwise approved by the court.  
Name of supervisor: \_\_\_\_\_  
Restrictions on parenting time: \_\_\_\_\_

The cost of supervised visitation will be paid by

- Petitioner  
 Respondent  
 Shared equally by the parties. **OR**  
 No parenting time rights to  Petitioner **OR**  Respondent. **OR**,
- (2)  **JOINT CUSTODY:** Petitioner and Respondent agree to act as joint custodians of the child(ren), as set forth in the Joint Custody Agreement/Parenting Plan by the parties, signed by both parties and attached to this Decree as "Exhibit B." The court adopts the terms of the Joint Custody Agreement/Parenting Plan describing the custody and parenting time agreement between the parties. By attaching the Joint Custody Agreement/Parenting Plan to the Decree, the Agreement becomes part of the Decree and carries the same legal weight as the Decree.

d. **CHILD SUPPORT:**  Petitioner, **OR**  Respondent shall pay child support to the other party in the amount of \$ \_\_\_\_\_ per month, beginning THE FIRST DAY OF THE MONTH following the date this Decree is signed by the judge until further order of the court. Child Support is based on the information in the Parent's Worksheet for Child Support Amount attached hereto and incorporated by reference. All child support payments shall be made by wage assignment (if applicable) through the Clerk of the Court/Clearinghouse, and must include the statutory fee by the Order of Assignment signed this date. Payments will be in equal installments made on the 1st and 15th of each month.

e. **MEDICAL AND DENTAL INSURANCE, PAYMENTS, AND EXPENSES:**

(1) **Insurance.**  Petitioner, **OR**  Respondent is ordered to provide medical and dental insurance for the minor child(ren). Medical and dental insurance, payments and expenses are based on the information in the Parent's Worksheet for Child Support Amount attached hereto and incorporated by reference. The party ordered to pay must keep the other party informed of the insurance company name, address and telephone number, and must give the other party the documents necessary to submit insurance claims.

(2) **Non-Covered Expenses.** Petitioner is ordered to pay \_\_\_\_\_ %, AND Respondent is ordered to pay \_\_\_\_\_ % of all reasonable uncovered and/or uninsured medical, dental, prescription, and other health care charges for the minor child(ren), including co-payments.



Each party shall give the other party all necessary documentation to file all tax returns.

7. **FINANCIAL INFORMATION EXCHANGES:** In cases in which child support or spousal maintenance are ordered, then until such time as those would end under the orders in this Consent Decree, the parties shall exchange financial information (tax returns, spousal affidavits, earning statements and/or other related financial statements) every 24 months.

8. **TAX EXEMPTION:** The parties shall claim as income tax dependency exemptions on federal and state tax returns as follows. A party required to pay child support is only entitled to claim (a) child(ren) as an income tax dependency exemption if that parent has paid all of the child support due and owing for the year that party is entitled to the exemption:

Parent entitled to claim	Name of child	Tax year
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____

9. **CHILDREN TO WHOM THIS DECREE DOES NOT APPLY:** It is ordered that  Petitioner, **OR**  Respondent has no legal obligation or right to the child(ren) born during the marriage but not common to the marriage. These children include: (Use additional paper if necessary)

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Child expected to be born this date: \_\_\_\_\_

10. **QUALIFIED DOMESTIC RELATIONS ORDER (QDRO).**

- A QDRO is not necessary;
- A QDRO is submitted herewith, **OR**
- A QDRO will be submitted to the court as soon as practicable or not later than \_\_\_\_\_.

The court shall retain jurisdiction over the subject matter of the QDRO.

11. **FINAL APPEALABLE ORDER.** Pursuant to Rule 89, Arizona Rules of Family Law Procedure, this final judgment/decree is settled, approved and signed by the court and shall be entered by the clerk.

12. **OTHER ORDERS.** (List any other orders.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judicial Officer

~~IMPORTANT. READ THIS NOTICE. Arizona law (A.R.S. § 25 503(I)) states that, with certain exceptions, an unpaid child support order that became a judgment by operation of law (this means that it became a judgment when it was due and unpaid) expires 3 years after the emancipation of the last remaining un-emancipated child who was included in the court order unless it is reduced to a formal written judgment by the court. The person who is owed child support must apply in writing to the court to obtain a formal written judgment.~~

~~APPROVED BY:~~

By signing this document and subscribing and swearing to same (or affirming to same) before a Notary Public, both parties affirm that the information is true and correct, including the following:

1. NON-COVENANT MARRIAGE. We do not have a covenant marriage.
2. RIGHT TO TRIAL IS WAIVED. I understand that by signing this Consent Decree, I am waiving my right to a trial before a judge.
3. NO DURESS OR COERCION. COMPLETE AGREEMENT. I am not under any force, threats, duress, coercion, or undue influence from anyone, including the other party, to sign this Consent Decree. This Decree with attachments, if any, that I have signed is our full agreement. I have not agreed to something different from what is stated in writing in the Decree.
4. LEGAL ADVICE. I understand that even if I am representing myself without an attorney, I have the right to be represented by an attorney. I have the right to call an attorney and get legal advice before I sign this Consent Decree.
5. IRRETRIEVABLY BROKEN MARRIAGE. I agree that our marriage is irretrievably broken. There is no reasonable prospect of reconciliation [or we desire to live separate and apart if this is a Legal Separation case].
6. DIVISION OF PROPERTY. The agreement about division of property and debts is fair and equitable.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner

State of Arizona )  
)ss.  
County of \_\_\_\_\_)

Sworn to or affirmed before me on:  
\_\_\_\_\_

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public or Clerk of the Superior Court

If you are filing a Consent Decree, the Respondent must sign:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent

Case No. \_\_\_\_\_

State of Arizona )  
 )ss.  
County of \_\_\_\_\_)

Sworn to or affirmed before me on:  
\_\_\_\_\_

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public or Clerk of the Superior Court

If either party is represented by an attorney, the attorney must sign:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner's Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent's Attorney

If the Attorney General is involved in this case, the Attorney General must approve the child support amount by signing below:

\_\_\_\_\_  
Date Attorney General

**EXHIBIT A: PROPERTY AND DEBTS**

**Use this Exhibit "A" to list the specific property and debts awarded to each party.**

1a. DIVISION OF COMMUNITY PROPERTY:

The following community property is awarded to each party as follows:

1b. LIST OF COMMUNITY PROPERTY. (Be specific)

AWARDED TO:

Petitioner                      Respondent

Household furniture/furnishings

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Appliances

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

VCR/DVD

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

TV

\_\_\_\_\_  
 \_\_\_\_\_

Personal Computer

Stereo

State Income Tax

Federal Income Tax

Motor vehicle \_\_\_\_\_

Motor vehicle \_\_\_\_\_

Motor vehicle \_\_\_\_\_

Cash, bonds of \$ \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Award each party the personal property in his or her possession.

Continued on reverse side or see attached list.

1c. DIVISION OF RETIREMENT, PENSION, DEFERRED COMPENSATION WARNING. You should see an attorney about your retirement, pension, deferred compensation, § 401k plans and/or benefits. If you do not see an attorney regarding these assets, you risk losing any interest you have in these plans and/or benefits. There are certain documents the plan administrator must have. Only an attorney can help you prepare these documents.

Each party is awarded his or her interest in any retirement benefits, pension plans, or other deferred compensation described as:

Petitioner's: \_\_\_\_\_

Respondent's: \_\_\_\_\_

OR

The Plan Administrator and the parties have approved the Qualified Domestic Relations Order (QDRO) attached as Exhibit(s) \_\_\_\_\_. Do not check this box without first seeking the help of an attorney.

OR

Each party WAIVES AND GIVES UP his or her interest in any retirement benefits, pension plan, or other deferred compensation of the other party:

Signature of Petitioner: \_\_\_\_\_

Signature of Respondent: \_\_\_\_\_

OR

Neither party has a retirement, pension, deferred compensation, § 401K Plan and/or benefits.

OR

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

1d. DIVISION OF REAL PROPERTY. Section A is for one piece of property. Section B is for another piece of property. If you own more than 2 pieces of property, check the box below and attach another sheet of paper with the information requested in A and B.

More than 2 pieces of property are involved. See attached sheet listing the same information as in A and B.

A. Real property located at (address) \_\_\_\_\_ which is legally described as: (You must provide the legal description. The legal description can be found on the deed to the property. If you do not provide the legal description, you may have to come back to court to amend the Decree to include the legal description.)

LEGAL DESCRIPTION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

The real property as described above is:

Awarded to  Petitioner  Respondent as his or her sole and separate property.

OR

Shall be sold and the proceeds divided as follows:

\_\_\_\_\_ % or \$ \_\_\_\_\_ to Petitioner.

\_\_\_\_\_ % or \$ \_\_\_\_\_ to Respondent.

This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfer of titles ordered in this Decree, such as motor vehicles, houses, and financial institution accounts.

\_\_\_\_\_ is appointed real estate commissioner to sell this real property.

B. Real property at (address ) \_\_\_\_\_ which is legally described as: (You must provide the legal description. The legal description can be found on the deed to the property. If you do not provide the legal description, you may have to come back to court to amend the Decree to include the legal description.)

LEGAL DESCRIPTION: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The real property as described above is:

Awarded to  Petitioner  Respondent as his or her sole and separate property.

OR

Shall be sold and the proceeds divided as follows:

\_\_\_\_\_ % or \$ \_\_\_\_\_ to Petitioner.

\_\_\_\_\_ % or \$ \_\_\_\_\_ to Respondent.

This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfer of titles ordered in this Decree, such as motor vehicles, houses, and financial institution accounts.

\_\_\_\_\_ is appointed real estate commissioner to sell this real property.

1e. DIVISION OF COMMUNITY DEBTS.  The following community debts shall be divided as follows:

Creditor	Amount To Be Paid By Wife	Amount To Be Paid By Husband	Total Amount
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$

Continued on reverse side or attached list.

[ ] Any debts or obligations incurred by either party before the Respondent was served with the Petition for Dissolution that are not identified in the list above or attached shall be paid by the party who incurred the debt or obligation and that party shall indemnify and hold the other party harmless from such debts.

2a. SEPARATE PROPERTY. The following separate property is awarded as follows: (Be specific)

Description of Property. (Be specific)	Confirm to Petitioner	Confirm to Respondent

2b. SEPARATE DEBT. The parties are each ordered to pay his or her separate debt as follows:

Creditor	Amount To Be Paid By Wife	Amount To Be Paid By Husband	Total Amount
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$

~~By signing this Exhibit and subscribing and swearing to same (or affirming to same) before a Notary Public, both parties affirm that the information is true and correct, including the following:~~

- ~~1. NON COVENANT MARRIAGE. We do not have a covenant marriage.~~
- ~~2. RIGHT TO TRIAL IS WAIVED. I understand that by signing this Consent Decree, I am waiving my right to a trial before a judge.~~
- ~~3. NO DURESS OR COERCION. COMPLETE AGREEMENT. I am not under any force, threats, duress, coercion, or undue influence from anyone, including the other party, to sign this Consent Decree. This Decree with attachments, if any, that I have signed is our full agreement. I have not agreed to something different from what is stated in writing in the Decree.~~
- ~~4. LEGAL ADVICE. I understand that even if I am representing myself without an attorney, I have the right to be represented by an attorney. I have the right to call an attorney and get legal advice before I sign this Consent Decree.~~
- ~~5. IRRETRIEVABLY BROKEN MARRIAGE. I agree that our marriage is irretrievably broken. There is no reasonable prospect of reconciliation [or we desire to live separate and apart if this is a Legal Separation case].~~

~~6. DIVISION OF PROPERTY. The agreement about division of property and debts is fair and equitable.~~

SIGNATURES

SIGNATURE BY PETITIONER: Everything stated by me in this document is true and correct to the best of my knowledge, information and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner

State of Arizona )  
 )ss.  
County of \_\_\_\_\_ )

Sworn to or affirmed before me on:  
\_\_\_\_\_

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public or Clerk of the Superior Court

SIGNATURE BY RESPONDENT: Everything stated by me in this document Stipulation is true and correct to the best of my knowledge, information and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent

State of Arizona )  
 )ss.  
County of \_\_\_\_\_ )

Sworn to or affirmed before me on:  
\_\_\_\_\_

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public or Clerk of the Superior Court

If either party is represented by an attorney, the attorney must sign:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved by Petitioner's Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved by Respondent's Attorney

~~If the Attorney General is involved in this case, the Attorney General must approve the child support amount only and sign below:~~

\_\_\_\_\_  
Date

\_\_\_\_\_  
Child Support Amount Approved by Attorney General

FORM 9: PARENTING COORDINATOR'S REPORT AND RECOMMENDATIONS

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Daytime Phone Number: \_\_\_\_\_  
State Bar Number (if applicable): \_\_\_\_\_

ARIZONA SUPERIOR COURT, COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
Petitioner

Case No. \_\_\_\_\_

\_\_\_\_\_  
Respondent

PARENTING COORDINATOR'S REPORT  
AND RECOMMENDATIONS

ISSUE(S):

POSITION(S) OF THE PARTIES:

OTHER INFORMATION CONSIDERED:

AGREEMENTS OF THE PARTIES:

FINDINGS:

RECOMMENDATIONS:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parenting Coordinator

ORIGINAL and a copy of the foregoing mailed/delivered/transmitted on: \_\_\_\_\_ (date), to:

The Honorable \_\_\_\_\_ (the assigned judicial officer) filed with the Clerk of the Superior Court;

COPIES of the foregoing mailed/delivered/transmitted on: \_\_\_\_\_ (date), to: \_\_\_\_\_

Petitioner/Attorney for Petitioner/Respondent/Attorney for Respondent

The Honorable \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Attorney for Petitioner

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FORM 9: PARENTING COORDINATOR'S REPORT AND RECOMMENDATIONS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

~~Attorney for Respondent~~

By: \_\_\_\_\_

FORM 10: ORDER REGARDING PARENTING COORDINATOR'S REPORT AND RECOMMENDATIONS

ARIZONA SUPERIOR COURT, COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
Petitioner

Case No. \_\_\_\_\_

\_\_\_\_\_  
Respondent

ORDER REGARDING PARENTING  
COORDINATOR'S REPORT AND  
RECOMMENDATIONS

Based on the Report and Recommendations of the Parenting Coordinator dated \_\_\_\_\_,  
and good cause appearing,

Objection filed by \_\_\_\_\_

Objection not filed.

IT IS ORDERED:

The recommendations of the Parenting Coordinator are approved and adopted as an order of the court.

The recommendations of the Parenting Coordinator are modified as follows or as set forth in a separate order.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The recommendations of the Parenting Coordinator are rejected and the current court order is affirmed, subject to either party requesting a hearing.

A hearing is set on \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m. for \_\_\_\_\_ minutes regarding the recommendations of the Parenting Coordinator, before \_\_\_\_\_.

IT IS FURTHER ORDERED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judicial Officer

**PARENT INFORMATION REGARDING THE USE OF  
PARENTING COORDINATORS**

Using a Parenting Coordinator to help make recommendations to the court about your children can be a useful alternative to repeatedly going to court.

A Parenting Coordinator is a professional appointed by the court to assist parents in resolving disputes about parenting their children and to make recommendations to the court for orders if the parents are unable reach a resolution.

Parents may want to hire a Parenting Coordinator when other avenues of problem resolution have not resulted in an ability to make recommendations to the court about their children and there are continued disagreements about such issues as schedules, overnight parenting time, choice of schools, extracurricular activities, exchanging the children, holiday scheduling, the handling of the children's behavior, religious training, health issues, and problematic behaviors on the part of one or both parents. Many times, the family has already participated in a custody/access evaluation.

Parents may agree to use a Parenting Coordinator and agree to a specific person or the Court may appoint a Parenting Coordinator and appoint a specific person to be Parenting Coordinator of the Court's own choosing.

The amount of time required with the Parenting Coordinator or the number of meetings with the Parenting Coordinator will be determined by the conduct of the parties. The Parenting Coordinator will determine the actual number of meetings that are necessary for any specific issue/issues.

When a dispute is presented to the Parenting Coordinator, the coordinator may try to assist parents in reaching a resolution. The Parenting Coordinator might want to get other information such as the children's opinion, information from doctors, therapists, schools or other caretakers. If the parties cannot come to an agreement, the Parenting Coordinator then makes a recommendation to the court for an order.

If one parent is opposed to the recommendation, he or she can file an objection within 10 days and the court can review the recommendations. The Court may accept, modify or reject the recommendations of the Parenting Coordinator. The Court may also set the matter for hearing. In a time-sensitive situation, a recommendation of the Parenting Coordinator may be effective immediately pending approval by the court and without prejudice to the parties.

Hiring a Parenting Coordinator is a serious matter. A parenting coordinator is especially helpful for families who continue to have disagreements. Parenting Coordinators are also useful for families where parents have concerns about drugs, alcohol, abuse or the stability of the other parent. A Parenting Coordinator may be appointed for a specific term. If the Parenting Coordinator feels that he or she cannot be helpful to the family, the Parenting Coordinator can resign. If one parent is unhappy with the Parenting Coordinator, that parent cannot alone discharge the Parenting Coordinator. If the Parenting Coordinator acts in a manner that seems unprofessional, the parent should first talk with the Parenting Coordinator about that parent's concerns. If the parent is still unsatisfied, that parent should submit a written statement of that parent's concern to the two attorneys (if represented), the Parenting

Coordinator, the child's attorney (if there is one) and to the other parent. A conference may be set to resolve the concerns. If the concern is still not resolved after that meeting, the parent can ask the court to have the Parenting Coordinator removed. The judge will then review the complaint and make a decision. If the Coordinator is removed, a new Parenting Coordinator may be appointed.

The Parenting Coordinator's goals are somewhat different than those of a judge. A judge's job is to make orders that are based on the law, including the best interests of the children. A Parenting Coordinator's job is to assist parents in making parenting decisions in the best interests of the children and in accordance with the parenting plan, as set forth in their decree or the current court order. Whenever possible, a major goal is to help families develop their skills so they do not need a Parenting Coordinator. If this can be accomplished, the power to make decisions about their children is back in the hands of the parents.

The parents pay the fees for the services of a Parenting Coordinator as ordered by the court. Many Parenting Coordinators request a retainer before they begin their work with a family. Before a Parenting Coordinator is appointed, the judge will decide what portion of the fee each parent will pay.

Using a Parenting Coordinator will usually reduce the need to go to court, and, therefore, should be cost effective. In addition, the family will usually be seen sooner by the Parenting Coordinator than the Court, resulting in quicker decisions.

FORM 12: INVENTORY OF PROPERTY AND DEBTS

Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City, State, Zip Code: \_\_\_\_\_  
 Daytime Phone Number: \_\_\_\_\_  
 Evening Phone Number: \_\_\_\_\_  
 Representing:  Self  Petitioner  Respondent  
 State Bar Number: \_\_\_\_\_

ARIZONA SUPERIOR COURT, COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
 Petitioner/~~Plaintiff~~

Case No. \_\_\_\_\_

ATLAS No. \_\_\_\_\_

\_\_\_\_\_  
 Respondent/~~Defendant~~

INVENTORY OF PROPERTY AND DEBTS  
 HUSBAND  
 WIFE

I. PROPERTY

List all property acquired during your marriage in which you or your spouse claims to have a community interest. If there is a dispute as to whether there is a community interest or obligation, indicate ~~in~~ under "Contested ~~Column~~ Position." Value of the property is ~~the~~ its current fair market value. ~~M~~ minus any ~~liens~~ encumbrances. ~~If you need Use additional room, add a separate sheet of paper if necessary.~~

Description	Date Acquired	Value	Contested Position	Proposed allocation [H or W]
<b>A. <del>Cash and Financial i</del> <u>Institution Accounts:</u> <del>Cash and deposit accounts:</del> <u>S</u> savings, <u>C</u> checking, <del>Credit Union,</del> <u>M</u> money <u>M</u> market, etc. Include financial institution's name, branch and account number.</b>				
1.				
2.				
3.				
4.				
5.				
<b>B. <u>Investments:</u> <u>S</u> stocks, <u>B</u> bonds, <u>N</u> notes, <u>C</u> certificates of <u>D</u> deposit, <u>M</u> mortgages, <u>D</u> deeds of <u>T</u> trust, etc.</b>				
6.				
7.				
8.				

Description	Date Acquired	Value	Contested Position	Proposed allocation [H or W]
<b>C. Life Insurance:</b> <u>C</u> company name, owner, policy number, insured, <del>face amount and</del> beneficiary, <del>death benefits and cash surrender value (if any)</del>				
9.				
10.				
11.				
12.				
13.				
<b>D. Retirement Plans:</b> <u>P</u> pension, profit-sharing, 401(k), <del>D</del> deferred <u>C</u> compensation				
14.				
15.				
16.				
17.				
18.				
19.				
<b>E. Real Property:</b>				
20.				
21.				
22.				
23.				
<b>F. Business Interests:</b> <u>C</u> corporations, <u>P</u> partnerships, <u>L</u> limited <u>L</u> liability <u>C</u> corporations, <u>J</u> joint <u>V</u> ventures, <u>P</u> proprietorships				
24.				
25.				
26.				
27.				
<b>G. Vehicles:</b> <u>C</u> cars, <u>M</u> motorcycles, <u>M</u> motor <u>H</u> homes, <u>B</u> boats, <u>T</u> trailers, etc.				
28.				
29.				
30.				

Description	Date Acquired	Value	Contested Position	Proposed allocation [H or W]
31.				
32.				
33.				
<b>H. Personal Property over \$100 in Value: H</b> household goods, personal effects, antiques, objects of intrinsic value				
34.				
35.				
36.				
37.				
38.				
39.				
40.				
41.				
42.				
43.				
44.				
45.				
46.				
47.				
48.				
49.				
50.				
51.				
52.				
53.				
54.				

Description	Date Acquired	Value	Contested Position	Proposed allocation [H or W]
55.				
56.				
57.				
58.				
59.				
60.				
61.				
<b>I. Miscellaneous Assets:</b>				
62.				
63.				
64.				
65.				
66.				
67.				
68.				
69.				
70.				
71.				

## II. DEBTS

List all debts and installment payments you currently owe. **Follow the format below.**  
Use additional paper if necessary.

Creditor Name	Purpose of Debt	Unpaid Balance	Min. Monthly Payment	Date of last Payment	Contested Position	Proposed Allocation [H or W]
1.						
2.						

Case No. \_\_\_\_\_

3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						
16.						
17.						
18.						
19.						
20.						

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of ~~Party or Attorney~~  
 Husband  Wife  
 Attorney for  Husband  Wife

FORM 13: ORDER TO APPEAR; PRE-JUDGMENT/DECREE

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Daytime Phone Number: \_\_\_\_\_  
Evening Phone Number: \_\_\_\_\_  
Representing: [ ] Self [ ] Petitioner [ ] Respondent  
State Bar Number: \_\_\_\_\_

ARIZONA SUPERIOR COURT, COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
Petitioner/~~Plaintiff~~

Case No. \_\_\_\_\_

ATLAS No. \_\_\_\_\_

\_\_\_\_\_  
Respondent/~~Defendant~~

ORDER TO APPEAR  
PRE-JUDGMENT/DECREE  
(INCLUDING TEMPORARY ORDERS)

**READ THIS ORDER CAREFULLY. ME:** This is an important **C**ourt **O**rder that affects your rights. ~~Read this Order carefully.~~ If you do not understand this Order, contact a lawyer for help.

All parties, whether represented by attorneys or not, must be present. If there is a failure to appear, the court may make such orders as are just, including granting the relief requested by the party who does appear.

**FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A CIVIL ARREST WARRANT, OR WHERE APPLICABLE, A CHILD SUPPORT ARREST WARRANT, FOR YOUR ARREST. IF YOU ARE ARRESTED, YOU MAY BE HELD IN JAIL FOR NO MORE THAN 24 HOURS BEFORE A HEARING IS HELD.**

Based on documents filed and pursuant to Arizona Law,

IT IS ORDERED THAT YOU \_\_\_\_\_ appear at the time and place stated below so the court can determine whether the relief asked for in the Petition or Motion should be granted.

INFORMATION ABOUT COURT HEARING TO BE HELD:

NAME OF JUDICIAL OFFICER: \_\_\_\_\_

DATE AND TIME OF HEARING: \_\_\_\_\_

PLACE OF HEARING: \_\_\_\_\_

TYPE OF HEARING: [ ] Resolution Management Conference  
[ ] Evidentiary Hearing  
[ ] Other (specify): \_\_\_\_\_

TIME ALLOTTED FOR HEARING: \_\_\_\_\_

EVIDENCE [ ] WILL or [ ] WILL NOT be presented at the hearing.

IT IS FURTHER ORDERED that a true copy of this “Order to Appear - Temporary Orders” and a true copy of the documents filed with the Petition shall be served by the moving party on the parties who are required to appear and a true copy of these documents shall be mailed immediately to parties who have appeared in this action, in accordance with Arizona Rules of Family Law Procedure, Rule 43.

IT IS FURTHER ORDERED that the parties and counsel shall meet and confer, comply with the disclosure requirements of Rule 49, and submit a written Resolution Statement that substantially complies with as prescribed by Rule 98 Form 4 or 5 as applicable, not less than five days prior to the date set for the Resolution Management Conference or evidentiary hearing. At least three 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.

Requests for reasonable accommodation for persons with disabilities must be made to the office of the ~~Judge or Commissioner~~ assigned judicial officer ~~scheduled to hear this case~~ five days before your scheduled court date.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judicial Officer

FORM 14: ORDER TO APPEAR POST JUDGMENT/DECREE

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Daytime Phone Number: \_\_\_\_\_  
Evening Phone Number: \_\_\_\_\_  
Representing: [ ] Self [ ] Petitioner [ ] Respondent  
State Bar Number: \_\_\_\_\_

ARIZONA SUPERIOR COURT, COUNTY OF \_\_\_\_\_

\_\_\_\_\_ Case No. \_\_\_\_\_  
Petitioner/~~Plaintiff~~

ATLAS No. \_\_\_\_\_

\_\_\_\_\_ ORDER TO APPEAR  
Respondent/~~Defendant~~ POST JUDGMENT/DECREE

**READ THIS NOTICE ORDER CAREFULLY.:** This is an important **C**ourt **O**rder that affects your rights. ~~Read this Order carefully.~~ If you do not understand this Order, contact a lawyer for help.

All parties, whether represented by attorneys or not, must be present. If there is a failure to appear, the court may make such orders as are just, including granting the relief requested by the party who does appear.

**FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A CIVIL ARREST WARRANT, OR WHERE APPLICABLE, A CHILD SUPPORT ARREST WARRANT, FOR YOUR ARREST. IF YOU ARE ARRESTED, YOU MAY BE HELD IN JAIL FOR NO MORE THAN 24 HOURS BEFORE A HEARING IS HELD.**

Based on documents filed and pursuant to Arizona Law,

IT IS ORDERED THAT YOU \_\_\_\_\_ appear at the time and place stated below so the court can determine whether the relief asked for in the Petition should be granted.

INFORMATION ABOUT COURT HEARING TO BE HELD:

NAME OF JUDICIAL OFFICER: \_\_\_\_\_

DATE AND TIME OF HEARING: \_\_\_\_\_

PLACE OF HEARING: \_\_\_\_\_

TYPE OF HEARING: [ ] return hearing [ ] evidentiary hearing  
[ ] oral argument [ ] post-decree or post-judgment conference  
~~[ ] mediation~~  
[ ] other (specify): \_\_\_\_\_

TIME ALLOTTED FOR HEARING: \_\_\_\_\_

EVIDENCE [ ] WILL or [ ] WILL NOT be presented at the hearing.

IT IS FURTHER ORDERED that a true copy of this “Order to Appear – Post Judgment/Decree” and a true copy of the documents filed with the Petition shall be served by the moving party on the parties who are required to appear and a true copy of these documents shall be mailed immediately to parties who have appeared in this action, in accordance with Rules 40, 41, 42 and or 43, as applicable Arizona Rules of Family Law Procedure, Rules 40, 41, 42 and 43.

IT IS FURTHER ORDERED that the parties and counsel file and exchange all documents and disclosure as prescribed required by Rule 921, within the time specified therein. Failure to comply may result in the imposition of sanctions as set forth in Rule 912(M-Q).

Requests for reasonable accommodation for persons with disabilities must be made to the office of the Judge or Commissioner assigned judicial officer scheduled to hear this case five days before your scheduled court date.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judicial Officer

FORM 15: REQUEST AND ORDER FOR PROTECTED ADDRESS

Name: \_\_\_\_\_  
[ ] Petitioner [ ] Respondent

ADDRESS PROTECTED

ARIZONA SUPERIOR COURT, COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
Petitioner/~~Plaintiff~~

Case No. \_\_\_\_\_

ATLAS No. \_\_\_\_\_

\_\_\_\_\_  
Respondent/~~Defendant~~

REQUEST FOR PROTECTED ADDRESS

~~I request the court to order that my address be protected from public disclosure, including disclosure to the opposing party(ies) in this case.~~

I reasonably believe that physical or emotional harm may result to me or my minor child(ren) if ~~the~~ my address is not protected from disclosure, and I request that the court order that my address be protected from public disclosure, for the following reasons:

[ ] I have a valid Order of Protection ~~in place~~ against a party in this case issued by the following court (a copy is attached if available): \_\_\_\_\_

~~[ ] I have a valid Order of Protection against a party in this case issued by this court:~~ \_\_\_\_\_

~~[ ] I have a valid Order of Protection against a person not involved in this case issued by the following court (a copy is attached if available):~~ \_\_\_\_\_

~~OR~~

[ ] I do not have a valid Order of Protection, but want my address protected for the following reasons: Other reasons briefly described below: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

My address is currently unknown to the other party. I have listed my address on a separate sheet of paper for court use.

I understand that I have a continuing duty to provide the clerk of the court with a current and correct mailing address where I can be served with process until one of the following events stated in Rule 7(D), Arizona Rules of Family Law Procedure, occurs.

FORM 15: REQUEST AND ORDER FOR PROTECTED ADDRESS

\_\_\_\_\_  
Date

\_\_\_\_\_  
Requester's Signature

PERSON WHOSE ADDRESS IS PROTECTED:

\_\_\_\_\_  
 Petitioner  Respondent

Case No. \_\_\_\_\_

**ADDRESS TO BE PROTECTED:**

Street: \_\_\_\_\_

City: \_\_\_\_\_

State, Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

FORM 15: REQUEST AND ORDER FOR PROTECTED ADDRESS

ARIZONA SUPERIOR COURT, COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
Petitioner/~~Plaintiff~~

Case No. \_\_\_\_\_

ATLAS No. \_\_\_\_\_

\_\_\_\_\_  
Respondent/~~Defendant~~

ORDER FOR PROTECTED ADDRESS

Upon Request of [ ] Petitioner [ ] Respondent, and good cause appearing,

IT IS ORDERED that:

The address of [ ] Petitioner [ ] Respondent shall be protected from public disclosure until further order of this court.

The Clerk of the Court shall protect the address of [ ] Petitioner [ ] Respondent from public disclosure until further order of this court.

The Clerk and the parties hereto shall comply with the requirements of Rule 7, ~~A.R.C.P.~~ Arizona Rules of Family Law Procedure, as follows:

~~[Alternative language (quoting Rule 7):~~ Any person required under these rules to serve a response or other document upon a person whose address is ordered protected from disclosure under this rule may serve the same by delivering true and correct copies of the documents to be served, together with the proper fee established by administrative order to cover the cost of service, to the clerk of the court. The clerk shall promptly mail the documents by regular first-class mail to the most recent protected address provided to the clerk, and service shall be deemed complete upon mailing. The clerk shall promptly file a written statement verifying the documents that were mailed and the date of mailing to the protected address signed by the clerk or deputy clerk who mailed the documents. All documents mailed to a protected address shall bear the clerk's return address, and a notation of any process returned as undelivered shall be made in the court file.~~]~~

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judicial Officer