



Supreme Court

STATE OF ARIZONA

402 ARIZONA STATE COURTS BUILDING
1501 WEST WASHINGTON STREET
PHOENIX, ARIZONA 85007-3231
TELEPHONE: (602) 542-9396

NOËL K. DESSAINT
CLERK OF THE COURT

KATHLEEN E. KEMPLEY
CHIEF DEPUTY CLERK

September 18, 2006

RE: RULES 7 & 27, GILA CO SUPERIOR CT LOCAL RULES etc.
Arizona Supreme Court No. R-06-0006

GREETINGS:

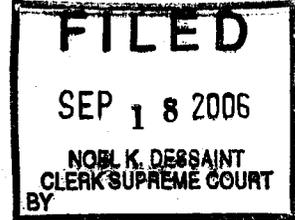
The following action was taken by the Supreme Court of the State of Arizona on September 11, 2006, in regard to the above-referenced cause:

ORDERED: Letter [Petition to Amend Rules 7 and 27 and Add Rules 33 and 34, Local Rules of Practice, Gila County Superior Court] = APPROVED, effective as of the date of signing.

Noel K Dessaint, Clerk

TO:

Hon Robert Duber II, Presiding Judge, Gila County Superior Court
cf



**IN THE SUPERIOR COURT
OF THE STATE OF ARIZONA
GILA COUNTY**
R-06-0006

**ORDER AMENDING RULES 7 AND 27
AND ADDING RULES 33 AND 34
TO THE LOCAL RULES OF PRACTICE
GILA COUNTY SUPERIOR COURT**

IT IS ORDERED that Rules 7 and 27 of the Local Rules of Practice for the Gila County Superior Court be amended as shown in the attachment hereto.*

FURTHER ORDERED adding Rules 33 and 34 to the Local Rules of Practice for the Gila County Superior Court as shown in the attachment hereto.*

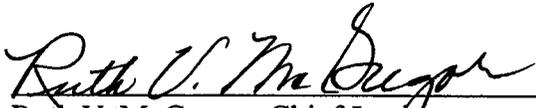
The modifications to the Local Rules of Practice for the Gila County Superior Court are effective June 1, 2006.

DATED in the City of Globe, Arizona, this 2nd day of May, 2006.



Robert Duber, II, Presiding Judge
Gila County Superior Court

APPROVED this 18th day of September 2006.



Ruth V. McGregor, Chief Justice
Arizona Supreme Court

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

LOCAL RULES OF PRACTICE GILA COUNTY SUPERIOR COURT

Rule 7. Filing Requirements

A. Upon filing a civil, PROBATE, JUVENILE ~~domestic relations~~, or dependency action, the plaintiff or petitioning party shall file a completed face sheet on a form approved by the Presiding Judge and provided by the Clerk of the Court.

B. UPON THE FIRST APPEARANCE OF ANY PARTY IN A FAMILY LAW PROCEEDING, THE PARTY SHALL FILE A FAMILY LAW COVER SHEET ON A FORM APPROVED BY THE PRESIDING JUDGE AND PROVIDED BY THE CLERK OF THE COURT.

C. All pleadings after the original complaint ~~and all motions or other papers~~ filed with the Clerk of the Court shall identify the assigned judge.

* * * *

Rule 27. Court Reporters

A. Scope. This rule applies to all court reporters' notes taken in trials or proceedings in any division of this court or before any commissioner or judge pro tempore. "REPORTER'S NOTES" MEAN PAPER NOTES, ELECTRONIC RECORDS OF PROCEEDINGS ON HARD DRIVE, FLOPPY DISC OR OTHER ELECTRONIC MEDIUM. "Reporter's notes" does not include tape recordings of the proceedings utilized by a reporter for his or her own personal verification of the accuracy of the official notes; ; NOR ELECTRONIC FILES PREPARED AS WORK PRODUCT FOR USE BY COURT STAFF IN PREPARATION OF SUCH THINGS AS MINUTE ENTRIES.

B. Responsibility of Reporters

(1) It is the responsibility of any reporter employed in any capacity by this court to be aware of and comply with all LAWS, RULES OF COURT AND THE provisions of this rule. All court reporters, including per diem or contract reporters, shall keep the Court Administrator's office and the Clerk's ~~office~~ OF THIS COURT advised of their current address and telephone number.

~~(1) (2) Official Reporters:~~ All official reporters of this court shall be responsible for the safekeeping of their notes and the notes of their deputies until the notes have been delivered and accepted for storage by the Clerk of this court pursuant to this rule.

~~(2) (3) Per Diem Reporters:~~ All court reporters employed by the court on a per diem or other contract basis shall retain physical possession of their notes while also ensuring their accessibility by the court. The notes shall be presented to the Clerk OF THIS COURT for storage ~~when the notes for a given case category completely fill a prescribed storage container or upon the reporter's permanently leaving the state of Arizona OR CEASING TO MAINTAIN A PRACTICE AS A CERTIFIED COURT REPORTER. The notes shall be presented to the Clerk in the manner prescribed in subsection B(3) of this rule.~~

~~(3) (4) Delivery of Notes to Clerk:~~ Not less than once each year all reporters shall store with the Clerk OF THIS COURT all notes which are more than two years old. ~~All court reporters who store their notes with the clerk as required by this rule shall place the PAPER notes SHALL BE STORED in a carton prescribed by the Clerk OF THIS COURT and approved and furnished by the Court Administrator. All reporters shall store civil,~~

~~juvenile, habeas corpus and criminal proceeding notes in containers separate and apart from each other and~~ THE REPORTER shall identify the carton and its contents on a label PRESCRIBED BY THE CLERK OF THIS COURT AND affixed to the front of the storage container. ~~The label shall be prescribed by the Clerk and approved and furnished by the court administrator.~~ ELECTRONIC NOTES SHALL BE PROVIDED IN A FORMAT APPROVED BY THE CLERK OF THIS COURT IN CONJUNCTION WITH THE MANAGEMENT INFORMATION SYSTEMS DIRECTOR AND PRESERVED BY THE CLERK SO AS TO BE ACCESSIBLE BEFORE DESTRUCTION IS PERMITTED UNDER THE SUPREME COURT'S RECORDS RETENTION SCHEDULE. All notes presented to the Clerk shall be accompanied by a receipt prescribed and provided by the Clerk. ~~All notes shall be stored under the name of the reporter taking the notes.~~

~~(4)~~ (5) ~~Termination of Employment.~~ On UPON termination of employment of any court reporter, the reporter shall immediately deliver that reporter's notes that are six months or older as of the date of termination to be stored with the Clerk OF THIS COURT and shall at all times keep ~~the records management center administrator in the office of the~~ Clerk advised of a current address and telephone number. The reporter may retain custody of any notes less than six months old as of the date of termination for a period not to exceed one year from the date of termination or until the reporter moves out of the state of Arizona, OR UNTIL THE REPORTER IS NO LONGER CERTIFIED, whichever occurs first, at which time the reporter shall deliver all remaining notes to the Clerk OF THIS COURT in the manner prescribed in ~~subsection B(3)~~ paragraph B(4).

~~(5)~~ (6) ~~Notice of Termination.~~ All official reporters who are employed at an annual salary and paid on a regular basis by the county, who intend to terminate their employment, shall give at least two weeks notice of such intention to the judge to whom they are assigned. That judge shall forthwith notify the Court Administrator to withhold any further pay to said reporter until receipt of certification of compliance with this rule.

~~(7) D. PREPARATION OF TRANSCRIPTS.~~ WHENEVER A TRANSCRIPT IS ORDERED TO BE PREPARED AND THERE IS NEITHER AN APPLICABLE RULE NOR A SPECIFICATION BY THE COURT IN ITS ORDER, THE TRANSCRIPT SHALL BE PREPARED WITHIN THIRTY (30) DAYS AFTER THE ORDER IS ENTERED.

(8) WHENEVER A TRANSCRIPT (OR PARTIAL TRANSCRIPT) OF PROCEEDINGS OF THE COURT IS PREPARED FOR ANY PERSON BY A CERTIFIED COURT REPORTER, THE ORIGINAL OF THE TRANSCRIPT IS TO BE FILED WITH THE CLERK OF THE COURT. TRANSCRIPTS REQUESTED BY A JUDGE FOR CONSIDERATION IN RENDERING DECISIONS ARE EXEMPT FROM THIS REQUIREMENT, UNLESS OTHERWISE DIRECTED BY THE JUDGE.

~~(9) E. DELIVERY OF CRIMINAL APPELLATE TRANSCRIPTS.~~ WHEN A TRANSCRIPT IS PREPARED FOR AN APPEAL OR FOR POST-CONVICTION RELIEF REVIEW, THE COURT REPORTER SHALL DISTRIBUTE THE DEFENDANT'S COPY TO THE DEFENDANT, OR THE DEFENDANT'S COUNSEL IF THERE IS ONE, DIRECTLY.

C. Responsibility of the Clerk.

(1) All court reporters' notes in the custody of the Clerk shall be stored in a secure location. The Clerk shall store, catalog and index each reporter's notes so that they may be readily obtained.

~~(1)(2) Reporters Access to Stored Notes.~~ A reporter or the reporter's designated representative may obtain access to the reporter's notes during normal working hours by notifying the Clerk OF THIS COURT and presenting adequate identification. A receipt shall be required for the removal of any PAPER notes and the notes shall be returned to the Clerk within NINETY (90) ~~90~~ days unless extended by order of the court.

~~(2)(3) Destruction of Notes.~~ All Reporters' notes of civil and probate proceedings except writs of habeas corpus in storage for more than 7 years shall MAY be destroyed by the Clerk ACCORDING TO THE SUPREME COURT'S RECORDS RETENTION SCHEDULE AND after giving THIRTY (30) ~~30~~ days written notice by certified or registered mail, directed to the reporter at the reporter's last known business address and place of residence. Prior to the date set for their destruction, the reporter may reclaim the notes IN LIEU OF THEIR DESTRUCTION. Notes of actions for writs of habeas corpus, juvenile actions and criminal proceedings shall be stored indefinitely unless otherwise ordered by the Presiding Judge or by rule of court.

~~D. Preparation of transcripts.~~ Whenever a transcript is ordered to be prepared and there is neither an applicable rule nor a specification by the court in its order, the transcript shall be prepared within 30 days after the order is entered.

~~E. Delivery of Criminal Appellate Transcript.~~ When a transcript is prepared for an appeal or for post-conviction relief review, the Court reporter shall distribute the defendant's copy to the defendant, or the defendant's counsel if there is one.

* * * *

RULE 33. PROTECTED ADDRESS PROCEDURE UNDER FAMILY LAW

WHENEVER A PERSON IS REQUIRED TO SERVE ANOTHER PARTY WHOSE ADDRESS IS ORDERED PROTECTED FROM DISCLOSURE UNDER THE ARIZONA RULES OF FAMILY LAW PROCEDURE, THE PERSON SHALL DELIVER TRUE AND CORRECT COPIES OF THE DOCUMENTS TO BE SERVED, TOGETHER WITH A FEE TO THE CLERK OF THE COURT TO COVER THE COST OF SERVICE. UNLESS CHANGED BY LATER ADMINISTRATIVE ORDER, THE FEE SHALL BE \$5 FOR EACH PARTY TO BE SERVED.

* * * *

RULE 34. "REASONABLE VISITATION" ABSENT SPECIFIC ORDER

A. IN ACCORDANCE WITH ARIZONA REVISED STATUTES, SECTION 22-121, UNTIL OTHERWISE SPECIFIED BY ORDER OF A JUDGE, THE TERM "REASONABLE VISITATION" AS USED IN A PROCEEDING IN WHICH CHILD CUSTODY IS AT ISSUE IN THIS COUNTY SHALL MEAN THAT PARENTING TIME DESIGNATED AS PLAN B FOR THE RELEVANT AGE RANGE IN THE "MODEL PARENTING TIME PLANS FOR PARENT/

CHILD ACCESS" AS APPROVED BY THE ARIZONA SUPREME COURT.

B. COPIES OF THE RELEVANT PLANS MAY BE OBTAINED FROM THE CLERK OF THE COURT OR LOCATED IN THE "MODEL PARENTING TIME PLANS FOR PARENT/CHILD ACCESS" WHICH CAN BE FOUND AT:

www.supreme.state.az.us/dr/pdf/Parenting_Time_Plan_Final.pdf

C. UNTIL OTHERWISE ORDERED, FOR PURPOSES OF COMPUTING CHILD SUPPORT, TIME WITH THE PAYING PARENT SHALL BE:

BIRTH TO 2 YEARS, 58-72 DAYS;

2 YEARS TO 13 YEARS, 88-115 DAYS;

14 YEARS TO 18 YEARS, 143-152 DAYS.