

RULES OF PROCEDURE FOR DOMESTIC RELATIONS CASES

by Annette T. Burns

A Committee of the Supreme Court of Arizona is hard at work drafting Rules of Procedure for Domestic Relations and Family Law Cases. The Committee was created by Administrative Order dated June 2, 2003 (A.O. 2003-63).

The formal mission statement of the Committee is that it will establish a comprehensive, statewide set of rules of procedure for domestic relations and family court cases, which are aimed at achieving fair, effective, uniform and timely resolution of family disputes, and which use non-adversarial, problem-solving means to the extent possible and appropriate.

In reality, the Committee's daunting task was to begin with the existing Rules of Civil Procedure and systematically organize, rewrite and adapt those Rules to fit family court cases. These Rules, when and if adopted by the Arizona Supreme Court, will supplant the Rules of Civil Procedure and will apply in all family court or domestic relations proceedings.

The Committee carefully reviewed the Arizona Rules of Civil Procedure and the local domestic relations rules for the twelve Arizona counties which have them. The Committee also reviewed and considered family court rules in several other states which have already adopted specialized Family Court Rules, including Delaware, Florida, Hawaii, Rhode Island, and Texas.

The proposed Arizona Rules of Family Law Procedure (ARFLP) are divided into broad categories similar to the Arizona Rules of Civil Procedure, including General Administration, Commencement of Action, Pleadings and Motions, Parties, Simplified Proceedings, Emergency and Temporary Orders, Disclosure and Discovery, Settlement and ADR, Pretrial and Trial Procedures, Judgments, Post-Judgment Proceedings, Family Court Services, and Sanctions and Contempt.

The Committee's ongoing work, and current drafts of proposed Rules changes are posted online at <http://www.supreme.state.az.us/drrc/>. Every section of the proposed Rules are available for download and review at the website. The website also contains a complete list of all Committee members, a full meeting schedule, and minutes and agendas for all Committee meetings. **COMMENTS TO THE PROPOSED RULES ARE WELCOMED AND ENCOURAGED**, and comments can be forwarded to any Committee member (see the list on the website), or to the Supreme Court staff liaison Konnie Neal at Kneal@supreme.sp.state.az.us.

The proposed Rules draft will be presented at numerous meetings and to numerous bodies in the coming months. Background presentations on the Rules have already been made to the Committee on Superior Courts; the Child Support and Domestic Relations Committees of the legislature; Conciliation Court Roundtable; Arizona Judicial Council; and Presiding Judges.

Programs are planned for both the Maricopa and Pima County Family Law Sections. Other upcoming presentations on the Rules will be made at the AFCC conference in Sedona in February, 2005 and the Judicial Education Conference in Phoenix in February.

While public hearings on the Rules will be held later in 2005, the Committee strongly requests that members of the Bar review the Rules drafts NOW, rather than waiting for the public hearing process.

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