

December 9, 2005
State Bar CLE Live Webcast



***Arizona Rules of Family Law
Procedure (ARFLP)***

**Committee on the Rules of
Procedure in Domestic Relations Cases**

The Honorable Mark W. Armstrong, Chair
Konnie Young Neal, Arizona Supreme Court Specialist

December 9, 2005
State Bar CLE Faculty

Honorable Mark Armstrong, Chair

Annette T. Burns, Esq.

Honorable Norm Davis

Bridget Humphrey, Esq.

Konnie Young Neal, Supreme Court Staff

DR Rules Committee Members

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Members:

Annette T. Burns, Esq. (Phoenix)

Honorable Norm Davis (Maricopa)

Annette Everlove, Esq. (Tucson)

Elaine Fridlund-Horne, Esq. (Flagstaff)

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Phil Knox, Esq. (Maricopa)

Janet Metcalf, Esq. (Yuma)

Supreme Court Staff:

Konnie Young Neal (AOC)

Honorable John N. Nelson (Yuma)

Honorable Dale Nielson (Navajo)

Richard Scholz, Esq. (Bullhead City)

Robert Schwartz, Esq. (Phoenix)

Debra Tanner, Esq. (AG's Office)

Honorable Nanette Warner (Pima)

Brian W. Yee, Ph.D. (Phoenix)

Establishment of the DR Rules Committee

- **Judge Armstrong's Recommendation**
- **Arizona Supreme Court Administrative Orders 2003-23, 2003-63 and 2004-81**
- **Membership**
 - **16 Members**
 - **Statewide Representation**
 - **Judges, Attorneys, and Court Personnel**
 - **Mental Health Professional**
- **Monthly Meetings**
- **Formation of Workgroups**

DR Rules Committee's Mission Statement

The mission of the Committee on Rules of Procedure in Domestic Relations Cases is to establish a comprehensive, statewide set of rules of procedure for domestic relations/ family law cases aimed at achieving fair, effective, uniform, and timely resolution of family disputes, using non-adversarial, problem-solving means to the extent possible and appropriate.

Timeline for Approval Process

- **February 25, 2005:** Committee on Superior Court (COSC) approved the *ARFLP* "in concept subject to comments regarding formatting and feedback."
- **March 30, 2005:** Arizona Judicial Council (AJC) approved the *ARFLP*.
- **April 22, 2005:** The Committee filed the Rules Petition for *ARFLP*, pursuant to Supreme Court Rule 28.
- **June 1, 2005:** The Court reviewed and determined to circulate the Petition to Adopt the *ARFLP* for public comment.
- **August 22, 2005:** Expiration date of the comment period
- **September 22, 2005:** The Court adopted the *Arizona Rules of Family Law Procedure* with recommended revisions.
- **October 19, 2005:** Chief Justice McGregor signed the Promulgating Order at the Arizona Judicial Council meeting.
- **January 1, 2006:** Effective date for *ARFLP*

Arizona Supreme Court Minutes

September 22, 2005

NEW ARIZONA RULES OF FAMILY LAW PROCEDURE et seq

- **ORDERED:** *Arizona Rules of Family Law Procedure* **ADOPTED** as modified, effective January 1, 2006.
- **FURTHER ORDERED:** For this rule matter, the Clerk may satisfy the Rule 28 requirement for distribution of the Court's Order and newly adopted rule by arranging to have them placed on the Supreme Court website.

*Arizona Supreme Court Minutes
September 22, 2005*

- **FURTHER ORDERED:** Proposed Rule 96 = CONTINUED. The Committee on the Rules of Procedure in Domestic Relations Cases and the Committee on the Impact of Domestic Violence and the Courts shall consider alternatives and, if deemed advisable, file a petition under Rule 28 proposing statewide domestic violence provisions.
- **FURTHER ORDERED:** Pursuant to Administrative Order 96-37, judges in Arizona shall continue to consult the Domestic Violence Benchbook for guidance.

Arizona Supreme Court Minutes September 22, 2005

- **FURTHER ORDERED:** Rule 53(k), Arizona Rules of Civil Procedure, and Rule 8.11, Pima County Local Rules of Practice are superseded by this order and are therefore abrogated effective January 1, 2006.

ORDER PROMULGATING THE ARIZONA RULES OF FAMILY LAW PROCEDURE

- **IT IS ORDERED** promulgating the *Arizona Rules of Family Law Procedure* as shown in the attachment hereto, effective on January 1, 2006.



ORDER PROMULGATING THE ARIZONA RULES OF FAMILY LAW PROCEDURE

- **IT IS FURTHER ORDERED** that the *Arizona Rules of Family Law Procedure* shall be applicable to all family law cases in which the petition is filed on or after January 1, 2006 and, except for Rule 2(B)(Applicability of *Rules of Evidence*), to all family law cases pending as of January 1, 2006; provided that the parties to a family law case pending as of January 1, 2006 may stipulate to the applicability of Rule 2(B).

ORDER PROMULGATING THE ARIZONA RULES OF FAMILY LAW PROCEDURE

- **IT IS FURTHER ORDERED**, with respect to family law cases pending as of January 1, 2006, that if disclosure was previously made pursuant to Rule 26.1, *Arizona Rules of Civil Procedure*, further disclosure shall not be required under Rule 49 or Rule 50 of the *Arizona Rules of Family Law Procedure*, except for the duty to seasonably supplement the earlier disclosure.

ORDER PROMULGATING THE ARIZONA RULES OF FAMILY LAW PROCEDURE

- **IT IS FURTHER ORDERED** that experimental Rules 53(k), *Arizona Rules of Civil Procedure* (R-02-0012), and 8.11, *Pima County Local Rules of Practice* (R-03-0011), are superseded by this order, and are therefore abrogated effective January 1, 2006.

(This Order was signed on October 19, 2005 in an open public meeting of the Arizona Judicial Council.)



ARFLP Sections 1-7

- 1. General Administration**
- 2. Pleadings and Motions**
- 3. Parties**
- 4. Service of Process**
- 5. Default Decree, Consent Decree, and Dismissal**
- 6. Temporary Orders**
- 7. Disclosure and Discovery**

ARFLP Sections 8-14

- 8. Settlement and Alternative Dispute Resolution**
- 9. Pretrial and Trial Procedures**
- 10. Judgments and Decrees**
- 11. Post-Decree/Post-Judgment Proceedings**
- 12. Civil Contempt and Arrest Warrants**
- 13. Other Family Law Services and Resources**
- 14. Family Law Forms**

Unique Rules of ARFLP: Section I. General Administration

- **Relaxed Rules of Evidence, with Option to Invoke Arizona Rules of Evidence (Rule 2(B))**
- **Definitions (Rule 3)**
- **Protected and Unpublished Addresses (Rule 7)**
- **Limited Scope Representation; Appearance and Withdrawal (Rule 9)**
- **Representation of Children; Minors and Incompetent Persons (Rule 10)**
- **Court Interviews of Children (Rule 12)**
- **Public Access to Proceedings (Rule 13)**
- **Verification of Pleadings (Rules 14 and 31(B))**

Unique Rules of ARFLP

Section II. Pleadings and Motions

- **Pleadings and Motions Tailored for Family Law (Rules 23-35)**
- **Cross-Claims Eliminated**
- **Signing of Pleadings (Rule 31)**



Unique Rules of ARFLP: Section III. Parties

- **Rules Tailored to Family Court
(Rules 36-39)**



Unique Rules of ARFLP: Section IV. Service of Process

- **Based on Rules of Civil Procedure (Rules 40-43)**
- **Service of Process in Title IV-D Cases (Rule 40(E))**
- ***Addresses Master Financial v. Woodburn***
- **Sensitive Data (Rule 43(G))**



*Unique Rules of ARFLP:
Section V. Default Decree,
Consent Decree, and Dismissal*

- **Rules Tailored to Family Law (Rules 44-46)**
- **Codified and Simplified Maricopa County's Consent Decree Process – No Hearing Required (Rule 45)**
- **Combines Voluntary and Involuntary Dismissals, including provision to dismiss a case with 60 days notice four months after filing (Rule 46)**

Unique Rules of ARFLP: Section VI. Temporary Orders

- Rules Unique to Family Law (Rules 47 and 48)
- Requires Hearing within 30-60 days (Rule 47(D))
- Includes Provisions for Simplified and Summary Child Support; 150% Rule (Rule 47(I) and (J))
- Replaces Emergency Orders and TRO's with Temporary Orders and Temporary Orders Without Notice
- Replaces Return Hearings with Resolution Management Conferences

Unique Rules of ARFLP: Section VII. Disclosure and Discovery

- **Discovery Rules Tailored to Family Law (Rules 49-65)**
- **Option to use *ARCP* Disclosure Rules in Complex Cases (Rule 50)**
- **Disclosure Rule Tailored to Family Law – Resolution Statement Required (Rule 49)**



*Unique Rules of ARFLP:
Section VIII. Settlement and
Alternative Dispute Resolution (ADR)*

- **Comprehensive Rules Strongly Encouraging ADR in Appropriate Family Cases (Rules 66-75)**
- **Binding Agreements – In Writing, or Made or Confirmed in Court (Rule 69 – Based on Rule 80(d), ARCP)**
- **Family Law Master (Rule 72)**
- **Family Law Conference Officer (Rule 73)**
- **Parenting Coordinator (Rule 74)**

*Unique Rules of ARFLP:
Section IX. Pretrial and Trial Procedures*

- Rules Tailored to Family Law (Rules 76 and 77)
- Rules Emphasize Early Intervention and Case Management, Relying Heavily on Resolution Management Conferences (RMC's) and Resolution Statements (Rule 76)
- RMC to Be Set Within 60 days of Request or on Court's Motion (Rule 76)
- Trials May Be Set at RMC, on Court's Motion or based on Motion to Set (Rule 77)

Unique Rules of ARFLP: Section X. Judgments and Decrees

- Rules Tailored to Family Law (Rules 78-90)
- Clarifies That Orders and Judgments Prepared Originally by the Court Need Not Be Lodged for Objections (Rule 81(C)(3))



*Unique Rules of ARFLP:
Section XI. Post-Decree/Post-Judgment
Proceedings*

- Rule Unique to Family Law (Rule 91)
- Emphasizes Need for Compliance with ARS § 25-411 in Custody Cases



Unique Rules of ARFLP: Section XII. Civil Contempt and Arrest Warrants

- Rules Tailored to Family Law (Rules 92-94)
- Includes Provision for Seizure of Person or Property (Rule 93 – Based on Rule 64, *ARCP*)
- Includes Procedures for Civil Contempt, Civil Arrest Warrants and Child Support Arrest Warrants (Rules 92 and 94)
- Requires Periodic Review Hearings for Incarcerated Contemnors (Rule 92(F))



*Unique Rules of ARFLP:
Section XIII. Other Family Law Services
and Resources*

Rule 95 Includes Provisions for:

- **Substance Abuse Screening and Testing**
- **Parent Education**
- **Supervised Parenting Time Exchanges**
- **Private Mental Health Services**
- **Supervised Parenting Time**
- **Therapeutic Supervision of Parenting Time**
- **Family Violence Prevention Services**
- **Batterer Intervention and Prevention Programs**
- **Real Estate Special Commissioner**
- **Title IV-D Services**

Unique Rules of ARFLP: Section XIV. Family Law Forms

- Unique to Family Law (Rule 97)
- Forms for Interrogatories, Notice of Limited Scope Representation, Resolution Statement, Consent Decree and AFI
- Electronic Versions of Family Law Forms Will Be Available on the Supreme Court Website
- Family Law Forms Will Also Be Available at Self-Service Centers



FAMILY LAW RULES REVIEW COMMITTEE

- Entertain public comments as the rules are implemented
- Conduct a review and analysis of the rules
- Recommend revisions and amendments as the Committee deems appropriate
- Provide a report to the Arizona Judicial Council in two years after the effective date



TRAINING OPPORTUNITIES FOR THE *ARIZONA RULES OF FAMILY LAW PROCEDURE*

- **Judicial Training—December 2, 2005**
1:30 – 5:00 pm
 - **Rule-by-Rule Review of the *ARFLP***
 - **3 Hours of COJET Credit**
 - **Interactive Question & Answer Session**

TRAINING OPPORTUNITIES ON THE *ARIZONA RULES OF FAMILY LAW PROCEDURE*

- **State Bar CLE—December 9, 2005**
1:00 – 4:15 pm
 - **Rule-by-Rule Review of the *ARFLP***
 - **Attend in person or via Live Webcast**
 - **Interactive discussion**
 - **3 Hours MCLE, including 3 Hours Family Law Specialization Credit**

TRAINING OPPORTUNITIES FOR THE *ARIZONA RULES OF FAMILY LAW PROCEDURE*

- **Judicial Staff Training—December 16, 2005 from 1:00 – 4:30 pm**
 - **Session I – ADR & Conciliation
Court Staff, Court-Appointed
Experts, and Guardians Ad Litem**
 - **Session II – Clerks, Judicial
Assistants, Self-Service Staff, and
Court Administration**

TRAINING OPPORTUNITIES ON THE *ARIZONA RULES OF FAMILY LAW PROCEDURE*

- **Maricopa County Family Court,
Mental Health Provider Annual
Training—Jan. 6, 2006**
 - **Rule 74. Parenting Coordinators**
 - **Presenters: Dr. Brian Yee, Leah
Pallin-Hill, and Judge Mark
Armstrong**

TRAINING OPPORTUNITIES ON THE *ARIZONA RULES OF FAMILY LAW PROCEDURE*

- American Academy of Matrimonial Lawyers/State Bar—January 20, 2006
 - For Better, For Worse
 - 1.5 hours CLE credit
 - *Arizona Rules of Family Law Procedure* in Practice

TRAINING ON THE *ARIZONA RULES OF FAMILY LAW PROCEDURE*

- Upcoming *ARFLP* Presentations will be posted on the Family Law Rules Review Committee's website.



DR Rules Committee Website



Committee on Rules of Procedure for Domestic Relations Cases

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The Committee on Rules of Procedure for Domestic Relations Cases was established on June 2, 2003, to:

- review current statewide and local rules of procedure, evidence and alternative dispute resolution applicable to domestic relations cases as well as those used in other states,
- identify areas in which current rules impede the fair and efficient disposition of domestic relations cases and
- propose substitute or additional rules as needed.

[Minute Archive](#)

[A.O. 2003-23](#)

[A.O. 2003-63](#)

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[Rules](#) - Draft - 11/12/04

[Section I](#) - General Administration

[Section II](#) -

Commencement of Action

[Section III](#) - Pleadings and Motions

[Section IV](#) - Parties

[Section V](#) - Simplified Proceedings

[Section VI](#) - Emergency and Temporary Orders

[Section VII](#) - Disclosure and Discovery

Date/Time/Place	Materials	Notes
November 12, 2004 10:00 a.m. - 3:00 p.m. Arizona Courts Building 1501 W. Washington Street Conference Room 230	Agenda Minutes - Draft	
December 10, 2004 10:00 a.m. - 3:00 p.m. Arizona Courts Building 1501 W. Washington Street Conference Room 345	Agenda Minutes	
January 6, 2005 1:00 - 5:00 p.m.	Agenda (covers both days) Minutes 2004/2005 Presentation Schedule 2005 Meeting Dates	Conference Call: January 6 - 602.542.9012 January 7 - 602.542.9015
January 7, 2005 8:30 a.m. - 4:00 p.m. Arizona Courts Building 1501 W. Washington Street Conference Room 345		

[Parking Map](#)
[Designee Form \(.wpd\)](#)
[Designee Form \(.doc\)](#)

Contact for DR Rules Committee

- **Konnie Young Neal, Family Law Rules Specialist,
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602-542-9360

- **Website for the Committee on the Rules of Procedure
in Domestic Relations Cases:**

<http://www.supreme.state.az.us/drrc/>