

Impact of the Arizona Rules of Family Law Procedure on Court Clerks		
New Rule	Areas impacted	Preparations for changes
<u>7: Protected addresses</u>	<i>Family Support/Distribution.</i> Additional requests are anticipated for protected addresses. This may increase the volume of items that we are responsible to mail to parties with protected addresses. The time to prepare notice for mailing will increase.	Need to develop Notice for mailing. New rules require an Administrative Order issue to cover the Clerk's costs/fees for mailing.
<u>9: Limited-scope representation</u>	<i>Data entry.</i> Attorneys will appear and withdraw more often, and therefore require frequent updating of counsel records on the court system, as well as tracking and collecting appearance fees.	In Maricopa County the Judicial Assistants handle all of the Withdrawal and Substitution processing in the case management system. Other counties may handle these differently.
<u>14 and 91(T): Sworn verification vs. unsworn declaration</u>	<i>Filing counters.</i> Addresses current Rule 80(i) language. Defines when it is appropriate to use an unsworn declaration and when to use a sworn declaration. Responsibility is on the party to determine which to use.	These rules may require an Admin Order to resolve problems, as the clerk does not determine if the requirements in the rule are met.
<u>43(C): Service with Clerk if party address unknown</u>	<i>Filing counters.</i> This is similar to Civil Rule 5(c). When service is required and an address is unknown, this rule allows the unserved copy to be left with the Clerk of the Court. No filing requirement is mentioned.	The Clerk asked for clarification from the Family Court bench regarding this rule. It is possible that this rule may be modified during the review period.
<u>43(D)(5): Public access to records after service or 45 days</u>	<i>Media desk/Public Records/Public Affairs.</i> <u>If presiding judge so orders</u> , public access is not available to initial filings for 45 days or until the Affidavit of Service is returned, whichever occurs first. Exceptions for Judicial Officers, staff and parties to the case.	Programming in the Court's case management system will be necessary to block access until service or the 45 days expires. Procedures must be developed to allow appropriate access to the paper file.

<p><u>43(G): Sensitive Data Form</u></p>	<p><i>Filing counters.</i> Sensitive data requested by court must be on sensitive data form that clerk will maintain as confidential record. Does not apply to orders, decrees, or UIFSA petitions. If electronic image maintained, paper can be destroyed. Orders of Assignment contains sensitive data, but are closed to the general public.</p>	<p>Form is being finalized and added to all Self-Service Center packets. Need to coordinate with, educate and inform court users including the courts, public and private attorneys, and pro se.</p>
<p><u>68(A)(1): Petition for Conciliation</u></p>	<p><i>Filing counters.</i> If a petition for conciliation is submitted where no case exists, the Clerk shall accept the filing and submit to conciliation court or direct the party to conciliation for filing.</p>	<p>In Maricopa County, these documents are filed directly with Conciliation-not with the Clerk – based on local Rule 6.11 and ARS 25-381.09. The Clerk is asking for further clarification from the Family Court bench.</p>
<p><u>91(D)(2): Issuing Notice of filing</u></p>	<p><i>Filing counters.</i> Filing party must file a Notice of Filing Petition for Modification of Change of Custody, which Clerk then issues and party must serve. This is a new requirement.</p>	<p>Self-Service Center will include the Notice of Filing within their packets. Clerk will issue, file and retain original Notice and conform a copy for service.</p>