

February 17, 2006
East Valley Bar Assoc. Presentation



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

February 17, 2006
East Valley Bar Assoc. Presentation

Presenters

Bridget Humphrey

Unit, Chief Counsel North Maricopa Unit, Child
and Family Protection, Child Support
Enforcement Section

Harry P. Friedlander

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Friedlander, LLP

Konnie Young Neal

Supreme Court Specialist
Family Law Rules and Domestic Violence

DR Rules Committee Members

Chair:

Honorable Mark Armstrong (Maricopa)

Members:

Annette T. Burns, Esq. (Phoenix)

Honorable Norm Davis (Maricopa)

Annette Everlove, Esq. (Tucson)

Elaine Fridlund-Horne, Esq. (Flagstaff)

Bridget Humphrey, Esq. (AG's Office)

Hon. Michael K. Jeanes (Maricopa)

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 are available on the following websites:

http://supreme.state.az.us/selfserv/ARFLP_forms.htm

<http://ajin/selfserv/formARFLP.htm>

Family Law Forms will also be available at Self-Service Centers.



FAMILY LAW RULES REVIEW COMMITTEE

HON. NORM DAVIS, CHAIR
KONNIE YOUNG NEAL, STAFF

The Family Law Rules Review Committee shall:


- **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**



FAMILY LAW RULES REVIEW COMMITTEE

Family Law Rules Review Committee Home Page - Microsoft Internet Explorer provided by ADC

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FAMILY LAWS RULES REVIEW COMMITTEE

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The Supreme Court established the Family Law Rules Review Committee, an Arizona Judicial Council advisory committee, on November 29, 2005 to:

- Seek input and process comments from courts, the Clerk's Office, attorneys and public members regarding implementation of the Arizona Rules of Family Law Procedure (ARFLP) on and after the effective date of January 1, 2006;
- Conduct a review and analysis of the new family law rules to recommend revisions and amendments as the Committee deems appropriate, and
- Provide a report of its findings and recommendations to the Arizona Judicial Council in March 2008, two years after the effective date of the ARFLP.

The Family Law Rules Review Committee is comprised of some representatives from the original Committee on the Rules of Procedure in Domestic Relations Cases, who drafted the ARFLP that was formally signed and adopted by Chief Justice McGregor on behalf of the Court on October 19, 2005. Supreme Court Staff and members of the Committee on the Rules of Procedure in Domestic Relations Cases conducted several training sessions on the ARFLP prior to the effective date of January 1, 2006; materials from these training sessions and more information about this committee, and the drafting process of the ARFLP can be found on the [Committee on Rules of Procedure in Domestic Relations Cases](#) web site.

Press Releases:

- [The New Arizona Rules of Family Law Procedure \(ARFLP\)](#) By Judge Mark W. Armstrong for the Arizona Attorney (Feb. 2006)
- [A Reference Guide To The New Family Court Rules](#) By Judge Norman J. Davis for the Arizona Attorney (Jan. 2006)

Note: Many of the documents on this page are brought to you in Portable Document Format (PDF) format requiring Adobe Acrobat Reader. The [Adobe® Acrobat® Reader](#) is available free from their website.

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ARFLP COMMENT SUBMISSION FORM

Do you have a question or comment about the *Arizona Rules of Family Law Procedure (ARFLP)*?

- **The Family Law Rules Review Committee (FLRRC) values your feedback and will review all comments and questions received**
- **The Committee will consider each comment in the context of a possible change or remedy to an existing rule**
- **The Committee will not give advisory non-binding opinions on any existing rule, because it is not the Committee's charge to interpret the Rules**
- **The Committee encourages each person submitting a comment to propose a specific resolution to the perceived problem with specific wording if possible on the *ARFLP* Comment Form at <http://supreme.state.az.us/drrc/CommentForm.asp>**

ARFLP COMMENT SUBMISSION FORM

FAMILY LAWS RULES REVIEW COMMITTEE

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Arizona Rules of Family Law Procedure (ARFLP) Comment Submission Form

This online form is provide to assist those who would like to submit comments or suggested changes regarding the newly adopted Arizona Rules of Family Law Procedure.

Name:

How may we contact you if we need clarification?

Mailing Address

City

Zip Code

Phone:

E-mail:

ARFLP COMMENT SUBMISSION FORM

1. What is the Rule Number and Title?

1. Scope of Rules
2. Applicability of Other Rules
3. Definitions
4. Time
5. Consolidation

2. Is the proposed revision Substantive or Non-substantive (formatting, spelling, grammatical, mechanical error or cross-reference problem)?

Substantive

3. Why is the revision necessary?

4. Please supply draft proposed language for revision.

Submit Reset

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](#)

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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 \(.doc\)](#)

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

- LIMITED SCOPE REPRESENTATION (CLE)
- Friday, February 24, 2006
12:30 – 1:45 pm
Superior Court (Maricopa)-Cordova Room
- Presenters: Hon. Mark Armstrong, Bridget Humphrey, Jeffrey Pollitt, Fran Johansen,
 - Free to Volunteer Lawyers
 - Questions? Call Pat Gerrich, Community Legal Services: 602-256-3434

TRAINING ON THE *ARIZONA RULES OF FAMILY LAW PROCEDURE*

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

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

Contact for DR Rules Committee

■ **Konnie Young Neal**, Family Law Rules Specialist, Arizona Supreme Court:

kneal@courts.az.gov 602-542-9360

■ **Websites:**

Family Law Rules Review Committee:

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

ARFLP Comment Form:

<http://supreme.state.az.us/drrc/CommentForm.asp>

Committee on the Rules of Procedure for Domestic Relations Cases:

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