

| <b>Impact of the Arizona Rules of Family Law Procedure</b>        |  |   |
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| <b>High Impact Areas for Judicial Staff<sup>1</sup></b>           |  |   |
| <b>New Rule</b>   | <b>Areas impacted</b>  | <b>Preparations for changes</b>   |
| <u>Rule 2(C): Local Rules</u>                                     | ARFLP trump any inconsistent Local Rules.  | Training issue.   |
| <u>Rule 3: Definitions</u>  | Pleadings. Petition is an <b>initial</b> pre-decree or an <b>initial</b> post-decree filing.   | Modify all internal office forms.   |
| <u>Rule 4(C): Orders Issues</u>                                   | Orders To Appear generally replace Orders To Show Cause.   | Modify any court forms issued.  |
| <u>Rule 5(B): Consolidation of Duplicate Petitions</u>            | A duplicate petition serves as a Response to competing petition in a consolidated case if it substantially responds.   | Modify any procedures or forms that allow defaults to proceed.                      |
| <u>Rule 7(B): Request for Protected Address</u>                   | The court is required to rule on a Request for Protected Address <i>ex parte</i> within 5 days of filing or within 20 days if hearing set.                   | Establish division or court procedure to promptly rule on requests.                 |
| <u>Rule 9(B)(1): Limited Scope Representation</u>                 | Attorneys may appear and represent clients on only some issues or hearings in a case, but service on attorney on all matters is valid.                       | Change procedures to not require attorney to be present on non-represented matters. |
| <u>Rule 9(B)(2): Withdrawal From Limited Scope Representation</u> | Court is required to grant Notice of Withdrawal of Attorney With Consent and a Notice of Withdrawal without consent if no objection is filed within 10 days. | Establish division/court procedure to promptly rule on withdrawal requests.         |
| <u>Rule 10: Representation of Children</u>                        | Court has ability to appoint a best interest attorney, a child's attorney or a court advisor with order of appointment setting forth terms of appointment.   | Insure division/court has proper forms for appointment.                             |
| <u>Rule 11: Presence of Children</u>                              | A child shall not be present during any proceeding involving the child without prior court permission.   | Insure bailiff or other staff member is aware of rule.                              |

<sup>1</sup> Prepared by Judge Norman J. Davis, Family Court Presiding Judge, Maricopa County; Member, DR Rules Committee.

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| <u>Rule 14: Unsworn Verifications</u>                          | A sworn written verification is required for: 1) An Acceptance of Service; 2) A Stipulation or Agreement that substantially changes a custody or parenting time order; 3) An Affidavit supporting a Motion for Judgment by default without hearing; and 4) A Consent Decree. | Revise rejection forms and division/court procedures.                       |
| <u>Rule 30(A): Caption</u>                                     | Petitioner and Respondent remain the same on post-decree petitions.  | Training and insure any court forms comply.                                 |
| <u>Rule 41(C): Service By Mail or National Courier Service</u> | Personal service can be made in or out of Arizona by certified mail or a national courier service with signature confirmation of delivery.   | Alter procedure and/or court forms to avoid rejection for improper service. |
| <u>Rule 44(B)(1): Motions For Judgment By Default</u>          | Motions for Judgment by Default can be filed if no minor children and spousal maintenance waived.  | Primarily training issue.   |
| <u>Rule 45: Consent Decrees</u>                                | Parties who agree on all terms may submit Consent Decree signed by parties and counsel if contains information in Rule 45(B) & (C). A separate Stipulation is not required.  | Become familiar with Consent Decree form requirements of Rule 45(B) & (C).  |
| <u>Rule 47(A): Motions for Temporary Orders</u>                | Motions for Temporary Orders require specific information in Rule 47(A).   | Revise court rejection forms.   |
| <u>Rule 47(D): Temporary Orders</u>                            | Court must set pretrial conference, Resolution Management Conference or evidentiary hearing not later than 30 days after Motion received. If RMC or pretrial conference is set, evidentiary hearing must be set not later than 30 days thereafter. Good cause exception.     | Establish division procedure to set timely hearings.                        |
| <u>Rule 47(K): Expedited Hearings on Temporary Orders</u>      | Request for expedited hearings must set forth specific facts necessitating expedited hearing.  | Establish division/court procedure for ruling on expedited requests.        |
| <u>Rule 48: Temporary Order Without Notice</u>                 | Old Emergency Orders are replaced with Temporary Orders Without Notice but requirements similar.   | Training Issue.   |

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| <u>Rule 76:<br/>Resolution<br/>Management<br/>Conferences</u>           | Resolution Management Conferences can be scheduled by court or upon request of a party to manage or resolve case.   | Establish division/court procedure & form Order to Appear.                  |
| <u>Rule 77: Motions<br/>To Set</u>                                      | Trials set on court's own motion or upon receipt of a motion to set without List of Witnesses and Exhibits.   | Establish division/court procedure to set trials.                           |
| <u>Rule 91: Post-<br/>Decree Petitions</u>                              | Post-Decree Petitions require general information in Rule 91(A) and specific information in Rules 91(B-H), and are set with an Order to Appear except a Petition to Modify Child Custody.   | Revise rejection forms & prepare Order to Appear.                           |
| <u>Rule 91(D):<br/>Petitions To<br/>Modify Custody</u>                  | Verified Petitions to Modify Custody meeting requirements of Rule 91(D) are filed with clerk and a Notice issued. A Request for Order Granting or Denying Custody Hearing is provided to assigned division more than 25 days after service. | Revise rejection forms and establish division/court procedure for Requests. |
| <u>Rule 93(G):<br/>Review Hearings<br/>for Incarcerated<br/>Persons</u> | Persons incarcerated for contempt after hearing must be set for a review hearing at least every 35 days while person is incarcerated.   | Establish division/court procedure to insure review hearings are held.      |