

Impact of the Arizona Rules of Family Law Procedure		
High Impact Areas for Judicial Officers and Judicial Staff¹		
New Rule or Order	Areas impacted	Preparations for changes
<u>Admin Order No. R-05-0008</u> <u>Effective Date of New Rules</u>	IT IS ORDERED that the <i>Arizona Rules of Family Law Procedure</i> 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 <i>Rules of Evidence</i>), 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). 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, <i>Arizona Rules of Civil Procedure</i> , further disclosure shall not be required under Rule 49 or Rule 50 of the <i>Arizona Rules of Family Law Procedure</i> , except for the duty to seasonably supplement the earlier disclosure.	FYI
<u>Rule 2B: Application of Rules of Evidence</u>	The rules of evidence are relaxed in family law cases unless a party timely invokes the formal Rules of Evidence, except that even if the formal rules are invoked, the requirements for admission and consideration of certain documentary evidence are relaxed. Under the relaxed rules, the court will generally follow the rules applicable to administrative hearings - relevant evidence is admissible unless its probative value is outweighed by other, specified considerations.	FYI
<u>Rule 8: Telephonic Appearances and Testimony</u>	This rule provides procedures for a party to appear, and for a witness to testify, by telephone at a court hearing.	FYI

¹ Prepared by Judge Mark W. Armstrong, Chair, DR Rules Committee

<u>Rule 9: Duties of Counsel</u>	This rule provides procedures for limited scope representation in family law cases, including a requirement for a Notice of Limited Scope Representation.	FYI
<u>Rule 10: Representation of Children</u>	This rule provides grounds and procedures for appointment of a child's attorney or best interests attorney. The term "guardian ad litem" is replaced with "best interests attorney."	FYI
<u>Rule 12: Court Interviews of Children</u>	This rule supplements ARS 25-405 and generally requires that such interviews be on the record.	FYI
<u>Rule 13: Public Access to Proceedings</u>	This rule provides a balancing test for closing family court proceedings.	FYI
<u>Rule 31: Signing of Pleadings</u>	This rule is the family law equivalent of civil rule 11.	FYI
<u>Rule 35: Family Law Motion Practice</u>	This rule, based on civil rule 7.1, governs motion practice in family court.	FYI
<u>Rules 40-43: Process and Service</u>	These rules replace civil rules 4, 4.1, 4.2 and 5. They are virtually the same except for specific provision for delivery services in addition to US Postal Service. Conforms in-state and out-of-state service provisions. Provides for protection of sensitive data (Rule 43(G)).	FYI
<u>Rule 46: Dismissals</u>	This rule provides procedures for voluntary and involuntary dismissals, including a provision that the court may dismiss a case upon 60 days notice if a case has languished for four months after filing of the petition. The rule allows the court to extend this period for good cause shown.	FYI
<u>Rule 47: Temporary Orders</u>	This rule is unique to family law, which specifically authorizes temporary orders	FYI

	<p>on a variety of family law issues, including custody, parenting time, child support, spousal maintenance, and attorneys' fees. It provides procedures for seeking such orders, which may be issued in both pre-decree and post-decree cases. The rule requires the court to set a conference or hearing within 30 days of a request. The rule also provides for simplified and summary procedures for obtaining child support.</p>	
<p><u>Rule 48: Temporary Orders Without Notice</u></p>	<p>This rule sets forth a procedure for requesting temporary orders without notice to the other party. It is based on civil rule 65(d). Temporary orders without notice replace emergency orders and temporary restraining orders (TROs) that were issued in some counties.</p>	<p>FYI</p>
<p><u>Rule 49: Disclosure</u></p>	<p>This rule requires a resolution statement and disclosure of certain information necessary for the resolution of a family law case, within 40 days after the filing of a response to an initial petition. The rule is specifically tailored for family law but is based on civil rule 26.1.</p>	<p>FYI</p>
<p><u>Rule 65: Failure to Make Disclosure or Discovery; Sanctions</u></p>	<p>This rule provides for motions to compel discovery and sanctions for violation of disclosure and discovery rules and orders. It is based on Rule 37, <i>ARCP</i>. Like the civil rules, it requires counsel to personally consult in good faith before filing a motion to compel.</p>	<p>FYI</p>
<p><u>Rules 66-75: ADR</u></p>	<p>Comprehensive new ADR rules, including provisions for appointment of family law masters and parenting coordinators. Rule 69, based on civil rule 80(d), provides that agreements between the parties are binding if made in writing or on the record in court. Rule 70, based on civil rule 5.1(c), requires prompt notice to the court of settlement, and provides that a matter may</p>	<p>FYI</p>

	be dismissed automatically 45 days after notice of settlement unless the appropriate settlement documents are sooner filed.	
<u>Rules 76-77: Pretrial and Trial Procedures</u>	<p>Rule 76 sets forth pretrial procedures including provisions for resolution management conferences (RCM), pretrial orders, pretrial statements and sanctions for disobeying a pretrial order. The rule requires that an RCM be set within 60 days after a request therefore except for good cause shown.</p> <p>Rule 77 provides that a family law trial may be set on the court’s motion, at a RCM, or pursuant to a motion to set. The rule provides procedures and standards for trial continuances and scheduling conflicts.</p>	FYI
<u>Rule 91: Post-Decree Proceedings</u>	<p>This rule is unique to family law practice and sets forth specific procedures and time periods for post-judgment and post-decree proceedings, including modification and enforcement of prior orders. Matters that will require an evidentiary hearing shall be brought before the court using a “petition for order to appear” (often currently referred to as a “petition for order to show cause”). The rule emphasizes the need to comply with ARS 25-411 in custody modification cases. The rule also prescribes disclosure requirements and sanctions for failure to comply with the rule.</p>	FYI
<u>Rule 92: Civil Contempt and Sanctions</u>	<p>This rule sets forth procedures for civil contempt and purging of civil contempt in family law cases. It requires regular review hearings for incarcerated contemnors at least every 35 days.</p>	FYI

<u>Rule 94: Civil and Child Support Arrest Warrants</u>	This rule defines civil and child support arrest warrants, and provides procedures for their issuance. The rule is based in on civil rule 64.1, and ARS 25-681 to 25-685.	FYI
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