

Impact of the Arizona Rules of Family Law Procedure – Self Service Center		
New Rule	Change	Preparations for changes
Rule 5 Case Consolidation	Unless ordered by the court cases will be consolidated under the lower case number	
Rule 7 Protected addresses	A party who reasonably believes that physical or emotional harm may result to the person or a minor child if the person's address is not protected from disclosure, may request protection of his/his address.	Provide training for staff when giving out information in these cases Form provided in Rules
Rule 9 Limited-scope representation	Allows an attorney to limit his representation to a specific matter or issue.	Will impact notices of mailing. Form provided in Rules
Rule 8 Telephonic Appearances	Must move for telephonic appearance in writing 30 days in advance, or 5 days before trial if notice of trial is less than 30 days	Consider creating new forms
Rule 14 Sworn written verification; unsworn declaration	Sworn written verification required only for 1) acceptance or waiver of services, 2) stipulation or agreement that changes custody or parenting time, 3) an affidavit per Rule 44(B)(1)(b), or 4) consent decree. All others may be by unsworn declaration	Will need to revise forms to include notary/ verification for 4 listed items and remove it from remaining items (such as Affidavit of Financial Information)
Rule 24 Pleadings Allowed	Lists all types of pleadings that may be filed to initiate a case. Other than a petition which initiates an action or a post decree petition which starts a new action. All other pleadings are now motions.	Review forms to make titles consistent with Rule 24
Rule 33 Counterclaims; third party practice	Cross claims are eliminated	

Rule 41 Service of Process Within Arizona & Rule 42 Service of Process Outside the State	Allows service by mail or by national courier service in Arizona and allows service by national courier in and out of state	Change instruction packets
	Service by publication is not sufficient to give the court jurisdiction to determine paternity, child support, spousal maintenance, division of marital property, or any other issue requiring personal jurisdiction over a party.	Change instruction packets
Rule 43(C) Service After Appearance	Allows service after appearance by facsimile to a facsimile number provided by the attorney or party and by retaining a receipt documenting the date and time of the facsimile transmission.	Change instruction packets. Revise forms to show service by fax.
Rule 43(D)(5) Public Access to court records	By local rule or administrative order, new filings in family law cases would not be open to the public until served on the respondent or 45 days, whichever is first. Does not apply to parties, attorneys for parties or court staff.	Training of staff to look for restrictions.
43(G): Sensitive Data Form	Rule requires that a separate form be completed by filing party if certain sensitive information is requested by the Court.	Need to identify all packets that have court request for listed data, and include form in packet. Form provided in Rules
Rule 44(B)(1) Judgment by Default By Motion Without Hearing	Expands circumstances when Petitioner can obtain default by motion .	Change instructions. Add form for default by motion
Rule 45 Consent Decree	New statewide, eliminates Stipulation to Entry of Consent Decree in Maricopa Co	Form is provided in Rules for counties not previously using consent decrees. In Maricopa, need to revise form to add terms from Stipulation to Entry of Consent Decree which now are included in Decree Form provided in Rules
Rule 45 Consent Decree (C)	Details documents that must be attached (new only to outlying counties)	Form provided in Rules

<p>Rule 46 Dismissal (Involuntary)</p>	<p>Case dismissed 120 days after filing if no Motion to Set filed or if case not set for trial, hearing, or conference. Court may issue notice that matter will be dismissed in not less than 60 days unless Motion to Set or a request for hearing or conference is filed. No case dismissed if motion for summary judgment, motion for judgment on the pleadings, or a motion re: genetic testing is pending.</p>	<p>Instructions must be changed to so reflect</p>
<p>Rule 47 NEW Temporary Orders Rule 47(A)</p>	<p>Request for Temporary Orders is by Motion, not petition.</p> <p>Motion must be verified</p> <p>Shall not repeat allegations of petition, but incorporate them by reference.</p> <p>Must attach specified documents and include specific proposal for resolution</p>	<p>All forms must be updated</p>
<p>Rule 47(C) & (D) Order to Appear & Hearing</p>	<p>No OSC. Must submit original and 3 copies of order to appear and 3 copies of motion & req'd docs to judicial officer. OTA must indicate nature of matter set.(pretrial conference, a Resolution Management conference or evidentiary hearing).Must be set not later than thirty (30) days after receiving the motion.</p>	<p>Form of OTA provided in Rules</p>
<p>Rule 47(I) Simplified Child Support Order.</p>	<p>Party seeking a temporary child support order may request a simplified order by filing with the court a verified Motion for Simplified Temporary Child Support Order, a completed Child Support Worksheet, a proposed Simplified Temporary Child Support Order, and a proposed Order of Assignment. The motion shall provide that the responding party is required to timely file a response, a completed Child Support Worksheet, and if a hearing is requested, a notice of hearing, and that failure to do so may result in a Temporary Child Support Order being entered as requested by the moving party.</p>	<p>The simplified mod procedure is now available for temp orders. Must develop form for that.</p>

Rule 47(K) Expedited Hearing	May request expedited hearing by adding “expedited hearing required” to the caption and adding paragraph to Motion for Temp Orders the facts to support expedited setting	
Rule 48 Temporary Orders Without Notice	Replaces “emergency orders”	New form required
Rule 50 Complex Case Disclosure	Notice that complex case disclosure is required	Establish form
Rule 66 ADR	Parties shall inform the court, (using Rule 97, Form 6, or a form substantially similar) re ADR efforts.	Form provided in Rules
Rule 68 Conciliation Services	Either party may file a petition for conciliation. The petition is filed with the clerk of the court; a copy is sent to conciliation.	Packets have instructions that paperwork goes directly to Conciliation.
Rule 76 Pretrial Procedures Rule 76(A) Resolution Management Conference	On motion of party or court, the Court may set Resolution Management Conference, to be held within 60 days of receipt of written request	
	Resolution Statement must be filed 5 days prior to conference	revise existing statements Form provided in Rules
Rule 76(C) Pre-trial Statement	Joint Pretrial Statement still required 20 days prior to trial	
Rule 77 Trial Procedures	Trial may be set at RMC or either party may file motion to set for trial	Make sure form is consistent with rules
Rule 91 NEW Post Decree/Post Judgment Proceedings	Party seeking to Modify or Enforce a prior order shall file a petition. All non IV-D petitions shall be under oath	Notary required All post decree forms & instructions require revision
	All petitions must state the nature of the proceeding, the time required for hearing and the relief requested	
	Recitation of prior order changed to indicate the location of the court rather than the name of the judge (i.e. Maricopa Co. Superior Court)	

<p>Rule 91(B) Petition for Modification of Spousal Maintenance or Child Support</p>	<p>Petition shall set forth the substantial and continuing changes in circumstances supporting a modification.</p>	
<p>Rule 91(B)(2)(b) Request for Simplified Procedure</p>	<p>Regular procedure - Must attach new form of Affidavit of Financial Information, and order to appear.</p> <p>For Simplified Procedure for modification outlined in the <i>Arizona Child Support Guidelines</i>, party files with the clerk of the court a request for Simplified Modification, with accompanied by a sworn Parent's Worksheet.</p>	<p>New forms for Affidavit of Financial Information and Order to Appear are included in forms Need new forms</p>
<p>Rule 91(C) Petition for Enforcement of Child Support or Spousal Maintenance.</p>	<p>Must include a current summary calculation of arrears derived from the clearinghouse records of the Department of Child Support Enforcement, if available, or if not available, a statement of all sums due.</p> <p>If the petition includes a request for reimbursement of medical, dental, or vision costs, the petition shall include a detailed summary of all medical, dental, and vision bills claimed, the amount of each bill paid by insurance or other third party, the amount of each bill paid by each party, the remaining unpaid balance, and the remaining pro rata obligation of each party, in a form substantially in accord with a worksheet for unreimbursed health care and other allowed expenses, as required by the court.</p>	
<p>Rule 91(D) Petition to Modify Child Custody</p>	<p>File with the clerk of the court, and provide a copy to the assigned division of, the following:</p> <ul style="list-style-type: none"> a. a Petition for Modification of Child Custody, either verified or supported by affidavit(s) pursuant to A.R.S. § 25-411, and including a certification whether the underlying custody order requires the parties to pursue mediation or other alternate dispute resolution before seeking modification, and, if so, what efforts have been made to comply with that provision; b. a Notice of Filing Petition for Modification of Child Custody directed to all persons entitled to notice pursuant to A.R.S. § 25-1035; and c. in actions in which the custody order or decree was not entered by an Arizona court, an affidavit required by A.R.S. § 25-1039. <p>The clerk of the superior court shall issue the Notice of Filing Petition for Modification of Child Custody.</p> <p>The verified petition or affidavits and the issued Notice of Filing Petition for Modification of Child Custody shall be served on all persons entitled to notice.</p> <p>Any response and controverting affidavits must be filed within twenty (20) days from the date of service.</p>	

	A copy of each document shall be provided to the applicant's attorney or, if unrepresented, the applicant and to the assigned division.	
Rule 91(E) Petition to Relocate or Prevent Relocation	Must comply with the rule generally	
Rule 91(F) Petition for Modification or Clarification of Parenting Time or Visitation	a. Petition must set forth detailed facts supporting the modification or clarification, the particular type of custody and specific parenting time or visitation plan sought, and a certification whether the underlying parenting time or visitation order contains a provision requiring the parties to pursue mediation or other alternative dispute resolution process prior to requesting the court to modify or clarify the order or agreement	
	b. if the applicant seeks an order of supervision or denial of parenting time or visitation, a statement in the petition detailing facts as to why unrestricted parenting time would seriously endanger the child's physical, mental, moral, or emotional health	
	c. in actions in which the parenting time or visitation order was by an Arizona court, an affidavit required by A.R.S. § 25-1039	
	2. A copy of the petition and affidavit (if required), and an Order to Appear to be issued by the court shall be provided to the assigned division. A copy of the petition, affidavit (if required), and Order to Appear the opposing party within the time provided by paragraph L.	
Rule 91(G) Petition for Enforcement of Custody or Parenting Time; Warrant to Take Physical Custody.	File with the clerk and provide a copy to the assigned division, a petition that includes detailed facts supporting a violation of the order or enforcement action and the specific remedy or remedies sought;	
	b. if the applicant seeks a warrant to take physical custody of a child, the petition shall comply with the provisions of A.R.S. § 25-1061.	
	A copy of the petition, an original Order for Issuance of a Warrant for Physical Custody, and an original Warrant for Physical Custody if requested in the petition, and an original Order to Appear to be issued by the court shall be provided to the assigned division at the time of filing. A copy of the petition, Order and Warrant, if issued, and the issued Order to Appear shall be served upon the opposing party within the time provided by paragraph L.	
Rule 92(C) Civil Contempt and Sanctions for Non-Compliance with a Court Order	The order to show cause or order to appear must specify the time and place of the hearing and must contain the following language: FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A	Revise forms

	CIVIL ARREST WARRANT, OR WHERE APPLICABLE, A CHILD SUPPORT ARREST WARRANT, FOR YOUR ARREST. IF YOU ARE ARRESTED, YOU MAY BE HELD IN JAIL FOR NO MORE THAN 24 HOURS BEFORE A HEARING IS HELD.	
FORMS		
Form 1	Notice of Limited Scope Representation	NEW
Form 2	Affidavit of Financial Information	REVISED
Form 3	Confidential Sensitive Data Form	NEW
Form 4	Proposed Dissolution Resolution Statement	NEW
Form 5	Proposed Paternity Resolution Statement	NEW
Form 6	Joint Alternative Dispute Resolution Statement to The Court	NEW
Form 7	Uniform Family Law Interrogatories	REVISED
Form 8	Consent Decree of Dissolution of Marriage (Divorce) With Children	NEW
Form 9*	Parenting Coordinator's Report and Recommendations	NEW
Form 10*	Order Regarding Parenting Coordinator's Report and Recommendations	NEW
Form 11*	Parent Information Regarding the Use Of Parenting Coordinators	NEW
Form 12.	Inventory of Property and Debts	NEW
Form 13	Order to Appear Temporary Orders	REVISED
Form 14	Order to Appear Post Judgment/Decree	REVISED
Form 15	Request for Protected Address and Order for Protected Address	NEW
*Self Service Center unlikely to use these forms		