



Family Law Update: Changes to the Arizona Rules of Family Law Procedure

On August 22, the Arizona Supreme Court convened to order the adoption of several changes to the Arizona Rules of Family Law Procedure.

Changes Effective Immediately

Rules 44.1 and 45 require the submission of a spousal maintenance worksheet for any default decree, consent decree, judgment, or order involving spousal maintenance.

Changes Effective January 1, 2024

Rules 20, 26, 43.1 authorize the use of signatures for electronic filings to “/s/” followed by the typed name or copy of scanned signature.

Rules 30, 43.1, 44.1, 45, 47, 47.1, 47.2, 48, and 91.5 establish deadlines for the court to issue certain rulings. Specifically, Rule 30 requires timely resolution and the courts to abide by all-time requirements, which include:

- Ruling on a stipulation with a proposed order within 21 days of lodging;
- Ruling on a Default Decree or Consent Decree within 21 days of lodging the appropriate documentation;
- Ruling within 21 days after a hearing for temporary orders, simplified child support orders, post-decree child related issues (legal decision-making, parenting time, or child support), and temporary orders without notice; and
- Holding a hearing or conference within 25 days of service of a post-judgment petition to enforce legal decision-making or parenting time and ruling within 21 days thereafter.

Rule 34 changes the grounds for seeking a continuance of a hearing, trial, or conference to require the movant to show the basis for the good cause for a continuance, when the party learned of the basis for the continuance and why the motion could not be filed sooner, the party's diligence and efforts to avoid the circumstances for the continuance, any prejudice caused by granting or denying the continuance, and that the continuance is sought in good faith and not for delay or an improper purpose.

Rule 43.1 requires the clerk of the court to distribute all minute entries to the parties and authorizes the clerk of the court to do so by electronic means, including email. It also authorizes the filing of subpoenas.

Rules 44.1(e), 45(c), 78(g), and 91.3 require the submission of a new education order for any final order involving legal decision-making or parenting time.

With Rule 48, for emergency temporary orders in pre-decree or post-decree matters, an accelerated hearing will only be set on a verified motion that sets forth the specific relief requested and specific facts supporting the relief as well as specific facts establishing why an emergency or accelerated hearing is required.

Rule 81, a newly added rule, permits courts to issue post-decree orders for the appointment of a Parenting Time Supervisor or Case Implementation Supervisor. A Parenting Time Supervisor monitors parenting time with a child to ensure the safety and well-being of the child. A Case Implementation Supervisor assists with the implementation of the judgment's terms, including observation of therapeutic components, where fitness of each parent is not at issue.

Rule 84(b), absent good cause, sets a time limit of six months after entry of the ruling to file a motion for clarification. However, a motion for clarification of support obligations or distribution of retirement benefits can be filed at any time.

Possible Upcoming Changes

Keep a lookout for additional changes toward the end of the year, which may include the implementation of an informal family trial program and an option for courts to issue a notice of hearing or order to appear for a hearing after service of process.

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