

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-21-0050
RULES 34(c) AND 76(b), ARIZONA)
RULES OF FAMILY LAW PROCEDURE) **FILED: 8/29/2022**
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)
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_____)

**ORDER AMENDING
RULES 9(c), 34(c), 76(b), AND FORM 17
OF THE RULES OF FAMILY LAW PROCEDURE**

A petition and supplemental petition having been filed proposing to amend Rules 9(c), 34(c), and 76(b) of the Rules of Family Law Procedure, and one comment having been received, upon consideration,

IT IS ORDERED that Rules 9(c), 34(c), and 76(b) of the Rules of Family Law Procedure are amended in accordance with Attachment A to this order, effective January 1, 2023.

IT IS FURTHER ORDERED that Rule 97, Form 17, of the Rules of Family Law Procedure is amended, as modified, in accordance with Attachment B to this order, effective January 1, 2023.

DATED this 29th day of August, 2022.

/s/
ROBERT BRUTINEL
Chief Justice

TO:

Rule 28 Distribution
Bruce R Cohen
Susan Pickard

ATTACHMENT A¹

RULES OF FAMILY LAW PROCEDURE

Rule 9. Duties of Parties or Counsel.

(a)-(b) [No change]

(c) Good Faith Consultation Certificate.

(1) [No change]

~~(2) Domestic Violence. If there is a current court order prohibiting contact between the parties, or a history of domestic violence between parties, t~~The parties are not required to personally meet or contact each other if:-

(A) there is a current court order prohibiting contact between the parties, a history of domestic violence between the parties, or an allegation of domestic violence; and

(B) the alleged victim of the domestic violence is self-represented.

(d)-(e) [No change]

* * *

Rule 34. Continuances and Scheduling Conflicts

(a)-(b) [No change]

(c) Duty to Consult. Before filing a motion to continue a trial, hearing, or conference, the moving party must consult with other parties in the case and advise the court whether the other parties object to the motion. This requirement does not apply ~~if: when there is a protective order in the case or a history of domestic violence between the parties.~~

(1) there is a current court order prohibiting contact between the parties, a history of domestic violence between the parties, or an allegation of domestic violence; and

(2) the alleged victim of the domestic violence is self-represented.

* * *

Rule 76. Resolution Management Conference

(a) [No change]

(b) Meet-and-Confer and Other Party Duties.

(1) Generally. Not less than 5 days before the RMC, the parties must:

¹ Additions to the text of a rule are shown by underscoring and deletions are shown by ~~strike-through~~.

(A) confer to resolve as many issues as possible. This requirement does not apply if: ~~a court order prohibits contact between the parties, or they have a history of domestic violence. However, in such situations counsel still must take all reasonable steps to resolve as many issues as possible; and~~

(i) there is a current court order prohibiting contact between the parties, a history of domestic violence between the parties, or an allegation of domestic violence; and

(ii) the alleged victim of the domestic violence is self-represented; and

(B) **[No change]**

(2) **[No change]**

(c)-(d) **[No change]**

ATTACHMENT B²

Rule 97. Forms

(a)-(d) [No change]

Form 17. Good Faith Consolation Certificate

Name: _____
Mailing Address (unless protected): _____
City, State, Zip Code: _____
Daytime Phone Number: _____
Evening Phone Number: _____
Email Address: _____
Representing: Self Petitioner Respondent
State Bar Number: _____

ARIZONA SUPERIOR COURT, COUNTY OF _____

_____ Case No. _____
Petitioner

**GOOD FAITH CONSULTATION
CERTIFICATE**

_____ Name of Judge/Commissioner _____
Respondent

Pursuant to Rule 9(c) of the Arizona Rules of Family Law Procedure, the _ Petitioner
OR ___ Respondent submits this Good Faith Consultation Certificate and states either:

(a) A good-faith attempt to resolve the issue was made with the opposing party, or counsel if represented, and the consultation or attempted consultation was made in person or by telephone and not merely by letter or email.

OR

(b) There is (1) a current court order prohibiting contact between the parties, and neither party is represented by counsel, or a history of domestic violence between self-represented the parties, or an allegation of domestic violence, and (2) the alleged victim of the domestic violence is self-represented, so the parties are not required to personally meet or contact each other.

² Additions to the text of a form are shown by underscoring and deletions are shown by ~~strike through~~.

VERIFICATION

Under penalty of perjury, I state to the Court that the contents of this document are true and correct.

Date

Signature of Person Filing Document

CERTIFICATE OF SERVICE

- [] I filed the original of the attached document with the Clerk of the Superior Court in the county listed above on_____.
Month Date Year
- [] I mailed or delivered a copy of the attached document to the judicial officer (judge or commissioner) assigned to this case on_____.
Month Date Year
- [] I mailed or delivered a copy of the attached document to the Office of the Attorney General for the State of Arizona (if applicable) on_____.
Month Date Year
- [] I mailed or delivered a copy of the attached document to the opposing party or the opposing party's attorney, if represented by counsel, on_____.
Month Date Year

Name of Opposing Party

Name of Opposing Party's Attorney

Address of Opposing Party

Address of Opposing Party's Attorney

City, State, Zip Code

City, State, Zip Code

Date

Signature