

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-22-0015
RULE 76.1, RULES OF FAMILY LAW)
PROCEDURE)
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) FILED 08/29/2022

**ORDER AMENDING RULE 76.1,
RULES OF FAMILY LAW PROCEDURE**

A petition having been filed proposing to amend Rule 76.1, Rules of Family Law Procedure, and no comments having been received, upon consideration,

IT IS ORDERED that Rule 76.1, Rules of Family Law Procedure, is amended in accordance with Attachment A to this order, and Form 18, Rule 97, Rules of Family Law Procedure, is hereby promulgated in accordance with Attachment B to this order, effective January 1, 2023.

IT IS FURTHER ORDERED that, in Form 16, Rule 97, Rules of Family Law Procedure, the reference to "Rule 76.1(f)" is amended

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TO:

Rule 28 Distribution

Lisa M Panahi

ATTACHMENT A¹

RULES OF FAMILY LAW PROCEDURE

Rule 76.1. Scheduling Conference; Scheduling Statement; Notice of Issues; Pretrial Statement.

(a) [No change]

(b) Timing. Unless the court orders otherwise, the parties must file:

(1) a scheduling statement 20 days before the date set for a scheduling conference, if one is set; ~~and~~

(2) a notice of issues under Rule 76.1(f) 20 days before a trial; and

~~(2)~~(3) a pretrial statement 20 5 days before a trial.

(c) Joint and Separate Statements. Unless the court orders otherwise, the parties may file joint or separate statements. If preparing a joint statement, the party who initiated the action set for hearing must take the lead to prepare a draft joint statement and must communicate with every other party concerning the statement: as outlined below:

(1) the party who initiated the action set for hearing must provide their outline for the pretrial statement to the opposing party 15 calendar days before the trial.

(2) then, 8 business days or more before the hearing, the parties must exchange their respective portions so that the positions can be merged.

(3) the pretrial statement will be reviewed by both parties and filed no less than 5 business days before the hearing date.

Every statement must be signed by each party or counsel. However, if the parties are self-represented and there is a history of domestic violence, the parties must file separate statements.

(d) The parties may use the form of statement provided in Form 16, Rule 97. Each statement must include the information required in section (e) or ~~(f)~~(g), as applicable.

(e) Scheduling Statement. [No change in “scheduling statement” text]

(f) Notice of Issues. The Notice of Issues must be substantially similar to the form set forth in Form 18, Rule 97. The Notice of Issues must contain a complete list of all remaining contested issues the filing party intends to present at the trial. Issues not raised previously cannot be raised for the first time in the Notice of Issues. Each party must file a separate Notice of Issues. Issues listed in the Notice of Issues are listed generally;

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

specificity is reserved for the Pretrial Statement after the parties and/or their counsel (if represented) have met and conferred to narrow or resolve the contested issues before the generation and submission of the Pretrial Statement. Neither party is required to file a Notice of Issues before a temporary orders hearing or other interim hearing.

~~(f)~~**(g)** [No change in text]

~~(g)~~**(h)** [No change in text]

~~(h)~~**(i)** **Failure to List.** A party may not present a witness or offer an exhibit during trial other than those listed and exchanged in a statement submitted before the scheduling conference or trial, unless the court orders otherwise for good cause. A party waives the right to raise an objection at the trial or hearing if the specific objection to a witness, exhibit, or claim is not raised in the statement submitted pursuant to section ~~(f)~~**(g)** of this rule. A party may not present an issue not listed in either party's Notice of Issues at trial, unless the court orders otherwise for good cause.

ATTACHMENT B

Form 18 – Notice of Issues

Name of Attorney or Party, if self-represented: _____

Mailing Address (unless protected): _____

City, State, Zip Code: _____

Telephone: _____

State Bar of Arizona No. _____

Representing: _____

ARIZONA SUPERIOR COURT, _____ COUNTY

CASE NO. _____

Regarding the Matter of:

Petitioner

and

NOTICE OF ISSUES

Respondent

The ____ Petitioner ____ Respondent submits this Notice of Issues and states that the following issues are still contested, and the filing party intends to present these issues at the trial scheduled to take place on _____ (date) at _____ (time):

The annulment of the parties' marriage.

The dissolution of the parties' covenant non-covenant marriage.

The legal separation of the parties' covenant non-covenant marriage.

The establishment of the paternity maternity of the following minor adult children: _____

The establishment modification enforcement of legal decision-making authority and related orders regarding the following minor children: _____

The establishment modification enforcement of a parenting time schedule and related orders regarding the following minor children: _____

The establishment modification enforcement of child support payments and related orders regarding the following minor adult children: _____

The establishment modification enforcement of spousal maintenance payments made by the Petitioner Respondent to the Petitioner Respondent.

The division of community property and/or debts and the assignment/confirmation of separate property and/or debts.

The modification enforcement of an order dividing community property and/or debts and/or assigning/confirming separate property and debts.

The allocation of attorney fees and costs.

The establishment modification enforcement of third-party rights (including but not limited to “grandparents rights”) regarding the following minor children: _____

The registration of foreign orders regarding legal decision-making and/or parenting time (“custody”) child support spousal maintenance other.

Other relief authorized by statute (specify): _____

Dated: _____

Name: _____

Counsel for Petitioner Respondent

Self-Represented Petitioner Respondent

ORIGINAL of the foregoing filed with the Clerk of the Superior Court

COPIES of the foregoing mailed delivered this ____ day of _____, _____ to:

The Honorable _____ (Assigned Judicial Officer)

Counsel for the Petitioner the Respondent at the following address: _____

Other (specify): _____ at the following address: _____
