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**IN THE SUPREME COURT  
STATE OF ARIZONA**

In the Matter of ) Arizona Supreme Court No. R-  
)  
ARIZONA RULES OF FAMILY )  
LAW PROCEDURE 30 ) Petition to Add Rule 30  
) to Arizona Rules of Family Law  
) Procedure

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Undersigned, on behalf of the Family Court Improvement Committee, petitions this Court to add Rule 30 to the Arizona Rules of Family Law Procedure as outlined in Appendix A. This petition addresses the need for Rule 30.

The Committee heard complaints from the public about delays by family court judges on stipulated or uncontested actions. Upon investigation, the Committee found several areas where the superior court failed to rule promptly, causing the litigation emotional or financial hardship for no apparent reason.

Here are some known examples of why the rule is required.

The litigants filed a stipulated post-judgment motion to alter which parent had to pay the health insurance for their child. But the judge failed to sign the order for several months, causing financial hardship for the parents.

The Wife filed for temporary spousal maintenance and child support. After waiting for a hearing for 60 days, the court conducted a temporary orders hearing. Wife was not employed and had physical custody of their child. Father did not dispute that he should be responsible for temporary spousal maintenance and child support but disputed the amount. The court ruled on the 60<sup>th</sup> day after the hearing. Wife had no money to support herself or the child for over four months based on the delay in getting an interim order.

The parties filed a consent decree after protracted litigation. Husband scheduled his new wedding for the 60<sup>th</sup> day after the consent decree was filed. Without signing the consent decree, the judge went on vacation, leaving the Husband still married to his estranged wife with a venue full of friends gathered for the new nuptials. The presiding family judge could not help the Husband because the consent decree could not be located.

Father petitioned to enforce a parenting time temporary order. Mother questioned the order, and the court appointed an investigation advisor. The court-appointed advisor reported that Mother's concerns were not justified, and Father should resume parenting time. But the superior court took no action on the advisor's report for over four months. The court's delay denied Father parenting time with his child for several months.

The Committee believes that in certain areas the family courts should be directed to rule within a reasonable timeframe. The suggested timeframes in the attached rule

allow courts to enter the appropriate orders and provide a remedy if a court is not following the rule. The Committee requests that the Court adopt the rule.

**CONCLUSION**

The Committee respectfully requests that the Court consider this petition and adopt the proposed new rule.

DATED this 14<sup>th</sup> day of November 2022.

Paul J. McMurdie  
Chair, FCIC

## APPENDIX A<sup>1</sup>

### Rule 30. Right to timely review

a. In every domestic relations action, the parties are entitled to the timely resolution of their disputes. To ensure the matters do not linger unnecessarily, the courts of this state must abide by these time requirements.

1. Upon filing a consent decree under Rule 45 or a default decree or judgment by motion and without a hearing under Rule 44.1, the court must rule on the filing no later than twenty days.

2. After a hearing on temporary orders under Rules 47, 47.1, or 47.2, the court must issue the temporary orders within twenty days.

3. Upon petitioning to enforce legal decision-making and parenting time under Rule 91.5 and A.R.S. § 25-414, the court must hold a hearing or conference within 25 days of service and rule on the petition no later than twenty days after the hearing.

4. Upon delivery of a stipulated motion to the assigned judge, the court must rule on the stipulation within seven court days.

b. If a party determines that a judge has ignored this rule, the party may petition for special action to enforce the rules. The court of appeals must accept jurisdiction of a special action petition on these rules.

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<sup>1</sup> Because this is a new rule proposal, the rule is shown in sentence case.