

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-22-0044
RULE 30, RULES OF FAMILY LAW)
PROCEDURE)
)
)
)
) **FILED:08/24/2023**
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_____)

**ORDER AMENDING ON AN EMERGENCY BASIS
RULES 30, 43.1, 44.1, 45, 47,
47.1, 47.2, 48, AND 91.5 OF
THE RULES OF FAMILY LAW PROCEDURE**

On November 28, 2022, Judge Paul McMurdie, Chair of the Family Court Improvement Committee, filed a petition to amend Rule 30, Rules of Family Law Procedure, to impose deadlines for judges' rulings in certain types of family law proceedings. After comments were submitted on this petition, Petitioner filed a reply substantially revising his proposal in response to the comments. The Court desires to implement this revised proposal during this rules cycle, but also wishes to consider public comment on it. Upon consideration,

IT IS ORDERED that, pursuant to Rule 28(h)(2) of the Rules of the Supreme Court of Arizona, Rules 30, 43.1, 44.1, 45, 47, 47.1, 47.2, 48, and 91.5, Rules of Family Law Procedure, are amended on an emergency basis in accordance with the attachment to this order, effective January 1, 2024.

IT IS FURTHER ORDERED that, pursuant to Rule 28(h)(2) of the Rules of the Supreme Court of Arizona, this matter shall be

opened for public comment as to whether these amendment should be adopted permanently, with comments due no later than October 2, 2023, and any reply due no later than October 16, 2023. The Court will consider this issue at its December 2023 Rules Agenda.

DATED this 24th day of August, 2023.

/s/

ROBERT BRUTINEL
Chief Justice

TO:

Rule 28 Distribution
Paul J McMurdie
Joseph C Welty
James Alan Goodwin
Jeff Fine

ATTACHMENT¹

RULES OF FAMILY LAW PROCEDURE

Rule 30. ~~Reserved~~ Right to Timely Review

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 time requirements imposed by an applicable statute or these rules.

* * *

Rule 43.1. Filings, Pleadings, and Other Documents

(a)–(d) [No change]

(e) Proposed Orders; Proposed Judgments.

(1)–(4) [No change]

(5) Stipulations and Motions; Proposed Forms of Order.

(A) All written stipulations must be accompanied by a proposed order. Except as otherwise provided in these rules, the court must rule on any written stipulation within 21 days of the stipulation being filed with a notice of lodging and the proposed order included as an attachment. If the proposed order is signed and entered, no minute entry need issue.

(B) [No change]

(f)–(h) [No change]

* * *

Rule 44.1. Default Decree or Judgment by Motion and Without a Hearing

(a) Generally. The court may enter a default judgment based on documents in the court's file, on motion and without the parties appearing at a hearing, in the circumstances described in this rule. The party seeking default judgment by motion must file a notice of lodging and attach the proposed default decree and any other documentation required by this rule. The court must rule on the motion within 21 days of the lodging date. However,

(1)–(3) [No change]

(b)–(g) [No change]

* * *

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

Rule 45. Consent Decree, Judgment, or Order

(a) Generally. If the petitioner and the respondent agree to the terms of a dissolution, annulment, or legal separation, or to the terms of a paternity or maternity action, they may obtain a consent decree, judgment, or order without a court hearing.

(1) To obtain a consent decree for a dissolution or legal separation, the summons and petition must have been served on the respondent, or the respondent must have accepted service, at least 60 days before the parties ~~file~~ lodge the consent decree.

(2) To proceed with a consent decree for a dissolution of marriage, the parties must jointly file a notice of lodging and include as an attachment a consent decree that is substantially similar to Form 8, Rule 97.

(3) The assigned judge or commissioner must determine whether the parties have met the requirements for a consent decree: and rule on the lodged consent decree within 21 days of the lodging date.

(b)-(c) [No change]

* * *

Rule 47. Motions for Temporary Orders

(a) Motions for Pre-Decree Temporary Orders. A party seeking temporary orders for legal decision-making, parenting time, child support, or spousal maintenance, or concerning property, debt, or attorney fees, must file a separate verified motion that states the motion's legal and jurisdictional basis and the specific relief requested. The motion must be filed either after or concurrently with the initial petition. The motion must include the following information and documentation, if relevant:

(1)-(4) [No change]

(b)-(i) [No change]

(j) Time to Review. At the conclusion of a hearing, the court must rule on the motion within 21 days.

(j) (k) [No change in text]

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Rule 47.1. Simplified Child Support Orders

(a)-(b) [No change]

(c) Time to Review. At the conclusion of a hearing, the court must rule on the motion within 21 days.

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Rule 47.2. Motions for Post-Decree Temporary Legal Decision-Making, Parenting Time or Child Support Orders

(a) Generally. A party requesting temporary legal decision-making, parenting time or child support after entry of a decree must file a verified motion stating the legal and jurisdictional bases for the motion, and the specific relief requested. The motion must include a proposed parenting plan containing the legal decision-making and parenting time requested for both parties. If the motion requests child support, the party requesting child support must comply with Rule 91.1. The motion must incorporate by reference the relevant allegations of the pending post-decree petition and not separately repeat them.

(b)-(d) [No change]

(e) Time to Review. At the conclusion of a hearing, the court must rule on the motion within 21 days.

Rule 48. Temporary Orders Without Notice

(a) Filing and Timing. A party may request temporary orders without notice by filing a verified motion, along with a proposed form of orders and a notice of hearing on the motion. A motion may be filed at the same time or after filing an initial pre-decree or post-decree petition.

(b)-(f) [No change]

(g) Time to Review. At the conclusion of a hearing, the court must rule on the motion within 21 days.

* * *

Rule 91.5. Post-Judgment Petition for Enforcement of Legal Decision-Making or Parenting Time; Warrant to Take Physical Custody

(a) Enforcement. A petition for enforcement of legal decision-making, parenting time, or visitation order must comply with Rule 91, and

(1)-(2) [No change]

(b) [No change]

(c) Hearing. Under A.R.S. § 25-414, within twenty-five days of service of the petition, the court must hold a hearing or conference before a judge, commissioner, or person appointed by the court to review noncompliance with a visitation or parenting time order. The court must rule on the petition no later than 21 days after the hearing or conference.