

Arizona Supreme Court No. R-23-0001

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TO:

Rule 28 Distribution

Hon Bruce R Cohen

Joseph McGhee

ATTACHMENT¹

RULES OF FAMILY LAW PROCEDURE

Rule 48. Emergency Temporary Orders ~~Without Notice~~

(a) With Notice; Filing and Timing. A party may request emergency temporary orders at the same time or after filing an initial pre-decree or post-decree petition. A court may set the matter for an accelerated hearing only if the verified motion:

(1) sets forth the specific relief requested and the specific facts that support that relief; and

(2) provides specific facts that establish why an emergency or accelerated hearing is required.

(b) Grounds. ~~Without Notice; 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.

(1)~~(b)~~ Grounds. A court may grant temporary orders without written or oral notice to an adverse party or that party's attorney only if the verified motion:

(A)~~(1)~~ clearly shows by specific facts that if an order is not issued before the adverse party can be heard, the moving party or a minor child of the party will be irreparably injured, or irreparable injury, loss, or damage will result to the separate or community property of the moving party; and

(B)~~(2)~~ the moving party or attorney provides written certification of the efforts to give notice to the other party, or why giving notice should not be required.

(2)~~(c)~~ Orders. Orders Without Notice. Temporary orders without notice must specify the injury, loss, or damage and why it is irreparable, and state why the court granted the orders without notice. Temporary orders expire at the date and time set for hearing on the motion unless the court extends the time for good cause.

(3)~~(d)~~ Hearing. Hearing. Upon entry of a temporary order without notice, A evidentiary hearing must be set on the motion not later than 10 days after the order's entry, unless the court extends the time for good cause. The nonmoving party may request an earlier evidentiary hearing with reasonable notice as the court directs.

(c) ~~(e)~~ Service. The Any order and notice of the evidentiary hearing must be served as soon as possible after the order's entry or as the court directs.

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

(d) ~~(f)~~ Bond. No bond is required for temporary orders unless the court finds a bond appropriate.