

SUPREME COURT OF ARIZONA

In the Matter of	)	Arizona Supreme Court
	)	No. R-23-0039
RULES 16 AND 17, RULES OF	)	
PROBATE PROCEDURE	)	
	)	
	)	
	)	FILED:08/24/2023
	)	

**ORDER AMENDING
ON AN EMERGENCY BASIS
RULES 16 AND 17 OF THE
ARIZONA RULES OF PROBATE PROCEDURE**

On July 5, 2023, David K. Byers, on behalf of the Administrative Office of the Courts, filed a rule petition proposing to amend, on an emergency basis, Rules 16 and 17 of the Arizona Rules of Probate Procedure. Having considered the petition,

IT IS ORDERED, pursuant to Rule 28(h)(2) of the Rules of the Supreme Court of Arizona, that Rules 16 and 17 of the Arizona Rules of Probate Procedure are amended on an emergency basis in accordance with the attachment to this order, effective October 30, 2023.

IT IS FURTHER ORDERED, consistent with the Court's July 6, 2023 order, that the Court will consider whether to adopt the

rule amendments on a permanent basis during its December 2023
Rules Agenda.

DATED this 24th day of August, 2023.

 /s/
ROBERT BRUTINEL
Chief Justice

TO:

Rule 28 Distribution

David K Byers

ATTACHMENT¹

ARIZONA RULES OF PROBATE PROCEDURE

Rule 16. Notice of Initial Hearing on Petition

(a) Required Content. The notice of an initial hearing on a petition required by Rule 15(d) must state:

(1)-(3) [No change]

(4) if the court has authorized virtual attendance at the initial hearing,

(A) a statement that specifies whether the court has permitted, or required, virtual attendance, and

(B) instructions for virtually attending the initial hearing; ~~and~~

(5) if the court has not authorized virtual attendance at the initial hearing, the following statement: “If you wish to attend this hearing virtually, you must request permission from the court as described in Rule 12(c), Arizona Rules of Probate Procedure.”; and

(6) any notice regarding the right to a jury trial required under A.R.S. §§ 14-5309(C) or 14-5405(C).]

(b) Required Warning. The notice must include the following warning:

This is a legal notice; your rights may be affected. [Éste es un aviso legal. Sus derechos podrían ser afectados.]

You are not required to attend this hearing except as provided in A.R.S. § 14-5401(D). However, if you oppose any of the relief requested in the petition that accompanies this notice, you must file with the court a written response at least 7 calendar days before the hearing date or you or your attorney must attend the hearing. Any written response must comply with Rule 15(e) of the Arizona Rules of Probate Procedure. If you do not file a timely response or attend the hearing:

(1) the court may grant the relief requested in the petition unless otherwise prohibited by law and without further proceedings, and

(2) you will not receive additional notices of court proceedings relating to the petition unless you file a demand for notice pursuant to Title 14, Arizona Revised Statutes.

(c)-(e) [No change]

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

Rule 17. Initial Hearing on a Petition

(a) Attendance at the Initial Hearing.

(1) [No change]

(2) *Other Interested Persons and Their Attorneys.*

(A) No Opposition to Relief Requested in Petition. Unless the court has specified otherwise and except as provided in A.R.S. § 14-5401(D), an interested person who does not oppose the relief requested in the petition is not required to attend the initial hearing.

(B) [No change]

(b)-(c) [No change]