

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-23-0041
RULES 44.1 AND 45, RULES OF)
FAMILY LAW PROCEDURE)
)
)
)
) **FILED:08/24/2023**
)
_____)

**ORDER AMENDING
ON AN EMERGENCY BASIS
RULES 44.1 AND 45 OF
THE RULES OF FAMILY LAW PROCEDURE**

On July 6, 2023, Judge Paul J. McMurdie, Chair of the Family Law Improvement Committee, filed a rule petition on the Committee's behalf proposing to amend Rules 44.1 and 45 of the Rules of Family Law. Having considered the petition,

IT IS ORDERED, pursuant to Rule 28(h)(2) of the Rules of the Supreme Court of Arizona, that Rules 44.1 and 45 of the Rules of Family Law Procedure are amended on an emergency basis in accordance with the attachment to this order, effective immediately.

IT IS FURTHER ORDERED, consistent with the Court's July 17, 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

Arizona Supreme Court R-23-0041
Page 3 of 4

TO:

Rule 28 Distribution
Paul J McMurdie

ATTACHMENT¹

RULES OF FAMILY LAW PROCEDURE

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

(a)-(e) [No change]

(f) Spousal Maintenance. If a party requests spousal maintenance and chooses to proceed by motion without a hearing, the party must file a form substantially similar to Form 6, Rule 97, Default Information for Spousal Maintenance, with the Rule 44 application for default. To establish the amount requested, the party must file separately the Spousal Maintenance Guidelines worksheet generated by filling in the requested information in the Spousal Maintenance Calculator. Establishing an amount calculated under the Spousal Maintenance Guidelines cannot be used as evidence that the spouse is entitled to spousal maintenance.

(g) [No change]

Rule 45. Consent Decree, Judgment, or Order

(a) [No change]

(b) Content of Consent Decree, Judgment, or Order. The consent decree, order, or judgment must meet these requirements:

(1) It must state the terms of the parties' agreement. For dissolution or legal separation decrees, if the parties agree to spousal maintenance, the consent decree, order, or judgment must include a proposed spousal maintenance order supported by a Spousal Maintenance Guidelines worksheet generated by filling in the requested information in the Spousal Maintenance Calculator. If the parties request a deviation in the spousal maintenance amount, the decree, order, or judgment must state the basis for deviation under the Spousal Maintenance Guidelines.

(2)-(4) [No change]

(c) [No change]

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