

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-22-0044
RULE 30, RULES OF FAMILY LAW)
PROCEDURE) **FILED 12/6/2023**
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**ORDER ADOPTING ON A PERMANENT BASIS
AMENDMENTS TO RULES 30, 43.1, 44.1, 45, 45.1,
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 ("FCIC"), filed a petition to amend Rule 30, Rules of Family Law Procedure, by imposing deadlines for judges' rulings in certain types of family law proceedings. The petition was opened for public comment on January 17, 2023. After comments were submitted, Petitioner filed a reply substantially revising its proposal by adding amendments to Rules 43.1, 44.1, 45, 47, 47.1, 47.2, 48, and 91.5.

After its August 24, 2023 Rules Agenda, this Court entered an order: (a) adopting the proposed amendments on an emergency basis effective January 1, 2024; and (b) opening the proposed amendments for public comment about whether the amendments should be adopted permanently. On October 2, 2023, the

Administrative Office of the Courts ("AOC") submitted a comment recommending additional revisions. On October 26, 2023, Petitioner FCIC submitted a reply recommending adoption of AOC's revisions as well as certain incidental editing revisions. Petitioner also recommended an amendment to an additional rule, Rule 45.1, Rules of Family Law Procedure. Upon consideration,

IT IS ORDERED amending on a permanent basis Rules 30, 43.1, 44.1, 45, 45.1, 47, 47.1, 47.2, 48, and 91.5, Rules of Family Law Procedure, as modified in accordance with Attachment A to this order, effective January 1, 2024.

IT IS FURTHER ORDERED that the rule amendments that require the court to rule on a motion or petition no later than 21 days after the date a hearing or conference is concluded (e.g., Rules 47, 47.1, 47.2, 48, and 91.5) are applicable to cases in which the hearing or conference is concluded on or after January 1, 2024.

IT IS FURTHER ORDERED that the rule amendments that require the court to act on written motions, stipulations, decrees, judgments, or orders within specified timeframes (e.g., Rule 43.1(e), 44.1, 45, 45.1) are applicable to cases in which the motion, stipulation, decree, judgment, or order is filed or lodged on or after January 1, 2024.

TO:

Rule 28 Distribution

Hon Paul J McMurdie

Hon Joseph C Welty

Hon Greg Sakall

James Alan Goodwin

Hon Jeff Fine

David K Byers

ATTACHMENT A¹

RULES OF FAMILY LAW PROCEDURE

Rule 30. Right to Timely Review

To help ensure that the parties in a domestic relations action have their disputes timely resolved, courts must abide by the time limits imposed by Rules 43.1, 44.1, 45, 45.1, 47, 47.1, 47.2, 48, and 91.5.

* * *

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 no later than 21 days after the date the stipulation is 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. However,

(1)-(3) [No change]

(b) **Decree of Dissolution, Annulment, or Separation**

(1)-(3) [No change]

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

(4) Acting on the Motion. The Court must act on the motion in a timely manner as provided by this subpart.

(A) For petitions for dissolution or legal separation, the court must notify the appearing parties that the motion has been set for hearing or rule on the motion no later than:

(i) 21 days after the filing date of the motion if the motion was filed 60 days or more after the effective date of service of the petition; or

(ii) 81 days after the effective date of service of the petition if the motion was filed less than 60 days after the effective date of service.

(B) For petitions for annulment, the court must notify the appearing parties that the motion has been set for hearing or rule on the motion no later than 21 days after the filing date of the motion.

(c) Judgment of Maternity or Paternity.

(1)-(2) [No change]

(3) Acting on the Motion. The court must notify the appearing parties that the motion has been set for hearing or rule on the motion no later than 21 days after the filing date of the motion.

(d) Money Judgments and Attorney Fees.

(1)-(2) [No change]

(3) Acting on the Motion. Unless Rule 44.1(b)(4)(A) applies, the court must notify the appearing parties that the motion has been set for hearing or rule on the motion no later than 21 days after the filing date of the motion.

(e)-(g) [No change]

* * *

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 lodge the consent decree.~~ A.R.S. § 25-329 provides for a 60-day waiting period which begins on the date the respondent was served with the summons and complaint, or the date on which an acceptance of service is filed with the clerk, whichever is earlier.

(2) To proceed with a consent decree for a dissolution of marriage, the parties must jointly file a notice of lodging and lodge 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, judgment, or order and set the matter for hearing or rule on the lodged consent decree, judgment or order no later than:

(A) for petitions for dissolution or legal separation,

(i) 21 days after the lodging date if the decree, judgment, or order was lodged 60 days or more after the effective date of service of the petition; or

(ii) 81 days after the effective date of service of the petition if the decree, judgment, or order was lodged less than 60 days after the effective date of service.

(B) for all other matters, no later than 21 days after the lodging of the decree, judgment, or order.

(b)-(c) [No change]

Rule 45.1. Summary Consent Decree

(a)-(c) [No change]

(d) Entry of a Summary Consent Decree.

(1)-(2) [No change]

(3) *Waiting Period; Hearing.* The court may not enter a final summary consent decree earlier than 60 days after the filing date of the summary consent petition and response. After 60 days, the court may enter a summary consent decree without a hearing if it has determined that the parties have met the requirements for a summary consent decree. Alternatively, the court may set a hearing on specified issues or enter other appropriate orders. The court must set the matter for hearing or rule on the lodged summary consent decree no later than 81 days after the filing date.

(4) [No change]

* * *

Rule 47. Motions for Temporary Orders

(a)-(i) [No change]

(j) Acting on the Motion. The court must rule on the motion no later than 21 days after the date the hearing is concluded.

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

* * *

Rule 47.1. Simplified Child Support Orders

(a)-(b) [No change]

(c) Acting on the Motion. The court must rule on the motion no later than 21 days after the date the hearing is concluded.

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

(a)-(d) [No change]

(e) Acting on the Motion. The court must rule on the motion no later than 21 days after the date the hearing is concluded.

Rule 48. Temporary Orders Without Notice

(a)-(f) [No change]

(g) Acting on the Motion. The court must rule on the motion no later than 21 days after the date the hearing is concluded.

* * *

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

(a)-(b) [No change]

(c) Hearing. Under A.R.S. § 25-414, within 25 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 is concluded.

ATTACHMENT B²

*(Showing Changes from the Rule Amendments
Adopted on an Emergency Basis)*

RULES OF FAMILY LAW PROCEDURE

Rule 30. 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. To help ensure that the parties in a domestic relations action have their disputes timely resolved, courts must abide by the time limits imposed by Rules 43.1, 44.1, 45, 45.1, 47, 47.1, 47.2, 48, and 91.5.~~

* * *

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 twenty one~~ no later than 21 days ~~after~~ of the stipulation ~~is 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~~

² Additions to the text of a rule as amended on an emergency basis are shown by underscoring and deletions are shown by ~~strikethrough~~.

~~this rule. The court must rule on the motion within twenty one days of the lodging date.~~
However,

(1)-(3) [No change]

(b) Decree of Dissolution, Annulment, or Separation

(1)-(3) [No change]

(4) Acting on the Motion. The Court must act on the motion in a timely manner as provided by this subpart.

(A) For petitions for dissolution or legal separation, the court must notify the appearing parties that the motion has been set for hearing or rule on the motion no later than:

(i) 21 days after the filing date of the motion if the motion was filed 60 days or more after the effective date of service of the petition; or

(ii) 81 days after the effective date of service of the petition if the motion was filed less than 60 days after the effective date of service.

(B) For petitions for annulment, the court must notify the appearing parties that the motion has been set for hearing or rule on the motion no later than 21 days after the filing date of the motion.

(c) Judgment of Maternity or Paternity.

(1)-(2) [No change]

(3) Acting on the Motion. The court must notify the appearing parties that the motion has been set for hearing or rule on the motion no later than 21 days after the filing date of the motion.

(d) Money Judgments and Attorney Fees.

(1)-(2) [No change]

(3) Acting on the Motion. Unless Rule 44.1(b)(4)(A) applies, the court must notify the appearing parties that the motion has been set for hearing or rule on the motion no later than 21 days after the filing date of the motion.

(e)-(g) [No change]

* * *

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 lodge the consent decree~~ A.R.S. § 25-329 provides for a 60-day waiting period which begins on the date the respondent was served with the summons and complaint, or the date on which an acceptance of service is filed with the clerk, whichever is earlier.

(2) To proceed with a consent decree for a dissolution of marriage, the parties must jointly file a notice of lodging and lodge ~~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, judgment, or order and set the matter for hearing or rule on the lodged consent decree, judgment or order no later than:~~

(A) for petitions for dissolution or legal separation,

(i) 21 days after the lodging date if the decree, judgment, or order was lodged 60 days or more after the effective date of service of the petition; or

(ii) 81 days after the effective date of service of the petition if the decree, judgment, or order was lodged less than 60 days after the effective date of service.

(B) for all other matters, no later than 21 days after the lodging of the decree, judgment, or order.

(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~~ Acting on the Motion. ~~At the conclusion of a hearing, the~~ The court must rule on the motion within 21 days after the date the hearing is concluded.

(k) [No change in text]

* * *

Rule 47.1. Simplified Child Support Orders

(a)-(b) [No change]

(c) ~~Time to Review~~ Acting on the Motion. ~~At the conclusion of a hearing, the~~ The court must rule on the motion no later than 21 within twenty one days after the conclusion of the hearing.

* * *

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~~ Acting on the Motion. ~~At the conclusion of a hearing, the~~ The court must rule on the motion no later than 21 within twenty one days after the conclusion of the hearing.

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~~ Acting on the Motion. ~~At the conclusion of a hearing, the~~ The court must rule on the motion no later than 21 within twenty one days after the conclusion of the hearing.

* * *

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 twenty-one days after the hearing or conference is concluded.