

Petitioner had received informally and proposing some additional changes to the amendments to respond to those comments.

Having considered the petition, the informal comments the Petitioner received, and the reply,

IT IS ORDERED that the amendments to Rules 44.1 and 45 of the Rules of Family Law Procedure that the Court adopted on an emergency basis on August 24, 2023, are adopted permanently, as modified in accordance with Attachment A to this order, effective January 1, 2024. Attachment B to this order shows the changes the Court made to the rule amendments that were previously adopted on an emergency basis.

DATED this 6th day of December, 2023.

/s/
ROBERT BRUTINEL
Chief Justice

TO:

Rule 28 Distribution
Hon Paul J McMurdie
Hon Greg Sakall

ATTACHMENT A¹

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. The party must file separately the Spousal Maintenance Calculator Worksheet that specifies the requested amount and duration.

(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 that include an award of spousal maintenance, the parties must separately file a Spousal Maintenance Calculator Worksheet. If the stipulated amount or duration of spousal maintenance is outside the applicable guideline ranges, the decree must include the required findings from the guidelines, and state that the stipulated amount and duration will allow the receiving party to become self-sufficient.

(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~~.

ATTACHMENT B²

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

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.~~ The party must file separately the Spousal Maintenance Calculator Worksheet that specifies the requested amount and duration.

(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, that include an award of spousal maintenance, the parties must separately file a Spousal Maintenance Calculator Worksheet. If the stipulated amount or duration of spousal maintenance is outside the applicable guideline ranges, the decree must include the required findings from the guidelines, and state that the stipulated amount and duration will allow the receiving party to become self-sufficient.

(2)-(4) [No change]

(c) [No change]

² Additions to the text of the rules as amended on an emergency basis are shown by underscoring and deletions are shown by ~~strike-through~~.