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**IN THE SUPREME COURT
STATE OF ARIZONA**

7 In the Matter of:

Supreme Court No. R-24-

8 **PETITION TO AMEND RULES**
9 **91(m) AND 91.1(c) OF THE**
10 **ARIZONA RULES OF FAMILY**
11 **LAW PROCEDURE**

PETITION

12 Pursuant to Rule 28(a) of the Arizona Rules of Supreme Court, the State Bar
13 of Arizona (the “State Bar”) hereby petitions the Court to amend Rules 91(m) and
14 91.1(c), Arizona Rules of Family Law Procedure (“Family Rules”). This proposed
15 amendment will eliminate a loophole that could prevent a disclosure deadline from
16 coming into existence and will streamline the disclosure of documents in post-decree
17 cases.
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19 Family Rule 91(m) relates to Rule 49 disclosures in post-decree cases. The
20 current language only creates a disclosure deadline if the court establishes a deadline
21 or if the parties agree to a deadline. If neither of those conditions are met, no
22 disclosure deadline exists, effectively creating a loophole that permits both parties
23 to ignore the disclosure rules. This rule proposal, as it relates to Rule 91(m), closes
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Electronic copy filed with the
Clerk of the Supreme Court of Arizona
this 10th day of January, 2024.

by: PSeguin

Appendix

(Please note: deletions are reflected by ~~strikethrough~~ and additions are reflected by underline.)

Rule 91. Modification or Enforcement of Judgment

(a) – (l) [No change.]

(m) Disclosure. In any proceeding under Rule 91 or Rules 91.1 through 91.7, each party must comply with Rule 49 ~~within the time established by the court at the conference or hearing or as agreed~~ not later than 30 days after service of the petition unless a different date is set by the court or agreed upon in writing by the parties.

(n) – (p) [No change.]

Rule 91.1 Post-Judgment Petition to Modify Spousal Maintenance or Child Support

(a) – (b) [No change.]

(c) Affidavit of Financial Information. For a petition filed under Rule 91.1(a) or Rule 91.1(b)(1) the parties also must file and exchange current Affidavits of Financial Information not later than ~~20~~ 30 days after service, unless a different date is set by the court or agreed upon in writing by the parties.