

Rules of Family Law Procedure, are adopted on a permanent basis,
as shown in Attachment B, effective January 1, 2025.

DATED this 22nd day of August, 2024.

/s/

ANN A. SCOTT TIMMER
Chief Justice

TO:

Rule 28 Distribution

Hon Bruce R Cohen

Susan Pickard

Hon Paul J McMurdie

Lynne C Adams

Anthony Contente-Cuomo

Clyde R Dangerfield

Jordan T Ellel

David D Garner

Denise Lowell-Britt

Jennifer N MacLennan

Jessica S Sanchez

Sesaly O Stamps

Marie Piccarreta

Lisa M Panahi

Arlene Rheinfelder

Christy Kalbach

Hon D Gregory Sakall

David Tascoe

Hon Randi Leigh Burnett

Joi Hollis

Hon Ronda R Fisk

Hon Robert Ian Brooks

Hon Lori Ash

Hon Stasy D Avelar

Hon Michelle Carson

Hon Quintin H Cushner

Hon James N Drake Jr

Hon Monica Edelstein

Hon James Knapp

Hon Julie Ann Mata

Hon Keith A Miller

Hon Colleen E O'Donnell-Smith

Hon Michael Valenzuela

Hon Randall H Warner

Hon Tracey Westerhausen

Hon Paula A Williams

Hon William R Wingard

Hon Cassie Bray Woo

Hon Patricia A Starr

Ashley West

Misty Morrison

Bob West

Christina Steel

Erica Merrill

Jen Bradford
Natalie Bush
Carmelo Damore
Beth West
Lisa Taylor
Kimberly Henderson
Jessica Brady
Rita Allen
Kim Witman
Valerie Smith
Vicky West
April Scott
Scott Gallegos
Epifanio Ortiz
Julee Rademacher
Bailee Moore
Gary Johnson
Holly West
Lance Olshovsky
Brooke Rickmond
Nicole Anchie
Cainan Himler
Maria Hall
Kyle Norton
Kimberlee Hall
Aimee Stockham
Michael Anchie
Christopher Schreiner
Jessica Hallett
Rick Reid
Mariella Badalamenit
Chelsea Wohlfeld
Jennifer Hardy
Timmi Paul
Shannon Rigsby
Emily Simmons
Glenn Webster
Nicole Himler
Matthew Janbou
Amanda Melendez
Branden Himler
Shanyn King
Shawnee Jarman
Amanda Thomas
Serena Laudner
Clifford Starks
Allysa Rabago

Nicole Mosher
Jim Hamilton
Christina Noel
Steve Davis
Lindsey Hillam
Kelly Donovan
James Soccio
Rob Cano
Jessica Lindsell
Christie Reid
Brian Hurlock
Anthony Shanler
James D Sumpter
Robbie Barber
Merri Eubank
Amanda Bond
Vikki Johnson
April Schweikert
Sarah Lauterbach
Tianna Boyer
Amanda Jankowiak
Brenda Tennent
Danielle VanSlambrouck
Christie Stevenson
Monse Himler
Blake Holloway
Randi Pierce
Shannon Davis
Sarah Lauterbauch
Ellen McGuire
Colleen McDaniel
Marisa Purcell
Linda Thompson
Andrea Lent
Shirley Himler
Summer Jacksonson
Shannon Hurst
Jessica Brurell
Amanda Sutter
Steve Simmons
Jessica Morgan
Heidi Gailey
Richard Bates
Kristen Brunell
Alexandra Murnor
Danielle Nowotenski
Tiffany Hawkins

Paige Broxterman
Amber Zuber
Jared Power
Emma Trauberman
Deborah Cook
Kamilah Taylor
Richard Herniak
Nicole Bigelow
Kristin Howell
Mary Kretchmar
Amy Glassanos
Henry Vaply
Laura Doyle
Arthur Waino
Shiloe Maloy
Daniel Badalamenti
Dawn Scott
Joe Ramirez
Terra Obrien
Matt Power
Patty Pomeroy
Larry Pomeroy
Christ Tarver
Debbie Hibo
Emily Wilson
Matthew Carrera
Brett Murillo
Shane Birt
Rebecca Birt
Audra Rose
Tarissa Larkins
Michael Tarver
Spencer Power
Maureen Walh

ATTACHMENT A¹

(Showing Changes from the Rules Adopted on an Emergency Basis)

RULES OF FAMILY LAW PROCEDURE

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

(a)-(d) [No change]

(e) When Children Are Involved or a Party is Pregnant. When the parties have children in common or a party is pregnant, the default decree must include the following:

(1) whether either party is pregnant with a child common to the parties;

(2) provisions for legal decision-making and parenting time, either within the default decree or by a separate parenting plan;

(3) if the court finds that it is in the children's best interests for an Education Order to be issued, an "Education Order" substantially in conformity with Rule 97, Form 19 or Form 20, as appropriate;

(4) a child support order supported by a child support worksheet, but if a party requests any deviation in the child support amount, the default decree or child support order must state the basis for deviation under the child support guidelines;

(5) if either party is receiving benefits under Temporary Assistance for Needy Families (TANF) or the Title IV-D program, the parties must attach to the default decree the Attorney General's written approval of any specified child support amount;

(6) a copy of the filing parent's certificate of completion of the parent information program, if it has not already been filed with the court;

(7) a completed income withholding order, including the current employer information sheet;

(8) if the parties are requesting joint legal decision-making, a statement as to whether domestic violence has occurred, and the extent of any such violence; and

(9) for a paternity or maternity action, the identities of the natural mother and father and anyone who has lawful status as a parent or custodian of a child, including the court case conferring that status if it is not the current case.

(f)-(g) [No change]

* * *

¹Additions to the text of the rules that were adopted on an emergency basis are shown by underscoring and deletions are shown by ~~strike-through~~.

Rule 45. Consent Decree, Judgment, or Order

(a)-(b) [No change]

(c) When Children Are Involved. When the parties have children in common or a party is pregnant with a child common to the parties, the consent decree, judgment, or order must include the following:

(1) provisions for legal decision-making and parenting time, either within the consent decree or by a separate parenting plan;

(2) if the court finds that it is in the children’s best interests for an Education Order to be issued, an “Education Order” substantially in conformity with Rule 97, Form 19 or Form 20, as appropriate;

(3) a child support order supported by a child support worksheet, but if a party requests any deviation in the child support amount, the consent decree or child support order must state the basis for deviation under the child support guidelines;

(4) if either party is receiving Temporary Assistance for Needy Families (TANF) or services from the Title IV-D program, the parties must attach to the consent decree the written approval of the Attorney General or county attorney;

(5) copies of each parent's Certificate of Completion of the Parent Information Program, if not previously filed with the court;

(6) a completed income withholding order, including the current employer information sheet;

(7) if the parties are requesting joint legal decision-making, a statement as to whether domestic violence has occurred, and the extent of any such violence; and

(8) for a paternity or maternity action, the identities of the natural mother and father and anyone who has lawful status as a parent or custodian of a child, including the court case conferring that status if it is not the current case.

* * *

Rule 78. Judgment, Attorney Fees, Costs, and Expenses

(a)-(f) [No change]

(g) Entering Judgment.

(1) *Written Document.* All judgments must be in writing and signed by a judge or a court commissioner duly authorized to do so. When the parties have children in common, and if the court finds that it is in the children’s best interests for an Education Order to be issued, the judgment must include an “Education Order” substantially in conformity with Rule 97, Form 19 or Form 20, as appropriate;

(2) **[No change]**

(h)-(i) [No change]

* * *

Rule 91.3. Post-Judgment Petition to Modify Legal Decision Making or Parenting Time; Education Order

(a)-(b) [No change]

(c) Education Order. If the court finds that it is in the children’s best interests for an Education Order to be issued, Any order granting modification issued under this rule must include an “Education Order” substantially in conformity with Rule 97, Form 19 or Form 20, as appropriate.

ATTACHMENT B
RULES OF FAMILY LAW PROCEDURE

Rule 97, NEW FORMS 19 AND 20

In re the Matter of:

Petitioner/Parent A

v.

Respondent/Parent B

CASE NO. _____

**JOINT LEGAL DECISION-MAKING
EDUCATION ORDER**

(FORM 19)

THE COURT FINDS AS FOLLOWS:

1. The parties have the following minor child(ren) (hereinafter the “minor child(ren)”):

- Name: _____ Born: _____
- Name: _____ Born: _____
- Name: _____ Born: _____
- Name: _____ Born: _____
- Name: _____ Born: _____
- Name: _____ Born: _____

2. An order regarding legal decision-making and/or parenting time in the best interests of the minor child(ren) (also referred to as a “Parenting Plan”) was entered by this Court on (insert date) _____.

3. A.R.S. § 25-401 defines two different types of legal decision-making. “Joint legal decision-making” means both parents share decision-making and neither parent’s rights or responsibilities are superior except with respect to specified decisions as set forth by the court or the parents in the final judgment or order. “Sole legal decision-making” means one parent has the legal right and responsibility to make major decisions for a child. In this case, the Court has awarded **joint legal decision-making** to the parents.

4. It furthers the best interests of the minor child(ren) for this Court to enter the following school-specific order that reflects relevant provisions under the Parenting Plan. This order serves to supplement, but not modify or replace, the provisions set forth in the Parenting

Plan. If there is a conflict between this order and the current Parenting Plan, the Parenting Plan controls. For purposes of this order, the terms shall apply equally to schools, pre-schools, and institutional childcare providers.

5. This order is binding upon the parents, who are responsible for complying with its terms and the terms in the parenting plan. It is not binding on a school but is provided as guidance for the child(ren)'s schools.

Based thereon,

IT IS HEREBY ORDERED AS FOLLOWS:

1. Delivery to School.

The parents are required to provide a copy of this order to the minor child(ren)'s school(s).

2. Joint Legal Decision-Making.

The parents have been awarded joint legal decision-making. As it relates to this Education Order, legal decisions include school selection, enrollment/ withdrawal, and special services (IEP/504 Plans). In the event the parents cannot agree:

- Neither parent is entitled to any greater decision-making authority. No change can be made, nor any action taken, unless the parties agree or a court order resolves the issue.
 - Subject to the terms set forth in the Parenting Plan, decisions will be made by (insert the name of parent with "presumptive" or "final" authority):
-

3. School Selection.

Enrollment of the minor child(ren) in a particular school is subject to the school's policies or rules, space availability, enrollment restrictions set by the school or school district or its authorizer (if a charter school), and state law. A parent may submit enrollment documentation to the school of choice solely for the purpose of reserving the minor child(ren)'s place at the school. Neither parent is restricted from selecting their preference of school for open enrollment purposes.

4. Special Services.

If the minor child(ren) is/are eligible for or being considered for a 504 Plan, an Individualized Education Program (IEP), an Individualized Service Plan (ISP), or other special services:

- An evaluation as to the minor child(ren)'s eligibility for special services shall proceed so long as at least one parent consents.
- Both parents are entitled to attend all meetings with school officials that parents are permitted to attend.
- Both parents are authorized to have access to all special services records and testing results.
- Upon completion of any evaluation or assessments, if there is no agreement between the parties regarding the provision of special education and related special services, the decision of how to proceed must be decided in accordance with the legal decision-making orders of the court.

5. **Parenting Time and Child Pick-Up.**

The school should not use the parenting schedule as a basis to deny either parent access to their minor child(ren), nor shall either parent instruct the school to limit contact, unless otherwise ordered. Each parent may pick up the minor child(ren) from school and each may authorize other individuals to pick up the minor child(ren), unless there are limitations under the terms of the current Parenting Plan or another court order.

6. **Contact Information.**

Each parent's home address, e-mail, cell phone and any other contact information must be provided to the school and listed by the school as the contact information for the minor child(ren). Additional emergency contacts may be listed, but in the event of a dispute between the parties, the school must list any person requested by either parent until the parents reach an agreement or secure a court order to the contrary. In the event of an emergency, either parent may make decisions for the minor child(ren)'s immediate care.

7. **Access to School Grounds.**

Subject to the policies of the school, or any provisions set forth in the Parenting Plan or other order of the court, there are no restrictions on either parent's right to participate in school activities or events, or engage in any parent volunteer activities, that parents are generally permitted to participate in.

8. **Access to School Records and Parent Portal.**

Both parents are entitled to equal access to the minor child(ren)'s school records. Neither parent may restrict the other parent's access to information. Further, each parent is individually responsible for contacting the school and requesting to be included on any mailing or distribution list.

Both parents are entitled to access the school's student information system or online parent portal(s) (e.g. ParentVUE, Google Classroom, Infinite Campus, etc.). Unless the school allows each parent to have an individual login account, the parents must create a joint login ID and password, which will not be changed or modified without the consent of the other parent.

9. Parent-Teacher Conferences.

Each of the parents shall have the equal right to confer with teachers and counselors concerning the minor child(ren)'s education and other activities. The parents may request joint or separate parent-teacher conferences, and the school may or may not accommodate the request.

10. Future Litigation.

The parties must make best efforts to agree upon the admission of school records or communications without the need for foundational testimony or agree upon the submission of an affidavit from the custodian of records to authenticate the records in lieu of testimony, whenever possible. If a teacher or school official is required for substantive testimony, the scheduling of such testimony will, when possible, be set at a time that is least disruptive to the school, its other students, and its operations. Presumptively, accommodations will be made to allow virtual appearances by the teacher or school official.

11. Additional Education-Related Orders:

Signed this _____ day of _____ 20_____.

By: _____

Judicial Officer

Superior Court of _____ County

In re the Matter of:

Petitioner/Parent A

v.

Respondent/Parent B

CASE NO. _____

**SOLE LEGAL DECISION-MAKING
EDUCATION ORDER**

(FORM 20)

THE COURT FINDS AS FOLLOWS:

1. The parties have the following minor child(ren) (hereinafter the “minor child(ren)“):

Name: _____ Born: _____

Name: _____ Born: _____

Name: _____ Born: _____

Name: _____ Born: _____

Name: _____ Born: _____

Name: _____ Born: _____

2. An order regarding legal decision-making and/or parenting time in the best interests of the minor child(ren) (also referred to as a “Parenting Plan”) was entered by this Court on (insert date) _____ .

3. A.R.S. § 25-401 defines two different types of legal decision-making. “Joint legal decision-making” means both parents share decision-making and neither parent’s rights or responsibilities are superior except with respect to specified decisions as set forth by the court or the parents in the final judgment or order. “Sole legal decision-making” means one parent has the legal right and responsibility to make major decisions for a child. In this case, the Court has awarded **sole legal decision-making** to one parent.

4. It furthers the best interests of the minor child(ren) for this Court to enter the following school-specific order that reflects relevant provisions under the Parenting Plan. This order serves to supplement, but not modify or replace, the provisions set forth in the Parenting Plan. If there is a conflict between this order and the current Parenting Plan, the Parenting Plan controls. For purposes of this order, the terms shall apply equally to schools, pre-schools, and institutional childcare providers.

5. This order is binding upon the parents, who are responsible for complying with its terms and the terms in the parenting plan. It is not binding on a school but is provided as guidance for the child(ren)’s schools.

Based thereon,

IT IS HEREBY ORDERED AS FOLLOWS:

1. Delivery to School.

The parents are required to provide a copy of this order to the minor child(ren)'s school(s).

2. Sole Legal Decision-Making.

Sole legal decision-making authority has been awarded to (insert the name of the parent with sole legal decision-making):

As it relates to this Education Order, legal decisions include school selection, enrollment/ withdrawal, and special services (IEP/504 Plans).

3. School Selection.

Only the parent with sole legal decision-making authority has the authority to select the minor child(ren)'s school. However, enrollment of the minor child(ren) in a particular school is subject to the school's policies or rules, space availability, enrollment restrictions set by the school or school district or its authorizer (if a charter school), and state law.

4. Special Services.

If the minor child(ren) is/are eligible for or being considered for a 504 Plan, an Individualized Education Program (IEP), an Individualized Service Plan (ISP), or other special services, only the parent with sole legal decision-making has the authority to consent to evaluation and/or the child(ren)'s participation in special education and related special services.

Both parents are entitled to attend all meetings with school officials that parents are permitted to attend. Both parents are authorized to have access to all special services records and testing results.

5. Parenting Time and Child Pick-Up.

The school should not use the parenting schedule as a basis to deny either parent access to their minor child(ren), nor shall either parent instruct the school to limit contact, unless otherwise ordered. Each parent may pick up the minor child(ren) from school and each may authorize other individuals to pick up the minor child(ren), unless there are limitations under the terms of the current Parenting Plan or other court order.

6. Contact Information.

Each parent's home address, e-mail, cell phone and any other contact information must be provided to the school and listed by the school as the contact information for the minor child(ren). Additional emergency contacts may be listed, but in the event of a dispute between the parties, the school must list any person requested by either parent until the parents reach an agreement or secure a court order to the contrary. In the event of an emergency, either parent may make decisions for the minor child(ren)'s immediate care.

7. Access to School Grounds.

Subject to the policies of the school, or any provisions set forth in the Parenting Plan or other order of the court, there are no restrictions on either parent's right to participate in school activities or events, or engage in any parent volunteer activities, that parents are generally permitted to participate in.

8. Access to School Records and Parent Portal.

Both parents are entitled to equal access to the minor child(ren)'s school records. Neither parent may restrict the other parent's access to information. Further, each parent is individually responsible for contacting the school and requesting to be included on any mailing or distribution list.

Both parents are entitled to access the school's student information system or online parent portal(s) (*e.g.* ParentVUE, Google Classroom, Infinite Campus, etc.). Unless the school allows each parent to have an individual login account, the parents must create a joint login ID and password, which will not be changed or modified without the consent of the other parent.

9. Parent-Teacher Conferences.

Each of the parents shall have the equal right to confer with teachers and counselors concerning the minor child(ren)'s education and other activities. The parents may request joint or separate parent-teacher conferences, and the school may or may not accommodate the request.

10. Future Litigation.

The parties must make best efforts to agree upon the admission of school records or communications without the need for foundational testimony or agree upon the submission of an affidavit from the custodian of records to authenticate the records in lieu of testimony, whenever possible. If a teacher or school official is required for substantive testimony, the scheduling of such testimony will, when possible, be set at a time that is least disruptive to the school, its other students, and its operations. Presumptively, accommodations will be made to allow virtual appearances by the teacher or school official.

11. Additional Education-Related Orders:

Signed this _____ day of _____ 20_____.

By: _____
Judicial Officer
Superior Court of _____ County