

to allow additional stakeholder and public input on the COFC's recommendations. The Court approves this course of action. Upon consideration,

IT IS ORDERED continuing this matter to the November 25, 2025 Rules Agenda;

IT IS FURTHER ORDERED that the COFC's proposed amendments to Rule 91, RFLP, attached to this order, are opened for public comment under Rule 28(c), Rules of the Supreme Court of Arizona, with all comments due no later than October 1, 2025, and any reply due no later than October 15, 2025.

The COSC comment may be viewed by going to <http://www.azcourts.gov/Rules-Forum>. This opens the "Welcome" page. Petitions are posted under the appropriate body of rules, which is found by scrolling down the page.

For instructions on how to post comments electronically, click on <https://www.azcourts.gov/rules/Forum-FAQ> at the top of the Forum FAQ page and then on "How do I file a comment on a Rule 28 petition?"

Alternatively, commenters may submit comments by filing an original and one paper copy of the comment and one electronic copy of the written comment and supporting documents in Microsoft Word format on a CD or other compatible electronic medium with the Clerk of the Supreme Court, 1501 West Washington St., Room 402, Phoenix AZ 85007 in an envelope marked "Rule

Comment.”

Any person filing a comment must send a copy of the comment electronically or by ordinary mail to Petitioner State Bar of Arizona and to the COFC, in care of its Chair, Hon. Greg Sakall.

DATED this 26th day of August, 2025.

/s/
ANN A. SCOTT TIMMER
Chief Justice

TO:

Rule 28 Distribution

Lisa M Panahi

Hon D Gregory Sakall

David Tascoe

ATTACHMENT¹

RULES OF FAMILY LAW PROCEDURE

Rule 91. Modification or Enforcement of Judgment

(a) – (i) [No change]

(j) Manner and Timing of Service. The applicant must serve the petition, and every order, warrant, and affidavit in support of the petition, on all other parties in the manner required under Rules 40(f)(1) or 41, as applicable. The applicant must make good faith efforts to complete service promptly and within 10 days after the receipt of the issued order to appear but must complete service in no event later than 20 days before the hearing for a petition under Rule 91.5, and in no event later than 40 days before the hearing for a petition under Rules 91.1 through 91.4 and 91.6 through 91.7.

(k) – (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~~ disclose information in the party's possession and control, as well as information that the party can determine or acquire by reasonable inquiry and investigation.

(1) Timing of Initial Disclosure. Each party must serve an initial disclosure. The following deadlines for initial disclosures apply, unless otherwise ordered by the court or agreed upon in writing by the parties:

(A) For a petition under Rules 91.1 through 91.4 and 91.6 through 91.7, if the court sets an evidentiary hearing within 60 days of service of the petition, each party must serve its initial disclosure within the earlier of 30 days after service of the petition or 5 days before the evidentiary hearing.

(B) For a petition under Rules 91.1 through 91.4 and 91.6 through 91.7, if the court does not set an evidentiary hearing within 60 days of service of the petition, each party must serve its initial disclosure within 30 days after service of a petition.

(C) For a petition under Rule 91.5, each party must serve its initial disclosure within the earlier of 15 days after service of the petition or 5 days before the evidentiary hearing. ~~within the time established by the court at the conference or hearing or as agreed by the parties.~~

(2) Specific Disclosure Obligations. Each party must disclose the relevant documents and information provided in Rules 91.1 through 91.7, as applicable. In addition, for any petition under Rule 91 through 91.7, a party must disclose:

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

(A) Disclosure of Exhibits. Evidence, documents, or electronically stored information that the disclosing party plans to use at a hearing, including any material to be used for impeachment.

(B) Disclosure of Witnesses. The names, addresses, and telephone numbers of any witness whom the disclosing party expects to call at an evidentiary hearing, along with a statement fairly describing the substance of each witness's expected testimony.

(C) Disclosure of Expert Witnesses. The name, address and telephone number of any person the party expects to call as an expert witness at trial. The party also must disclose the subject matter on which the expert will testify, the substance of the facts and opinions on which the expert will testify, a summary of the grounds for each opinion, the expert's qualifications, and the name and address of any custodian of reports the expert prepared.

(D) Disclosure of Electronically Stored Information. Unless the parties agree or the court orders otherwise,

(i) Production of Electronically Stored Information. Within 20 days after serving its initial disclosure statement, a party must produce the electronically stored information identified under Rules 91 through 91.7. Absent good cause as found by the court, no party need produce the same electronically stored information in more than one form.

(ii) Presumptive Form of Production. A party must produce electronically stored information in the form requested by the receiving party. If the receiving party does not specify a form, the producing party may produce the electronically stored information in native form or in another reasonably usable form that will enable the receiving party to have the same ability as the producing party to access, search, and display the information including metadata.

(iii) Limits on Disclosure of Electronically Stored Information. Civil Rule 26(b)(2) applies to the disclosure of electronically stored information.

(iv) Resolution of Disputes. If the parties are unable to satisfactorily resolve any dispute regarding electronically stored information, the parties may present the dispute to the court in either a joint or individual motion. The motion must include the parties' positions and a good faith consultation certificate under Rule 9(c). In resolving any dispute regarding electronically stored information, the court may shift costs, if appropriate.

(3) Proof of a Party's Income from All Sources. When Rules 91.1 through 91.7 require disclosure of proof of a party's income from all sources, disclosure must include the following documents and information:

(A) complete tax returns, W-2 forms, 1099 forms, and K-1 forms, for the past 3 completed calendar years, and year-end information for the most recent calendar year if tax returns are not yet due;

(B) information for the current calendar year for all income sources, including year-to-date pay stubs, salaries, wages, commissions, bonuses, self-employment income, dividends, severance pay, pensions, interest, trust income, income from businesses and properties, annuities, capital gains, social security benefits, worker's compensation benefits, unemployment insurance benefits, disability insurance benefits, recurring gifts, prizes, and spousal maintenance;

(C) proof of court-ordered child support and spousal maintenance actually being paid by the party in any case other than the one in which disclosure is being provided;

(D) proof of all medical, dental, and vision insurance premiums paid by the party for any child listed or referenced in the petition;

(E) proof of any child care expenses paid by the party for any child listed or referenced in the petition;

(F) proof of any expenses paid by the party for private or special schools or other particular education needs of a child listed or referenced in the petition; and

(G) proof of any expenses paid by the party for the special needs of a gifted child or a child with a disability who is listed or referenced in the petition.

(4) Disclosure when Attorney Fees are Requested. If an award of attorney fees is requested, an Affidavit of Financial Information in compliance with Rule 91(g), and proof of a party's income from all sources.

(5) No Filing of Disclosures. The disclosures described in Rule 91 or Rules 91.1 through 91.7, must be served on all parties but may not be filed with the court.

(6) Continuing Duty to Disclose. The duty of disclosure prescribed in Rules 91 through 91.7 is a continuing duty, and each party must serve additional or amended disclosures when new or additional information is discovered or revealed. A party must serve such additional or amended disclosures in a timely manner, but in no event more than 30 days after the information is revealed to or discovered by the disclosing party. If the information is disclosed in a written discovery response or a deposition in a manner that reasonably informs all parties of the information, the information need not be presented in a supplemental disclosure statement.

(7) Deadline for Final Supplemental Disclosure. Each party must provide its final supplemental disclosure by the applicable deadline below, unless otherwise ordered by the court or agreed upon in writing by the parties:

(A) For a petition under Rules 91.1 through 91.4 and 91.6 through 91.7, if the court sets an evidentiary hearing within 60 days of service of the petition, each

party must serve its final supplemental disclosure by no later than 5 days before the evidentiary hearing.

(B) For a petition under Rules 91.1 through 91.4 and 91.6 through 91.7, if the court does not set an evidentiary hearing within 60 days of service of the petition, each party must serve its final supplemental disclosure by no later than 30 days before the evidentiary hearing.

(C) For a petition under Rule 91.5, each party must serve its final supplemental disclosure by no later than 5 days of the evidentiary hearing.

A party seeking to use information, exhibit, witness, or expert witness that it first disclosed beyond the applicable deadline must obtain leave of court to extend the time for disclosure as provided in Rule 65(c).

(8) *Failure to Disclose, False or Misleading Disclosure, Untimely Disclosure.* A party prejudiced by a failure to disclose, false or misleading disclosure, or untimely disclosure, may seek the remedies identified in Rule 65.

~~(n) **Attorney Fees, Costs, and Expenses.** In any post judgment proceeding in which an award of attorney fees, costs, and expenses is an issue, both parties must file and exchange a completed Affidavit of Financial Information at the time established by the court, but not later than in compliance with Rule 76.1(b) submittals.~~ **Discovery.** Nothing in this rule precludes a party from conducting discovery under Rule 51.

(o) – (p) [No change]