

David K. Byers
Administrative Director
Administrative Office of the Courts
1501 W. Washington, Suite 411
Phoenix, AZ 85007-3327
Phone: (602) 452-3301
Projects2@courts.az.gov

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the matter of:	)	
	)	
PETITION TO AMEND RULE 55(c) OF	)	Supreme Court No. 25-_____
THE RULES OF PROBATE	)	(expedited consideration
PROCEDURE	)	and emergency adoption
	)	requested)
_____	)	

Pursuant to Rule 28 of the Rules of the Supreme Court of Arizona, David K. Byers, Administrative Director, Administrative Office of the Courts (AOC), respectfully petitions this Court to amend Rule 55(c) of the Arizona Rules of Probate Procedure as shown in Appendix A.

For the reasons stated in this Petition, Petitioner also seeks expedited consideration such that this Petition be considered at this Court's November 2025 Rules Agenda, and emergency adoption of the rule amendments as set forth in Appendix A at that Agenda, with an effective date of January 1, 2026.

I. Introduction

Several rule sets include forms that are either required for use or are recommended for use because they meet the requirements of a particular rule set.

While the forms contained in any rule set may be modified through a rule petition, some rule sets provide that forms may be modified by this Court or by the Administrative Director.

For example, Rule 97(d) of the Rules of Family Law Procedure allows the Supreme Court to modify forms by administrative order. Rule 114(e) of the Rules of Procedure for the Juvenile Court provides the same, but additionally provides that the Administrative Director may make technical changes to forms. The Rules of Justice Court Procedure contain a similar provision in Rule 148(a).

Other rule sets may require certain forms be used even though they are not part of the rule set. Instead, they are to be adopted by the Administrative Director through the issuance of an administrative directive. For example, Rule 13 of the Arizona Rules of Protective Order Procedure requires parties to use only forms adopted by the Supreme Court. The Administrative Director, through Protective Order Rule 13(a)(2) and the Arizona Code of Judicial Administration (ACJA) § 5-207, is authorized to approve or modify the forms used.

Similarly, Rule 8 of the Rules of Civil Procedure was recently amended to add a new subsection (j) which, among other things, requires parties whose litigation is subject to litigation funding to file a separate certificate on a form approved by the Administrative Director.

In addition to providing an efficient and expedient method for administratively adopting and amending forms, these alternatives enable forms to be updated sooner than the standard rules process allows, which is often essential for advancing projects and other initiatives.

II. Probate Forms

The Arizona Rules of Probate Procedure require the use of certain forms; however, these forms are no longer part of the Arizona Rules of Court—they were transferred from the Arizona Rules of Court to ACJA § 3-302 in 2012. *See* [R-11-0023](#) and Administrative Order [No. 2012-65](#). Accordingly, Probate Rule 55(c) now provides that the “Supreme Court may adopt, approve, or modify forms as provided by Arizona Code of Judicial Administration § 3-302.”

Although ACJA § 3-302 provides that the Administrative Director may make technical changes to the probate forms, it requires that substantive changes may be made only by the Supreme Court after review and recommendation by the Arizona Judicial Council. Petitioner is not aware of any other forms in the Arizona Rules of Court that require this process for modifying forms.

III. Grounds for Approval

The AOC recently undertook an automation project to facilitate and expedite the submission and review of required conservatorship accounting forms. The workflow for the submission process necessitated changes to Probate Forms 5

through 9 to remove the notary block. *See* Administrative Order No. [2025-147](#).

Although this change was slight, since it was a substantive change, it had to go before the Arizona Judicial Council and then to this Court for approval.

As a standard practice, any proposal presented to this Court or the Administrative Director for recommended adoption or substantive modification by administrative order or administrative directive is vetted with and circulated to stakeholders for review and input beforehand. Petitioner believes that it is more efficient and a better use of resources if substantive changes to the probate forms can be made in the same manner as modifications are made to other court forms that are not part of the Arizona Rules of Court, i.e., through an administrative order issued by this Court or an administrative directive issued by the Administrative Director. This approval process is also more consistent with the process applicable to other forms, particularly those that are not part of the Arizona Rules of Court.

For these reasons, Petitioner anticipates seeking an amendment to ACJA § 3-302 to allow the Supreme Court and Administrative Director to adopt, approve, or substantively modify probate forms through the issuance of an administrative order or an administrative directive in the absence of involvement from the Arizona Judicial Council.

Petitioner files this Petition which seeks to similarly amend Rule 55(c), so that the provisions of Probate Rule 55(c) and ACJA § 3-302 relating to the adoption,

approval, and modification of probate forms are consistent. This change will also align Probate Rule 55(c) with the provisions of other rule sets that explicitly authorize the Administrative Director to adopt, approve, and modify forms.

IV. Similar Petitions in Last Five Years

Petitioner is not aware of any similar rule petitions filed in the past five years or in the 2025 Rules Cycle that impact the rule amendments proposed in this Petition.

V. Request for Expedited Consideration and Emergency Adoption

The proposed amendments are important in streamlining and expediting the process for approving necessary changes to probate forms. If this Petition is considered in the normal rule cycle, the amendments would not be considered until almost one year from now. Supreme Court Rule 28(g)(2) provides that any amendments adopted at the August 2026 Rules Agenda would not become effective until January 1, 2027, or 15 ½ months from now, unless the Court orders otherwise.

Therefore, as permitted by Supreme Court Rule 28(h), Petitioner respectfully requests that this Court expedite its consideration of this Petition for inclusion on the November 2025 Rules Agenda. If this Court is inclined to consider this Petition at its November 2025 Rules Agenda, Petitioner requests that this Court immediately open this Petition for comment, consider adoption of the proposed amendments as shown in Appendix A on an emergency basis at that Agenda with an effective date

of January 1, 2026, and consider adopting the proposed amendments on a permanent basis at this Court's August 2026 Rules Agenda.

Respectfully submitted this 19th day of September, 2025.

By /s/ David K. Byers
David K. Byers, Administrative Director
Administrative Office of the Courts
1501 W. Washington, Suite 411
Phoenix, Arizona 85007
(602) 452-3301
Projects2@courts.az.gov

APPENDIX A

(deletions shown with strikethrough, new language is underlined)

Arizona Rules of Probate Procedure

Rule 55. Forms

(a) and (b) [No change]

(c) Supreme Court. The Supreme Court or the Administrative Director of the Administrative Office of the Courts may adopt, approve, or modify forms as provided by Arizona Code of Judicial Administration § 3-302.