

1 Richard L. Palmatier, Jr., Bar No. 006543
2 Assistant General Counsel
3 State Bar of Arizona
4 4201 N. 24th Street, Suite 100
5 Phoenix, AZ 85016-6288
6 (602) 340-7236

7 **IN THE SUPREME COURT**
8 **STATE OF ARIZONA**

9 In the Matter of:

Supreme Court No. R-24-0035

10 **PETITION TO AMEND RULES**
11 **91(M) and 91.1(C) OF THE**
12 **ARIZONA RULES OF FAMILY**
13 **LAW PROCEDURE**

STATE BAR OF ARIZONA
REPLY

14 On January 10, 2024, the State Bar of Arizona filed a Petition to amend Rules
15 91(m) and 91.1(c) of the Arizona Rules of Family Law Procedure (“ARFLP”) to
16 facilitate document disclosure in post-decree cases.

17 The Committee on Family Court (“COFC”) filed a Comment to that Petition
18 on April 30, 2024, asking the Court to defer a final decision on the Petition and to
19 refer the issue to the COFC for further review and recommendation.

20 The COFC then filed a second Comment to that Petition on June 13, 2025,
21 proposing extensive amendments to Rules 91, 91.1, 91.2, 91.3, 91.4, 91.5, 91.6, 91.7,
22 92, and 49 of the ARFLP.
23

24 No other persons or entities filed Comments on the Petition.
25

1 changes to Rules 91 through 91.7 and 92, ARFLP, proposed by the COFC and adopt
2 the changes to Rule 49, ARFLP, proposed by the FLPC.

3
4 RESPECTFULLY SUBMITTED this 17th day of October, 2025.

5
6 */s/ Richard L. Palmatier, Jr.*

7 Richard L. Palmatier, Jr.
8 Assistant General Counsel

9 Electronic copy filed with the
10 Clerk of the Supreme Court of Arizona
11 this 17th day of October, 2025.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
by: PSeguin

Appendix

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

Rule 49. Disclosure

(a) Generally.

(1) [No change]

(2) *Scope.* This rule applies to all actions other than those addressed by Rules 91 through 92. A party must disclose information in the party's possession and control, as well as information that party can determine or acquire by reasonable inquiry and investigation.

(3) [No change]

(b) – (c) [No change]

(d) [No change]

(1) [No change]

(2) for each parent and child the name and address of each treatment provider and period of treatment involving ~~any party~~ that parent and/or child for psychiatric or psychological issues, anger management, substance abuse, or domestic violence, occurring within 5 years before the petition's filing;

(3) – (4) [No change]

(5) relevant documents and information regarding any relevant statutory factor.

(e) [No change]

(f) Spousal Maintenance and Attorney Fees and Costs. If either party has requested an award of spousal maintenance or an award of attorney fees and costs, the following documents must be served on the other party with the initial disclosure:

(1) a completed AFI substantially in the form set forth in Form 2, Rule 97; ~~and~~

(2) the documents and information described in subpart (e)(2); and

(3) relevant documents and information regarding any relevant statutory factor.

(g) – (j) [No change]

(k) Disclosure of Electronically Stored Information.

(1) [No change]

(2) *Presumptive Form of Production.* Unless the parties agree or the court orders otherwise, 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 as the producing party.

(3) – (4) [No change]

(l) ~~No Filing of Disclosures.~~ Disclosure of Exhibits. ~~The disclosures described in sections (d) through (k) must be served on all parties but may not be filed with the court.~~ A party must disclose evidence, documents, or electronically stored

information that the disclosing party plans to use at a hearing, including any material to be used for impeachment.

(m) Additional Discovery. No Filing of Disclosures. ~~Nothing in this rule precludes a party from conducting additional discovery under Rule 51. The disclosures described in sections (d) through (k) must be served on all parties but may not be filed with the court.~~

(n) Additional Discovery. Nothing in this rule precludes a party from conducting additional discovery under Rule 51.