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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of) Arizona Supreme Court No. R-
)
PETITION TO AMEND RULES)
14, 45, & 45.1, and TO ADOPT)
RULE 45.2, ARIZONA RULES OF)
FAMILY LAW PROCEDURE)
_____)

The Committee on Family Court (“COFC”) respectfully requests that the Court amend Rules 14, 45, and 45.1 and to adopt Rule 45.2 of the Arizona Rules of Family Law Procedure. The adoption of Rule 45.2 would extend the summary consent decree process to unmarried parents who have proceedings under Title 25 to establish maternity or paternity, legal decision-making, parenting time, and child support.

In 2022, the Legislature enacted A.R.S. § 25-314.01 (S.B. 1383) to provide for a summary consent petition and decree process for married couples. In response to S.B. 1383 and R-22-0031, the Court adopted Rule 45.1, and in 2023, the Court adopted Rule 45.1 on a permanent basis.

The current summary consent process allows for those married couples who have full agreements on all issues to file a single petition. The process also allows for cost savings to the parties (§ 25-314.01(B)) and is an alternative to the prior procedure where many of those uncontested cases involving full agreements practically were resolved by a default decree.

The summary consent process has been popular amongst court users and the family court. In 2024, Maricopa County Superior Court processed over 3,000 summary consent decrees and averaged over 300 per month in the first 4 months of 2025. Almost 25% of dissolution actions filed in Maricopa County are resolved by parties who have reached agreements before they file with the court.

The summary consent process keeps married parties out of the adversarial process if they have already reached full agreements, and also assists the family court in timely resolution of cases. Despite the summary consent process' popularity and efficiency, it is currently only available for married couples. It is not available to unmarried parents who are seeking family court orders concerning their minor children. This proposal would make it available to unmarried parents who have proceedings under Title 25 to establish maternity or paternity, legal decision-making, parenting time, and child support.

Proposed Rule 45.2(d)(4) contains language about “additional required fees.” It is drafted in the hope that the Legislature will pass legislation similar to S.B. 1383 which would reduce the filing fees for a summary consent decree for unmarried persons. If the Legislature does not do so, then the summary consent decree process could still be implemented without the reduced filing fees.

The proposed amendments to Rules 14 and 45 are stylistic in nature, and recognize that there are final orders in Title 25 matters which are not decrees. The proposed amendments to Rule 45.1 address practical concerns of the family court when one or both parties seek to withdraw from the current summary consent decree process.

At its May 15, 2025 meeting, the COFC unanimously approved the attached proposals.

The COFC respectfully requests that the Court adopt the proposals in the attached Appendix.

DATED this 8th day of January, 2026

/s/ Greg Sakall

Chair, Committee on Family Court

Appendix

Rule 14. Written Verifications and Unsworn Declarations Under Penalty of Perjury

(a) Written Verification. A written verification is a sworn statement before a notary public or other officer who is authorized to administer an oath. A verification is required for:

- (1) an acceptance of service under Rule 40(f)(1);
- (2) an affidavit submitted in support of an application for a default decree;
- (3) a consent decree, judgment, or order under Rule 45; or
- (4) a stipulation or agreement that substantially changes the terms of a legal decision-making or parenting time order, unless the stipulation is entered in open court or through conciliation services.

However, nothing in this rule precludes the Arizona Supreme Court from modifying the requirements of this rule by administrative order.

(b)-(c) No changes proposed.

Rule 45. Consent Decree, Judgment, or Order

(a) – (b)(3) No changes proposed.

(b)(4) Both parties must personally sign the consent decree, judgment, or order before a notarial officer. Alternatively, a party may sign the consent decree, judgment, or order in the clerk's presence after the clerk has verified the party's identity. If a party is represented by an attorney, the attorney must also sign the consent decree, judgment, or order.

(c) No changes proposed.

Rule 45.1. Summary Consent Decree

(a) – (d)(3) No changes proposed

~~(d)(4) *Notice of Intent to Withdraw.* Before the summary consent decree is entered, either party may request to withdraw from the agreement. If the court allows a party to withdraw, the case will continue as a dissolution or separation proceeding upon paying the additional required fees and filing the appropriate pleadings under Rule 23. The court must dismiss the case if the parties jointly withdraw from the summary consent decree agreement.~~

(d)(4) *Unilateral Notice of Intent to Withdraw.* Before the summary consent judgment is entered, either party may request to withdraw from the agreement. If the court allows a party to withdraw, the case will continue as a petition to establish paternity or maternity and/or a petition to establish legal decision-making, parenting time, and child support upon payment of the additional required fees and the filing of appropriate pleadings under Rule 23. The party that did not file the request to withdraw will be deemed the petitioner, and the party that filed the request to withdraw will be deemed the respondent.

(5) *Joint Notice of Intent to Withdraw.* Before the summary consent judgment is entered, the parties may jointly withdraw from the summary consent judgment agreement, and if they do so, the court must dismiss the case.

Rule 45.2. Summary Consent Judgment, Maternity or Paternity, Legal Decision-Making, Parenting Time, and Child Support for a Child Whose Paternity Has Been Established.

(a) Generally. If the parties reach a comprehensive settlement on all issues before either party has petitioned to establish maternity or paternity and/or to establish legal decision-making, parenting time, and child support for a child whose paternity has been established, they may file a summary consent petition and response and pay the appropriate fees. This rule does not apply to third-party matters.

(b) Summary Consent Petition and Response. The summary consent petition and response must be a single document captioned as “Summary Consent Petition and Response – Establishment of Maternity or Paternity” or “Summary Consent Petition and Response – Establishment of Legal Decision-Making, Parenting Time, and Child Support” and include:

- (1) the birth date, occupation, and address of each party and the length of each party's domicile in Arizona;
- (2) the names, birth dates, and addresses of all living children (natural or adopted) for whom a judgment of maternity or paternity and/or a judgment for legal decision-making and parenting time is sought;
- (3) a statement of the grounds for the court's jurisdiction and venue;
- (4) a statement that formal service of process is waived;
- (5) a statement about the relevant facts supporting maternity or paternity;
- (6) a statement that the parties have resolved all issues about maternity or paternity and/or legal decision-making, parenting time, and child support;
- (7) a request that the court enter a judgment of maternity or paternity and/or legal decision-making, parenting time, and child support, and a statement of the relief the parties jointly seek; and
- (8) both parties' signatures.

(c) Preliminary Injunction. Notwithstanding the requirements of Rule 25(b) or (c), when filing a summary consent petition and response, the parties must present two copies of a preliminary injunction to the clerk to issue under A.R.S. § 25-808. The clerk will issue the injunctions and return copies to the parties.

(d) Entry of a Summary Consent Judgment.

- (1) Agreements and Proposed Decree. Upon filing the summary consent petition and response, the parties must submit to the court all required final settlement documents, including their written agreements and the proposed judgment.
- (2) Content of the Proposed Judgment. The proposed judgment's content must meet the requirements of Rule 45(b) and (c), as applicable.

(3) *Hearing.* The court may enter a summary consent judgment without a hearing if it has determined that the parties have met the requirements for a summary consent judgment. Alternatively, the court may set a hearing on specified issues or enter other appropriate orders. The court must set the matter for hearing or rule on the lodged summary consent judgment no later than 21 days after the filing date.

(4) *Unilateral Notice of Intent to Withdraw.* Before the summary consent judgment is entered, either party may request to withdraw from the agreement. If the court allows a party to withdraw, the case will continue as a petition to establish paternity or maternity and/or a petition to establish legal decision-making, parenting time, and child support upon payment of the additional required fees and the filing of appropriate pleadings under Rule 23. The party that did not file the request to withdraw will be deemed the petitioner, and the party that filed the request to withdraw will be deemed the respondent.

(5) *Joint Notice of Intent to Withdraw.* Before the summary consent judgment is entered, the parties may jointly withdraw from the summary consent judgment agreement, and if they do so, the court must dismiss the case.