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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of	)	Arizona Supreme Court No. R-26-xxxx
	)	
EMERGENCY PETITION TO	)	
AMEND RULE 77, ARIZONA	)	
RULES OF FAMILY LAW	)	
PROCEDURE	)	
_____	)	

Pursuant to Rule 28 of the Rules of the Supreme Court, the Committee on Family Court (“COFC”) respectfully petitions the Court to modify Rule 77 of the Arizona Rules of Family Law Procedure. Further, COFC requests expedited consideration of this Petition pursuant to Supreme Court Rule 28(h)(1) and the issuance of an emergency order pursuant to Supreme Court Rule 28(h)(2).

On August 26, 2025, the Court granted COFC’s Petition R-24-0060 which, in part, added a new Rule 77(d)(2) to provide for additional procedures applicable to trial and evidentiary hearings with a self-represented party. As relevant to this petition, Rule 77(d)(2) generally provides for the court to

conduct the direct examination of a self-represented party unless there is a request otherwise before testimony begins. The rule provides as follows:

(2) Additional Procedures Applicable to Trials and Evidentiary Hearings with a Self-Represented Party. In addition to the procedures of Rule 77(d)(1) and absent a request otherwise before testimony begins, the court will conduct the direct examination of a self-represented party on the issues raised by the parties' pleadings, pretrial statements, and notices of issues. The court must allow a self-represented party to, within that party's allotted trial time, (1) testify about relevant information not addressed by the court's direct examination; (2) conduct their own direct examination upon request; and (3) cross-examine any other parties and their witnesses.

Rule 77(d)(2). The amendment became effective January 1, 2026.

Since its effective date, family courts in Arizona have faced conflicting arguments on whether the phrase “absent a request otherwise” either allows (i) only the self-represented party to object to the family court conducting the direct examination of that party or (ii) allows the opposing party to object to the family court conducting the direct examination of a self-represented party. The latter argument has been raised primarily by attorneys representing opposing parties.

It had been COFC’s intent in proposing Rule 77(d)(2) that the request would have to come from the self-represented party to be examined, not the opposing party or that party’s counsel. Furthermore, COFC’s purpose behind proposing Rule 77(d)(2) was to ensure that in cases involving self-represented litigants, the family court “provide leadership to ensure that it has relevant

information before making a final decision[,]” while ensuring each party’s due process rights. Amended Petition, R-24-0060, p. 3. It would frustrate the purpose of Rule 77(d)(2) if an opposing party were able to prevent the Court from questioning a self-represented party.

In order to ensure that there is statewide uniformity in implementing this new rule, COFC respectfully request that the Court modify Rule 77(d)(2) as follows:

(2) Additional Procedures Applicable to Trials and Evidentiary Hearings with a Self-Represented Party. In addition to the procedures of Rule 77(d)(1) and absent a request otherwise from the self-represented party before any testimony begins, the court will conduct the direct examination of ~~a self-represented~~ that party on the issues raised by the parties' pleadings, pretrial statements, and notices of issues. The court must allow a self-represented party to, within that party's allotted trial time, (1) testify about relevant information not addressed by the court's direct examination; (2) conduct their own direct examination upon request; and (3) cross-examine any other parties and their witnesses.

Expedited consideration and an emergency order is necessary to mitigate or eliminate these adverse effects on litigants, children, and the family courts.

DATED this 1st day of May, 2026.

/s/ Greg Sakall

Greg Sakall
Chair, Committee on Family Court

Attachment A

Rule 77 of the Arizona Rules of Family Law Procedure is amended as noted below (deletions indicated by strikethrough and additions by underscoring):

Rule 77. Trial Setting; Conduct of Proceedings; Procedures for Evidentiary Hearings and Trials

(a) – (c) [No change]

(d) Procedures for Trials and Evidentiary Hearings.

(1) [No change]

(2) *Additional Procedures Applicable to Trials and Evidentiary Hearings with a Self-Represented Party.* In addition to the procedures of Rule 77(d)(1) and absent a request otherwise from the self-represented party before any testimony begins, the court will conduct the direct examination of ~~a self-represented~~ that party on the issues raised by the parties' pleadings, pretrial statements, and notices of issues. The court must allow a self-represented party to, within that party's allotted trial time, (1) testify about relevant information not addressed by the court's direct examination; (2) conduct their own direct examination upon request; and (3) cross-examine any other parties and their witnesses.

(3) [No change]