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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of)	Arizona Supreme Court No. R-26-0008
)	
PETITION TO AMEND RULES)	
14, 45, & 45.1, and TO ADOPT)	REPLY IN SUPPORT OF
RULE 45.2, ARIZONA RULES OF)	PETITION
FAMILY LAW PROCEDURE)	
_____)	

The Committee on Family Court (“COFC”) files this Reply in support of its request to amend Rules 14, 45, and 45.1 and to adopt Rule 45.2 of the Arizona Rules of Family Law Procedure.

Nicholas Brown and the Arizona Commission on Access to Justice filed comments in support. No one filed a comment in opposition.

Having reviewed the supportive comments of Nicholas Brown and the Arizona Commission on Access to Justice, COFC agrees with Mr. Brown that there was a drafting, carry-over error into the proposed amendments to Rule 45.1(d)(4).

As such, for the reasons set forth in the Petition, COFC respectfully requests that the Court grant the Petition and adopt the proposals in the attached Appendix, wherein the changes to proposed Rule 45.1(d)(4) are in red.

DATED this 19th day of May, 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 for dissolution, elgal separation, or annulment~~ 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.