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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of)	Arizona Supreme Court No. R-26-0009
)	
PETITION TO AMEND RULES)	
47, 47.1, 47.2, 48, & 91.5,)	REPLY IN SUPPORT OF
ARIZONA RULES OF FAMILY)	PETITION
LAW PROCEDURE)	
_____)	

The Committee on Family Court (“COFC”) files this Reply in support of its request to amend Rules 47, 47.1 ,47.2, 48, and 91.5 of the Arizona Rules of Family Law Procedure.

The State Bar of Arizona and the Arizona Commission on Access to Justice filed comments in support. COFC public member Kandra Durfield sought clarification on the proposed language to Rule 47(a)(1). Amber Snodgrass filed a comment in opposition.

COFC discussed the comments at its May 14, 2026 public meeting, and provides the following suggestions for the Court’s review:

- There is pending legislation (HB2995) which if enacted into law would have a direct impact on the proposed rules as they relate to

allegations of domestic violence in a temporary orders hearing. Specifically, the current version of the bill requires findings at the temporary orders hearings on issues arising under A.R.S. § 25-403.03. Such a statutory requirement would obviate the need for COFC's previously proposed amendments to Rule 47(j), 47.2(e), and Rule 48(e). At the time of its meeting, HB2995 was still pending so COFC merely flags this issue for the Court's consideration at its August rules agenda meeting.

- In light of the comments of Ms. Durfield and Ms. Snodgrass, COFC debated at length whether the proposed amendments to Rule 47(a)(1), (d)(3); Rule 47.2(a); as well as Rule 48(a)(3) and (b)(1)(C) could have unintended consequences of potentially limiting evidence of domestic violence which could be presented at a temporary orders hearing. COFC engaged in an extended discussion regarding various issues including, but not limited to, the impacts of domestic violence on a victim, an opposing party's notice and opportunity to be heard, the Rules of Protective Order Proceedings and related forms, and the family court's need to schedule sufficient time for a hearing. Ultimately, COFC unanimously agreed that the following language would be an improvement on the current situation—which was detailed in the Petition—and should avoid the unintended

consequences of potentially limiting evidence of domestic violence at a temporary orders hearing:

If a party alleges that domestic violence has occurred, the party must provide a summary of the nature and duration of the domestic violence. The purpose of providing this information is not to provide an exhaustive list of all acts of domestic violence, but to give the court information to set a hearing of appropriate length.

In the Appendix, the revisions to the previously proposed language are noted in red.

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.

DATED this 19th day of May, 2026

/s/ Greg Sakall

Chair, Committee on Family Court

Appendix

Rule 47. Motions for Temporary Orders

(a) No change.

(1) *For Legal Decision-Making and Parenting Time.* A motion requesting temporary legal decision-making or parenting time must specify the court's authority to proceed under A.R.S. § 25-402 and must include a proposed parenting plan that specifically states the legal decision-making or parenting time for both parties. If a party alleges that domestic violence has occurred, A.R.S. § 25-403.03 is applicable, the party must state provide a summary of the nature and duration of the what happened including what act(s) are claimed to have constituted domestic violence, the exact or approximate dates, and the circumstances constituting the alleged domestic violence. The purpose of providing this information is not to provide an exhaustive list of all acts of domestic violence, but to give the court information to set a hearing of appropriate length.

(2)- (4) **No change.**

(b) No change.

(c) Scheduling.

(1) *Generally.* Upon receiving a motion for temporary orders and the required supporting documents, the court must schedule a resolution management conference. No evidence will be taken at a resolution management conference unless the parties agree. The purpose of a resolution management conference is to facilitate agreements between the parties that permit the entry of temporary orders at the conclusion of the conference. If, at the conclusion of the resolution management conference, issues remain that require an evidentiary hearing concerning temporary orders, the court must schedule an evidentiary hearing on those issues. If the court finds the motion raises disputed issues under A.R.S. § 25-403.03, the court must prioritize the hearing and schedule the hearing with reasonable time limits appropriate to address the allegations and any defenses. If the court finds that the circumstances of a specific case demonstrate that a resolution management conference would not serve the interests of efficiency, it may schedule an evidentiary hearing on temporary orders instead of a resolution management conference. The court

must set the conference or hearing on a date not later than 30 days after the motion is filed.

(A) – (C) **No change.**

(2) *Motions for Legal Decision-Making and Parenting Time.* Notwithstanding (c)(1), if a party files a pre-decree motion for a temporary order requesting legal decision-making or parenting time, the court must hold an evidentiary hearing not later than 60 days after the party files the motion unless:

(A) the moving party waives the requirement for a hearing within 60 days;

(B) a temporary order is established during a separate conference or hearing that is held within 60 days after the party files the motion; or

(C) the court makes a finding on the record that the motion raises disputed issues under A.R.S. § 25-403.03, and that a delay is necessary to allow the court to schedule adequate time for a hearing to address the allegations and any defenses; or

(D) extraordinary circumstances exist, and the court is not able to schedule the hearing within 60 days after the motion is filed, and the court makes a finding on the record regarding the cause of the delay.

(3) – (4) **No change.**

(d) No change.

(e) Response. A party who is served with an Order to Appear on a motion for temporary orders is not required to file a response to the motion, but if the party does so, the party must verify the response.

(1) – (2) **No change.**

(3) If responding party files a response and alleges ~~A.R.S. § 25-403.03 is applicable domestic violence has occurred, the party must state provide a summary of the nature and duration of the what happened including what act(s) are claimed to have constituted domestic violence, the exact or approximate dates, and the circumstances constituting the alleged domestic violence. The purpose of providing this information is not to provide an exhaustive list of all acts of domestic violence, but to give the court information to set a hearing of appropriate length.~~

~~(3)~~ 4 The party who is served also must provide copies of all filed documents to the assigned judicial officer and to the moving party not later than 3 days before the date set for a conference or hearing.

(5) If no response is filed, the moving party may withdraw the motion by filing a Notice of Withdrawal not later than 3 days before the date set for a conference or hearing.

(f) – (h) No change.

(i) Local Procedures. Nothing contained in this rule precludes any county from establishing by local rule or administrative order an alternative process for temporary orders including, but not limited to, referring a motion to a judge pro tempore, or to a family law master under Rule 72.

(j) Acting on the Motion. The court must rule on the motion no later than 21 days after the date the hearing is concluded. In ruling upon contested motions involving A.R.S. § 25-403, the court is not required to make findings; however, it should identify which facts it found to be most important in deciding legal decision-making or parenting time.

(k) No change.

(l) Review of Temporary Orders. On the court's own motion or upon the written request of any party setting forth a showing of a material change in circumstances, the court must set a conference and, if appropriate, an evidentiary hearing to determine whether a continuation of the existing temporary orders or a modification of the existing temporary orders is appropriate. If a party seeks a review of the temporary orders within 180 days of their issuance, the party must set forth facts in the motion which demonstrate extraordinary circumstances.

Rule 47.1. Simplified Child Support Orders

(a) – (c) No change.

(d) Review of Temporary Orders. On the court's own motion or upon the written request of any party setting forth a showing of a material change in circumstances, the court must set a conference and, if appropriate, an evidentiary hearing to determine whether a continuation of the existing temporary orders or a modification of the existing temporary orders is appropriate. If a party seeks a review of the temporary orders within 180 days of their issuance, the party must set forth facts in the motion which demonstrate extraordinary circumstances.

Rule 47.2. Motions for Post-Decree Temporary Legal Decision-Making, Parenting Time, Placement, Visitation, or Child Support Orders

(a) Generally. A party requesting temporary legal decision-making, parenting time placement, visitation, or child support after entry of a decree must file a verified motion stating the legal and jurisdictional bases for the motion, and the specific relief requested.

~~(1) If a party alleges that domestic violence has occurred, A.R.S. § 25-403.03 is applicable, the party must state provide a summary of the nature and duration of the what happened including what act(s) are claimed to have constituted domestic violence, the exact or approximate dates, and the circumstances constituting the alleged domestic violence. The purpose of providing this information is not to provide an exhaustive list of all acts of domestic violence, but to give the court information to set a hearing of appropriate length.~~

(2) The motion must include a proposed parenting plan containing the legal decision-making and parenting time requested for both parties.

(3) If the motion requests child support, the party requesting child support must comply with Rule 91.1.

(4) The motion must incorporate by reference the relevant allegations of the pending post-decree petition and not separately repeat them.

(b) – (d) No change.

(e) Acting on the Motion. The court must rule on the motion no later than 21 days after the date the hearing is concluded. In ruling upon contested motions involving A.R.S. § 25-403, the court is not required to make findings; however, it should identify which facts it found to be most important in deciding legal decision-making or parenting time.

(f) Review of Temporary Orders. On the court's own motion or upon the written request of any party setting forth a showing of a material change in circumstances, the court must set a conference and, if appropriate, an evidentiary hearing to determine whether a continuation of the existing temporary orders or a modification of the existing temporary orders is appropriate. If a party seeks a review of the temporary orders within 180 days of their issuance, the party must set forth facts in the motion which demonstrate extraordinary circumstances.

Rule 48. Emergency Temporary Orders Without Notice

(a) With Notice; Filing and Timing. A party may request emergency temporary orders at the same time or after filing an initial pre-decree or post-decree petition. A court may set the matter for an accelerated hearing only if the verified motion:

(1) sets forth the specific relief requested and the specific facts that support that relief; ~~and~~

(2) provides specific facts that establish why an emergency or accelerated hearing is required; ~~and~~

(3) If a party alleges that domestic violence has occurred, A.R.S. § 25-403.03 is applicable, the party must state provide a summary of the nature and duration of the what happened including what act(s) are claimed to have constituted domestic violence, the exact or approximate dates, and the circumstances constituting the alleged domestic violence. The purpose of providing this information is not to provide an exhaustive list of all acts of domestic violence, but to give the court information to set a hearing of appropriate length.

(b) Without Notice; Filing and Timing. A party may request temporary orders without notice by filing a verified motion, along with a proposed form of orders and a notice of hearing on the motion. A motion may be filed at the same time or after filing an initial pre-decree or post-decree petition.

(1) *Grounds.* A court may grant temporary orders without written or oral notice to an adverse party or that party's attorney only if the verified motion:

(A) clearly shows by specific facts that if an order is not issued before the adverse party can be heard, the moving party or a minor child of the party will be irreparably injured, or irreparable injury, loss, or damage will result to the separate or community property of the moving party; ~~and~~

(B) the moving party or attorney provides written certification of the efforts to give notice to the other party, or why giving notice should not be required; ~~and~~

(C) if a party alleges that domestic violence has occurred, A.R.S. § 25-403.03 is applicable, the party must state provide a summary of the nature and duration of the what happened including what act(s) are claimed to have constituted domestic violence, the exact or approximate dates, and the circumstances constituting the alleged domestic violence. The purpose of providing this information is not to provide an exhaustive list of all acts of domestic violence, but to give the court information to set a hearing of appropriate length.

(2) – (3) **No change.**

(4) Response. If a motion is set for hearing, the nonmoving party is not required to file a response to the motion, but if the party does so, the party must verify the response.

(c) – (d) No change.

(e) Acting on the Motion. The court must rule on the motion no later than 21 days after the date the hearing is concluded. In ruling upon contested motions involving A.R.S. § 25-403, the court is not required to make findings; however, it should identify which facts it found to be most important in deciding legal decision-making or parenting time.

(f) Review of Temporary Orders. On the court's own motion or upon the written request of any party setting forth a showing of a material change in circumstances, the court must set a conference and, if appropriate, an evidentiary hearing to determine whether a continuation of the existing temporary orders or a modification of the existing temporary orders is appropriate. If a party seeks a review of the temporary orders within 180 days of their issuance, the party must set forth facts in the motion which demonstrate extraordinary circumstances.

Rule 91.5. Post-Judgment Petition for Enforcement of Legal Decision-Making or Parenting Time; Warrant to Take Physical Custody

(a) – (b) No change.

(c) Hearing. Under A.R.S. § 25-414, within 25 days of service of the petition, the court must hold a hearing or conference before a judge, commissioner, or person appointed by the court to review noncompliance with a visitation or parenting time order, and any good cause defense. ~~The court must rule on the petition no later than 21 days after the hearing or conference is concluded.~~

(d) Good Cause Defense. In considering any good cause defense, the court must consider the facts and any applicable law including the following:
(1) A.R.S. § 25-403(A)(6), and
(2) A.R.S. § 13-1302(C)-(D).

(e) Acting on the Petition. The court must rule on the petition no later than 21 days after the hearing or conference is concluded unless the court
(1) finds additional evidence is necessary before making a final ruling and states with specificity the evidence that is necessary, who will provide the evidence to the court, and how the evidence will be provided to the court. In such circumstances, the court must rule on the petition or schedule a continued hearing no later than 21 days after evidence is submitted;
(2) finds there is need for further investigation by a local social service agency. In such circumstances, the court must rule on the petition or schedule a continued hearing no later than 21 days after the report from the local social service agency is submitted;
(3) finds there is a competing petition to modify. In such circumstances, the court may defer a ruling until the resolution of the petition to modify; or
(4) orders that a petition to modify legal decision-making, parenting time, or visitation order must be filed by a designated party within 21 days or other date set by the court, and in such circumstances, the court may defer a ruling until the resolution of the petition to modify.

If the court continues the ruling, the court may issue temporary orders to ensure the safety of any minor child.