

Juanita Mann, President
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IN THE ARIZONA SUPREME COURT

In the matter of)	Supreme Court R- 06-0022
)	
PETITION TO AMEND ARIZONA)	COMMENT TO PROPOSED RULE
RULES OF FAMILY LAW)	RELATED TO AMENDING ARIZONA
PROCEDURE)	RULES OF FAMILY LAW PROCEDURE
)	TO CORRECT ERRORS AND CLARIFY
_____)	EXISTING PROCESSES

The Arizona Association of Superior Court Clerks (AASCC) submits the following comments on the petition to correct errors and clarify existing procedures in the Arizona Rules of Family Law Procedure:

The AASCC supports the effort to clarify the rules of family law procedure to more accurately reflect the practice in family courts. Additional clarification is requested as it relates to the status of protected addresses. Family matters often evolve into situations where one or both party's address is protected by court order. This protected information may be contained on a sensitive data form and needs to be withheld until further order of the court.

The AASCC suggests the proposed rule changes at section 43(G) regarding sensitive data forms include a restriction prohibiting the Clerk from releasing protected addresses without a court order to do so. Suggested language is included in Appendix A below.

The AASCC supports the change to proposed Rule 68(A) which may allow a Petition for Conciliation to be filed with the clerk or submitted directly to the conciliation court in those counties that operate a conciliation court. However, if the Petition for Conciliation is submitted directly to the conciliation court, the clerk's office will not procedurally consider it filed until it is received by and filed-in by the clerk. The filed-in date then, for the appeal process, would not be when the parties submitted their petition to the conciliation court, but the date the petition was filed-in by the clerk's office. A technical correction to terminology is included in Appendix B below that will clarify a Petition for Conciliation is "submitted" to the conciliation court and "filed" with the clerk.

Note that recommendations for new text in the appendices below are indicated by ALL CAPS and deletion of language is indicated by ~~strikethrough~~. Petitioner's additions and strikethroughs are maintained in the red font that Petitioner originally submitted.

DATED this 18th day of May, 2007.

/s/ Juanita Mann
Hon. Juanita Mann, President
Arizona Association of Superior Court
Clerks

A copy of this comment has been mailed or delivered this 18th day of May, 2007, to:

Hon. Norman Davis, Chair
Family Law Rules Review Committee
Maricopa County Superior Court
125 W. Washington, Suite 002
Phoenix, AZ 85003
Via electronic filing of comment

Supreme Court R- 06-0022

APPENDIX A

43 G. Sensitive Data.

1. Filing Sensitive Data.

a. Before filing any ~~paper~~ document containing sensitive data with the court, the filing party shall omit or otherwise redact the sensitive data unless they are specifically requested by the court. If the sensitive data are specifically requested by the court, the filer shall record the requested information on a separate sensitive data form which shall be maintained by the clerk as a confidential record and only available to the parties, the parties' attorneys, court personnel and any other person or agency authorized by court order. THE CLERK SHALL NOT RELEASE ADDRESSES PROTECTED BY COURT ORDER WITHOUT A SUBSEQUENT COURT ORDER AUTHORIZING ITS RELEASE. In the discretion of the clerk, sensitive data forms, and orders of assignment and orders to Stop Order of Assignment may be maintained either in paper or electronic format. If these documents are maintained electronically, the clerk is authorized to destroy ~~the~~ any paper version. Unless the court orders otherwise, any further written reference to sensitive data shall thereafter be made by referring to a corresponding item number on the sensitive data form or other means, rather than inserting the actual data into the document being filed with the court.

APPENDIX B

Rule 68. Conciliation Court Services; Counseling, Mandatory Mediation, Assessment or Evaluation and Other Services

A. Conciliation Counseling/Petition for Conciliation.

1. *Filing a Petition for Conciliation.* Either spouse may file a Petition for Conciliation pursuant to A.R.S. § 25-381.09 for the purpose of preserving the marriage or resolving controversies through counseling. The petition shall be filed with the clerk of the court or SUBMITTED directly TO with THE conciliation court as provided by local rule or administrative order. When an action for dissolution, legal separation, or annulment is pending, the original Petition for Conciliation may be filed in the court file or in a separate file with a notice or minute entry of the filing of Petition for Conciliation filed in the court file as provided by local rule or administrative order. policy. A copy of the Petition for Conciliation will be sent to THE conciliation court.