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7 **IN THE SUPREME COURT**
8 **STATE OF ARIZONA**

9 In the Matter of:

Supreme Court No. R-20-

10 **PETITION TO AMEND RULE**
11 **37(b) OF THE ARIZONA RULES**
12 **OF FAMILY LAW PROCEDURE**

PETITION

13 Pursuant to Rule 28(a) of the Arizona Rules of Supreme Court, the State Bar
14 of Arizona (the “State Bar”) hereby petitions the Court to amend Rule 37(b), Ariz.
15 R. Fam. L. P. This proposed amendment is necessary to make the current rule
16 conform to the Arizona Rules of Probate Procedure.

17 Rule 37 (b), Ariz. R. Fam. L. P., allows the court to permit a proceeding to
18 continue if a party becomes incompetent. The Rule currently allows the
19 representative to be treated as a party in a proceeding under Title 25 of the Arizona
20 Revised Statutes. However, the Rule does not currently allow a party’s representative
21 to continue with the proceeding if the person is determined to be *incapacitated*
22 pursuant to A.R.S. §§ 14-5401 to 5433. The proposed change to Rule 37(b)
23 incorporates consideration if a party is deemed incapacitated. This will make this
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1 rule conform to both the Rules of Criminal Procedure and to the Arizona Rules of
2 Probate Procedure. This will benefit and protect all parties' interests in actions under
3 Title 25 of the Arizona Revised Statutes.
4

5 **CONCLUSION**

6 The State Bar of Arizona respectfully requests that this Court modify Rule
7 37(b) as set forth in the Appendix.
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10 RESPECTFULLY SUBMITTED this ____ day of _____, 2020.

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12 _____
13 Lisa M. Panahi
14 General Counsel
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16 Electronic copy filed with the
17 Clerk of the Supreme Court of Arizona
18 this ____ day of _____, 2020.

19 by: _____
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