

Arizona Supreme Court

Rule 28 Petition

R-23-0007

VARIOUS RULES: RULES OF FAMILY LAW PROCEDURE

Appellate Case Information

Case Filed: 4-Jan-2023

Case Closed:

Dept/Composition

Side 1. RULES 44.1(c), 45(c), 78(g), AND 91.3, RULES OF FAMILY LAW PROCEDURE, Other

(Litigant Group) PETITIONER: HON. BRUCE R. COHEN

- Hon. Bruce R Cohen, Petitioner

(Litigant Group) COMMENTOR: FAMILY COURT IMPROVEMENT COMMITTEE

- Susan Pickard, Family Court Improvement Committee, Commentor

- Hon. Paul J McMurdie, Commentor

(Litigant Group) COMMENTORS: LYNNE C. ADAMS, ANTHONY CONTENTE-CUOMO, CLYDE R. DANGERFIELD, JORDAN ELLEL, DAVID GARNER, KACEY KING, DENISE LOWELL-BRITT, JENNIFER N. MACLENNAN, JESSICA S. SANCHEZ AND SESALY STAMPS

- Lynne C Adams, Osborn Maledon PA, Commentor
- Anthony Contente-Cuomo, Sims Mackin, Commentor
- Mr Clyde R Dangerfield, Cantelme & Brown PLC, Commentor
- David D Garner, Osborn Maledon PA, Commentor
- Ms Denise Lowell-Britt, Udall Shumway PLC, Commentor
- Jennifer N MacLennan, Gust Rosenfeld PLC, Commentor
- Jessica S Sanchez, Udall Shumway PLC, Commentor
- Sesaly O Stamps, DeConcini McDonald Yetwin & Lacy PC, Commentor
- Kacey King, Mesa Public School HS, Commentor
- Jordan T Ellel, Tempe Tri District Legal Services, Commentor

(Litigant Group) COMMENTOR: MARIE PICCARRETA

- Ms Marie Piccarreta, Commentor
AZ Bar No. 13061
[Current Member]
SOLE PRACTITIONER
Admitted 5/19/90

(Litigant Group) COMMENTOR: STATE BAR OF ARIZONA

- Lisa M Panahi, State Bar of Arizona, Commentor

(Litigant Group) COMMENTOR: ARLENE RHEINFELDER

- Arlene Rheinfelder, Commentor

CASE STATUS

Aug 24, 2023....Circulating (until 5/1/24)

Aug 24, 2023....Continued

Jan 4, 2023.....Pending

10 PROCEEDING ENTRIES

- 4-Jan-2023 FILED: Petition to Amend Rules 44.1(c),45(c),78(g) and 91.3, Arizona Rules of Family Law Procedure (Petitioner Hon. Bruce R. Cohen, Maricopa County Superior Court, Presiding Judge)

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10 PROCEEDING ENTRIES

2. 17-Jan-2023 Rule petitions have been filed in the above-captioned matters under Rule 28(a), Rules of the Supreme Court of Arizona. Upon consideration,
- IT IS ORDERED that these petitions are opened for public comment pursuant to Rule 28(c), Rules of the Supreme Court of Arizona. Comments must be submitted no later than Monday, May 1, 2023, and any reply by a petitioner must be submitted no later than Thursday, June 1, 2023.
- The petitions may be viewed by going to: <http://www.azcourts.gov/Rules-Forum>. This opens the "Welcome" page. Petitions are posted under the appropriate body of rules, for example, Rules of Criminal Procedure, which is found by scrolling down the page.
- For instructions on how to post comments electronically, follow the steps listed above and click on <http://www.azcourts.gov/rules/Forum-FAQ> at the top of the "Forum FAQ" page and then "How do I file a comment on a Rule 28 petition?"
- Alternatively, commenters may submit comments by filing an original and one paper copy of the comment and one electronic copy of the written comments and supporting documents in Microsoft Word format on a CD or other compatible electronic medium with the Clerk of the Supreme Court, 1501 West Washington St., Room 402, Phoenix, AZ 85007 in an envelope marked "Rule Comment."
- Any person filing a comment must send a copy of the comment to the Petitioner electronically or by ordinary mail. (Hon. John R. Lopez IV)
3. 3-Mar-2023 FILED: (Comment) (Family Court Improvement Committee by Susan Pickard)
4. 27-Mar-2023 FILED: (Amended Comment) (Family Court Improvement Committee by Susan Pickard)
5. 7-Apr-2023 FILED: Comment of Education Law Practitioners in Support of the Petition (Lynne C. Adams, Anthony Contente-Cuomo, Clyde R. Dangerfield, Jordan Ellel, David Garner, Kacey King, Denise Lowell-Britt, Jennifer N. MacLennan, Jessica S. Sanchez and Sesaly Stamps)
6. 12-Apr-2023 FILED: (Comment) (Marie Piccarreta)
7. 27-Apr-2023 FILED: (Comment) (State Bar of Arizona by Lisa M. Panahi, General Counsel)
8. 22-Aug-2023 WOULD AMEND RULES 44.1(e), 45(c), 78(g) AND 91.3 OF THE RULES OF FAMILY LAW PROCEDURE TO REQUIRE A FAMILY LAW COURT TO ISSUE AN "EDUCATION ORDER" WHEN ENTERING ANY FINAL ORDER INVOLVING DEPENDENT CHILDREN.
- ORDERED: Petition to Amend Rules 44.1(e), 45(c), 78(g) and 91.3, Arizona Rules of Family Law Procedure = ADOPTED as modified on an emergency basis, effective January 1, 2024.
- FURTHER ORDERED: The Court will decide whether to adopt the rule amendments on a permanent basis during its December 2023 Rules Agenda.
9. 24-Aug-2023 On January 4, 2023, Judge Bruce R. Cohen, Family Department Presiding Judge of the Superior Court in Maricopa County, filed a petition proposing to amend Rules 44.1(c), 45(c), 78(g), and 91.3, Rules of Family Law Procedure, to require a family law court to issue an "Education Order" when entering any final order involving children. The petition also proposed to adopt two new forms under Rule 97, Rules of Family Law Procedure. Comments were received, including one which recommended delaying consideration of this petition for further deliberations by a representative task force. The Court desires to implement this petition, with some revisions, during this rules cycle, but also wishes to consider public comment on it along with possible additional revisions. Upon consideration,
- IT IS ORDERED that, in accordance with Rule 28(h)(2), Rules of the Supreme Court, Rules 44.1(e), 45(c), 78(g), 91.3, and 97, Rules of Family Law Procedure, are amended on an emergency basis in accordance with Attachment A to this order, and Forms 19 and 20 to Rule 97, Rules of Family Law Procedure, are hereby adopted on an emergency basis in accordance with Attachment B to this order, effective January 1, 2024.
- IT IS FURTHER ORDERED that, pursuant to Rule 28(h)(2), Rules of the Supreme Court of Arizona, this matter shall be opened for public comment as to whether these amendments should be adopted permanently, with comments due no later than May 1, 2024, and any reply due no later than June 1, 2024. The Court will consider this issue at its August 2024 Rules Agenda. (Hon. Robert Brutinel)
10. 2-Mar-2024 FILED: (Comment) (Arlene Rheinfelder)