

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: 22-Aug-2024

Dept/Composition

Arizona Supreme Court

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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, Committee on Family Court, 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 PRACTIONER
Admitted 5/19/90

(Litigant Group) COMMENTOR: STATE BAR OF ARIZONA

- State Bar of Arizona, Commentor

Attorneys for: Commentor

Lisa M Panahi, Esq. (AZ Bar No. 23421)

(Litigant Group) COMMENTOR: ARLENE RHEINFELDER

- Arlene Rheinfelder, Commentor

(Litigant Group) COMMENTOR: CHRISTY KALBACH

- Christy Kalbach, Commentor

(Litigant Group) COMMENTORS: HON. GREG SAKALL, HON. RANDI BURNETT AND JOI HOLLIS

- Hon. D Gregory Sakall, Commentor
- Hon. Randi Leigh Burnett, Commentor
- Joi Hollis, Ph.D., Commentor

(Litigant Group) COMMENTORS: HON RANDI BURNETT AND HON. RONDA FISK

- Hon. Randi Leigh Burnett, Commentor
- Hon. Ronda R Fisk, Commentor

(Litigant Group) COMMENTOR: COMMITTEE ON FAMILY COURT

- Committee on Family Court, Commentor
- D Gregory Sakall, Committee on Family Court, Commentor

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(Litigant Group) COMMENTOR: HON. ROBERT BROOKS et al.

- Hon. Robert Ian Brooks, Commentor
- Hon. Lori Ash, Commentor
- Hon. Stasy D Avelar, Commentor
- Hon. Michelle Carson, Commentor
- Hon. Quintin H Cushner, Commentor
- Hon. James N Drake, Jr, Commentor
- Hon. Monica Edelstein, Commentor
- Hon. James Knapp, Commentor
- Hon. Julie Ann Mata, Commentor
- Hon. Keith A Miller, Commentor
- Hon. Colleen E O'Donnell-Smith, Commentor
- Hon. Patricia A Starr, Commentor
- Hon. Michael Valenzuela, Commentor
- Hon. Randall H Warner, Commentor
- Hon. Tracey Westerhausen, Commentor
- Hon. Paula A Williams, Commentor
- Hon. William R Wingard, Commentor
- Hon. Cassie Bray Woo, Commentor

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(Litigant Group) COMMENTOR: ASHLEY WEST et al.

- Ashley West, Commentor
- Misty Morrison, Commentor
- Bob West, Commentor
- Christina Steel, Commentor
- Erica Merrill, Commentor
- Jen Bradford, Commentor
- Natalie Bush, Commentor
- Carmelo Damore, Commentor
- Beth West, Commentor
- Lisa Taylor, Commentor
- Kimberly Henderson, Commentor
- Jessica Brady, Commentor
- Rita Allen, Commentor
- Kim Witman, Commentor
- Valerie Smith, Commentor
- Vicky West, Commentor
- April Scott, Commentor
- Scott Gallegos, Commentor
- Epifanio Ortiz, Commentor
- Julee Rademacher, Commentor
- Bailee Moore, Commentor
- Gary Johnson, Commentor
- Holly West, Commentor
- Lance Olshovsky, Commentor
- Brooke Rickmond, Commentor
- Nicole Anchie, Commentor
- Cainan Himler, Commentor
- Maria Hall, Commentor
- Kyle Norton, Commentor
- Kimberlee Hall, Commentor
- Aimee Stockham, Commentor
- Michael Anchie, Commentor
- Christopher Schreiner, Commentor
- Jessica Hallett, Commentor
- Rick Reid, Commentor
- Mariella Badalamenit, Commentor
- Chelsea Wohlfeld, Commentor
- Jennifer Hardy, Commentor
- Timmi Paul, Commentor
- Shannon Rigsby, Commentor

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- Emily Simmons, Commentor
- Glenn Webster, Commentor
- Nicole Himler, Commentor
- Matthew Janbou, Commentor
- Amanda Melendez, Commentor
- Branden Himler, Commentor
- Sharyn King, Commentor
- Shawnee Jarman, Commentor
- Amanda Thomas, Commentor
- Serena Laudner, Commentor
- Clifford Starks, Commentor
- Allysa Rabago, Commentor
- Nicole Mosher, Commentor
- Jim Hamilton, Commentor
- Christina Noel, Commentor
- Steve Davis, Commentor
- Lindsey Hillam, Commentor
- Kelly Donovan, Commentor
- James Soccio, Commentor
- Rob Cano, Commentor
- Jessica Lindsell, Commentor
- Christie Reid, Commentor
- Brian Hurlock, Commentor
- Anthony Shanler, Commentor
- James D Sumpter, Commentor
- Robbie Barber, Commentor
- Merri Eubank, Commentor
- Amanda Bond, Commentor
- Vikki Johnson, Commentor
- April Schweikert, Commentor
- Sarah Lauterbach, Commentor
- Tianna Boyer, Commentor
- Amanda Jankowiak, Commentor
- Brenda Tennent, Commentor
- Danielle VanSlambrouck, Commentor
- Christie Stevenson, Commentor
- Monse Himler, Commentor
- Blake Holloway, Commentor
- Randi Pierce, Commentor
- Shannon Davis, Commentor
- Sarah Lauterbauch, Commentor

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- Ellen McGuire, Commentor
- Colleen McDaniel, Commentor
- Marisa Purcell, Commentor
- Linda Thompson, Commentor
- Andrea Lent, Commentor
- Shirley Himler, Commentor
- Summer Jacksonson, Commentor
- Shannon Hurst, Commentor
- Jessica Burell, Commentor
- Amanda Sutter, Commentor
- Steve Simmons, Commentor
- Jessica Morgan, Commentor
- Heidi Gailey, Commentor
- Richard Bates, Commentor
- Kristen Brunell, Commentor
- Alexandra Murnor, Commentor
- Danielle Nowotenski, Commentor
- Tiffany Hawkins, Commentor
- Paige Broxterman, Commentor
- Amber Zuber, Commentor
- Jared Power, Commentor
- Emma Trauberman, Commentor
- Deborah Cook, Commentor
- Kamilah Taylor, Commentor
- Richard Herniak, Commentor
- Nicole Bigelow, Commentor
- Kristin Howell, Commentor
- Mary Kretchmar, Commentor
- Amy Glassanos, Commentor
- Henry Vaply, Commentor
- Laura Doyle, Commentor
- Arthur Waino, Commentor
- Shiloe Maloy, Commentor
- Daniel Badalamenti, Commentor
- Dawn Scott, Commentor
- Joe Ramirez, Commentor
- Terra Obrien, Commentor
- Matt Power, Commentor
- Patty Pomeroy, Commentor
- Larry Pomeroy, Commentor
- Christ Tarver, Commentor

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- Debbie Hibo, Commentor
- Emily Wilson, Commentor
- Matthew Carrera, Commentor
- Brett Murillo, Commentor
- Shane Birt, Commentor
- Rebecca Birt, Commentor
- Audra Rose, Commentor
- Tarissa Larkins, Commentor
- Michael Tarver, Commentor
- Spencer Power, Commentor
- Maureen Walh, Commentor

CASE STATUS

Aug 22, 2024...Decision Rendered

CASE DECISION

22-Aug-2024 ORDER

* 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

Filed: 22-Aug-2024

Mandate:

Decision Disposition

Adopted as Modified

Ann Timmer

18 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)
- 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-Mar-2023 FILED: (Comment) (Family Court Improvement Committee by Susan Pickard)
- 27-Mar-2023 FILED: (Amended Comment) (Family Court Improvement Committee by Susan Pickard)

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18 PROCEEDING ENTRIES

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)
11. 23-Apr-2024 FILED: (Comment) (Christy Kalbach)
12. 29-Apr-2024 FILED: Comment; Proposed Rule Revision (Hon. Greg Sakall and Hon. Randi Burnett, Pima County Superior Court, Judge Division 23 and Joi Hollis)
13. 30-Apr-2024 FILED: Comment; Exhibit A- Proposed Form; Exhibit B- Proposed Form(Hon. Randi Burnett, Pima County Superior Court, Family Law Bench Presiding Judge; Hon. Ronda Fisk, Maricopa County Superior Court, Family Department Presiding Judge)
14. 30-Apr-2024 FILED: Comment of the Committee on Family Court (Committee on Family Court by Hon. Greg Sakall, Chair)
15. 30-Apr-2024 FILED: Comment (Hon. Robert Brooks, Maricopa County Family Department, Judge, et al)
16. 1-May-2024 FILED: (Comment) (Ashley West et al)
17. 20-Aug-2024 **WOULD AMEND RULES 44.1(c), 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(c), 45(c), 78(g) and 91.3, Arizona Rules of Family Law Procedure = ADOPTED as modified on a permanent basis, effective January 1, 2025.

FURTHER ORDERED: The amendments will be referred to the Committee on Family Court for further review, with a report and recommendation to this Court due no later than July 1, 2025.

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18 PROCEEDING ENTRIES

18. 22-Aug-2024 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 new Forms 19 and 20 under Rule 97, Rules of Family Law Procedure. Comments were received, and at its annual Rules Agenda, this Court adopted the amendments and forms on an emergency basis effective January 1, 2024, with a comment period to follow. Having considered the petition and public comments,

IT IS ORDERED that Rules 44.1(c), 45(c), 78(g), and 91.3, Rules of Family Law Procedure, are amended on a permanent basis as shown in Attachment A, and new Forms 19 and 20 under Rule 97,

Rules of Family Law Procedure, are adopted on a permanent basis, as shown in Attachment B, effective January 1, 2025. (Hon. Ann A. Scott Timmer)
