

# LIST OF PENDING RULE CHANGE PETITIONS

Current as of August 22, 2023

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## A. PENDING PETITIONS **OPEN** FOR COMMENT

### 1. Arizona Rules of Civil Procedure

There are no pending petitions in this category.

### 2. Arizona Rules of Criminal Procedure

<b>R-23-0038</b>	<b>Comment Deadline:</b> <b>October 2, 2023</b>	<b>Originally Filed:</b> June 29, 2023
	<b>Reply Deadline:</b> <b>October 16, 2023</b>	
<b>Petitioner(s):</b> David K. Byers, Administrative Director, Administrative Office of the Courts		
<b>Rule(s) Addressed:</b> Petition to Amend Rules 25, 26.11, 27.4, 29.7, and 41 of the Rules of Criminal Procedure		
<b>Description:</b> Would amend Rules 25, 26.11, 27.4, 29.7 and 41 of the Rules of Criminal Procedure to implement legislation from the last and a prior legislative session. Filed on June 29, 2023. During the August 2023 Rules Agenda, the Court adopted the rule amendments on an emergency basis, effective October 30, 2023. During the December 2023 Rules Agenda, the Court will decide whether to adopt the rule amendments on a permanent basis.		
<b>Link to Petition and any comments:</b> <a href="#">R-23-0038 Petition to Amend Rules 25, 26.11, 27.4, 29.7, and 41 (azcourts.gov)</a>		
<b>R-23-0042</b>	<b>Comment Deadline:</b> <b>October 2, 2023</b>	<b>Originally Filed:</b> August 18, 2023
	<b>Reply Deadline:</b> <b>October 16, 2023</b>	
<b>Petitioner(s):</b> David K. Byers, Administrative Director, Administrative Office of the Courts		
<b>Rule(s) Addressed:</b> Petition to Amend Rule 6.1 of The Arizona Rules of Criminal Procedure - Expedited		
<b>Description:</b> Would clarify Rule 6.1(b) of the Rules of Criminal Procedure regarding the appointment of counsel at an initial appearance and the scope of that representation. Filed August 18, 2023. On August 28, 2023, the Court granted AOC's motion for expedited consideration and will consider during the December 2023 Rules Agenda whether to amend the rule on an emergency basis.		
<b>Link to Petition and any comments:</b> <a href="#">R-23-0042 PETITION TO AMEND RULE 6.1 OF THE ARIZONA RULES OF (azcourts.gov)</a>		

### 3. Arizona Rules of Evidence

There are no pending petitions in this category.

### 4. Rules of the Supreme Court

<b>R-23-0037</b>	<b>Comment Deadline:</b> <b>October 2, 2023</b>	<b>Originally Filed:</b> June 28, 2023
	<b>Reply Deadline:</b> <b>October 16, 2023</b>	
<b>Petitioner(s):</b> David K. Byers, Administrative Director, Administrative Office of the Courts		
<b>Rule(s) Addressed:</b> Petition to Amend Supreme Court Rule 123(d)(6)		
<b>Description:</b> Would amend Rule 123(d)(6)(B) of the Rules of the Supreme Court of Arizona, which is related to mental health case records, to implement legislation from the last legislative session. Filed on June 28, 2023. During the August 2023 Rules Agenda, the Court adopted the rule amendments on an emergency basis, effective October 30, 2023. During the December 2023 Rules Agenda, the Court will decide whether to adopt the rule amendments on a permanent basis.		
<b>Link to Petition and any comments:</b> <a href="#">R-23-0037 Petition to Amend Supreme Court Rule 123(d)(6) - (azcourts.gov)</a>		

### 5. Arizona Rules of Civil Appellate Procedure

There are no pending petitions in this category.

### 6. Rules of Procedure for Special Actions

There are no pending petitions in this category.

## 7. Arizona Rules of Family Law Procedure

<b>R-22-0044</b>	<b>Comment Deadline:</b> <b>October 2, 2023</b>	<b>Originally Filed:</b> November 18, 2022
	<b>Reply Deadline:</b> <b>October 16, 2023</b>	
<b>Petitioner(s):</b> Judge Paul McMurdie, Chair Family Court Improvement Committee		
<b>Rule(s) Addressed:</b> ARFLP 30		
<b>Description:</b> Would adopt a new Rule 30 to the Rules of Family Law Procedure to impose deadlines for judges to enter certain types of rulings or orders. During the August 2023 Rules Agenda, the Court adopted the rule on an emergency basis, effective January 1, 2024. During the December 2023 Rules Agenda, the Court will decide whether to adopt the rule on a permanent basis.		
<b>Link to Petition and any comments:</b> <a href="#">R-22-0044 ARFLP 30 - Arizona Judicial Branch - Rules Forum - Rule (azcourts.gov)</a>		

<b>R-23-0007</b>	<b>Comment Deadline:</b> <b>May 1, 2024</b>	<b>Originally Filed:</b> January 4, 2023
	<b>Reply Deadline:</b> <b>June 1, 2024</b>	
<b>Petitioner(s):</b> Hon. Bruce Cohen, Family Department Presiding Judge, Maricopa County Superior Court		
<b>Rule(s) Addressed:</b> Petition to Amend Rules 44.1(c), 45 (c), 78(g) and 91.3 ARFLP		
<b>Description:</b> 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. During the August 2023 Rules Agenda, the Court adopted on a emergency basis a substantially revised set of amendments, effective January 1, 2024, and reopened the public comment period. During the August 2024 Rules Agenda, the Court will decide whether to adopt the rule amendments on a permanent basis.		
<b>Link to Petition and any comments:</b> <a href="#">R-23-0007 Petition to Amend Rules 44.1(c), 45 (c), 78(g) and 91.3 (azcourts.gov)</a>		

## 8. Arizona Rules of Protective Order Procedure

There are no pending petitions in this category.

### 9. Arizona Rules of Probate Procedure

<b>R-23-0039</b>	<b>Comment Deadline:</b> <b>October 2, 2023</b>	<b>Originally Filed:</b> July 5, 2023
<b>Reply Deadline:</b> <b>October 16, 2023</b>		
<b>Petitioner(s):</b> David K. Byers, Administrative Director, Administrative Office of the Courts		
<b>Rule(s) Addressed:</b> Petition to Amend Rules 16 and 17 of the Arizona Rules of Probate Procedure		
<b>Description:</b> Would amend Rules 16(a) and (b) and 17(a) of the Arizona Rules of Probate Procedure to implement recent legislation affecting the notice of initial hearing and required attendant at an initial hearing. Filed on July 5, 2023. During the August 2023 Rules Agenda, the Court adopted the rule amendments on an emergency basis, effective October 30, 2023. During the December 2023 Rules Agenda, the Court will decide whether to adopt the rule amendments on a permanent basis.		
<b>Link to Petition and any comments:</b> <a href="#">R-23-0039 Petition to Amend Rules 16 and 17 of the Arizona Rules (azcourts.gov)</a>		

### 10. Rules of Procedure for Juvenile Court

<b>R-23-0040</b>	<b>Comment Deadline:</b> <b>October 2, 2023</b>	<b>Originally Filed:</b> July 13, 2023
<b>Reply Deadline:</b> <b>October 16, 2023</b>		
<b>Petitioner(s):</b> David K. Byers, Administrative Director, Administrative Office of the Courts		
<b>Rule(s) Addressed:</b> Petition to Amend Rules 206, 325, 327, 334, and Form 8 of the Rules of Procedure for the Juvenile Court		
<b>Description:</b> Would amend Rules 206, 325, 327, and 334 of the Rules of Procedure for the Juvenile Court to implement recent legislation by the Arizona legislature. Filed on July 13, 2023. During the August 2023 Rules Agenda, the Court adopted the rule amendments on an emergency basis, effective October 30, 2023. During the December 2023 Rules Agenda, the Court will decide whether to adopt the rule amendments on a permanent basis.		
<b>Link to Petition and any comments:</b> <a href="#">R-23-0040 Petition to Amend Rules 206, 325, 327, 334, and Form 8 (azcourts.gov)</a>		

### 11. Arizona Tax Court Rules of Practice

There are no pending petitions in this category.

***12. Tribal Court Rules***

There are no pending petitions in this category.

***13. Local Rules***

There are no pending petitions in this category.

***14. Justice Court Rules of Civil Procedure***

There are no pending petitions in this category.

***15. Rules of Procedure for Judicial Review of Administrative Decisions***

There are no pending petitions in this category.

***16. Rules of Procedure in Traffic and Boating Cases***

There are no pending petitions in this category.

***17. Rules of Procedure in Civil Traffic and Civil Boating Violation Cases***

There are no pending petitions in this category.

***18. Rules of Procedure for Eviction Actions***

There are no pending petitions in this category.

***19. Rules of Judicial Performance Review***

There are no pending petitions in this category.

***20. Rules of Procedure for Commissions on Appellate and Trial Court Appointments***

There are no pending petitions in this category.

## B. PENDING PETITIONS **NOT OPEN** FOR COMMENT

### 1. **Arizona Rules of Civil Procedure**

There are no pending petitions in this category.

### 2. **Arizona Rules of Criminal Procedure**

<b>R-22-0045</b>	<b>Comment Deadline:</b>  <b>Reply Deadline:</b>	<b>Originally Filed:</b> December 1, 2022
<b>Petitioner(s):</b> Kathleen E. Brody, Jared G. Keenan, Arizona Attorneys for Criminal Justice		
<b>Rule(s) Addressed:</b> Petition to Amend Arizona Rule of Criminal Procedure 39(b)(12)		
<b>Description:</b> Would abrogate Rules 39(b)(12)(A) & (B) of the Rules of Criminal Procedure to allow defense counsel to make an interview request directly to a victim without going through the prosecutor. During the August 2023 Rules Agenda, the Court continued this matter until the August 2024 Rules Agenda.		
<b>Link to Petition and any comments:</b> <a href="#">R-22-0045 Petition to Amend Arizona Rule of Criminal Procedure (azcourts.gov)</a>		

### 3. **Arizona Rules of Evidence**

There are no pending petitions in this category.

### 4. **Rules of the Supreme Court**

There are no pending petitions in this category.

### 5. **Arizona Rules of Civil Appellate Procedure**

There are no pending petitions in this category.

### 6. **Rules of Procedure for Special Actions**

There are no pending petitions in this category.

## 7. Arizona Rules of Family Law Procedure

<b>R-22-0007</b>	<b>Comment Deadline:</b>  <b>Reply Deadline:</b>	<b>Originally Filed:</b> January 8, 2022
<b>Petitioner(s):</b> Judge Greg Sakall, Family Court Presiding Judge, Pima County Superior Court, Judge Michael Peterson, Graham County Superior Court, Judge Bruce Cohen, Family Department Presiding Judge		
<b>Rule(s) Addressed:</b> ARFLP Rules 77 and 77.1 Regarding Informal Family Law Trials		
<b>Description:</b> Would amend Rule 77 and adopt a new Rule 77.1 of the Arizona Rules of Family Law Procedure to adopt an informal family trial program to increase access to justice and improve efficiency in family law matters. During the August 2022 Rules Agenda, this matter was continued until the December 2022 Rules Agenda. Con't from the December 2022 Rules Agenda to the August 2023 Rules Agenda. AO 22-0159 authorized a pilot project, which will be undertaken by three counties. A final report will be issued in June 2024. During the August 2023 Rules Agenda, the Court again continued this matter until the December 2023 Rules Agenda.		
<b>Link to Petition and any comments:</b> <a href="#">R-22-0007 ARFLP Rules 77 and 77.1 Regarding Informal Family Law (azcourts.gov)</a>		

<b>R-23-0008</b>	<b>Comment Deadline:</b>  <b>Reply Deadline:</b>	<b>Originally Filed:</b> January 4, 2023
<b>Petitioner(s):</b> Hon. Bruce Cohen, Family Department Presiding Judge, Maricopa County Superior Court		
<b>Rule(s) Addressed:</b> Petition to Amend Rules 91(h) and 92(c) ARFLP		
<b>Description:</b> Would amend Rules 91(h) and 92(c) of the Rules of Family Law Procedure to give a family law court the option of issuing an order to appear or a notice of hearing either before or after service of process. During the August 2023 Rules Agenda, the Court continued this matter until the August 2024 Rules Agenda.		
<b>Link to Petition and any comments:</b> <a href="#">R-23-0008 Petition to Amend Rules 91(h) and 92(c) ARFLP - Arizona (azcourts.gov)</a>		



<b>R-23-0034</b>	<b>Comment Deadline:</b>  <b>Reply Deadline:</b>	<b>Originally Filed:</b> January 23, 2023
<b>Petitioner(s):</b> Donald Guadagni		
<b>Rule(s) Addressed:</b> Petition to Amend Rules for Remote Access Litigants. 17B A.R.S. Rules Fam.Law Proc.		
<b>Description:</b> Would amend the Rules of Family Law Procedure to require electronic service of filings/pleadings and delivery of orders if one of the parties is overseas or does not have a mailing address. The petitioner did not ask for expedited consideration. This petition will be opened for comment in January 2024.		
<b>Link to Petition and any comments:</b> <a href="https://azcourts.gov">R-23-0034 PETITION TO AMEND RULES FOR REMOTE ACCESS LITIGANTS. (azcourts.gov)</a>		

### ***8. Arizona Rules of Protective Order Procedure***

There are no pending petitions in this category.

### ***9. Arizona Rules of Probate Procedure***

There are no pending petitions in this category.

### ***10. Rules of Procedure for the Juvenile Court***

There are no pending petitions in this category.

### ***11. Arizona Tax Court Rules of Practice***

<b>R-23-0016</b>	<b>Comment Deadline:</b>  <b>Reply Deadline:</b>	<b>Originally Filed:</b> January 9, 2023
<b>Petitioner(s):</b> Hon. Sara J. Agne, Presiding Judge, Arizona Tax Court		
<b>Rule(s) Addressed:</b> Petition to Amend Arizona Tax Court Rules of Practice		
<b>Description:</b> Would amend the Arizona Tax Court Rules of Practice to restyle them by using clearer language, avoiding long sentences and ambiguous terms, and using consistent formatting conventions and terminology. During the August 2023 Rules Agenda, the Court continued its consideration of the petition until the December 2023 Rules Agenda.		
<b>Link to Petition and any comments:</b> <a href="#">R-23-0016 Petition to Amend Arizona Tax Court Rules of Practice - (azcourts.gov)</a>		

### ***12. Tribal Court Rules***

There are no pending petitions in this category.

### ***13. Local Rules***

There are no pending petitions in this category.

### ***14. Justice Court Rules of Civil Procedure***

There are no pending petitions in this category.

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### ***16. Rules of Procedure in Traffic and Boating Cases***

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