



UPDATE October 13, 2020. Updates are highlighted. The following summarizes the protocols of the Family Law Bench which we anticipate will be in effect through at least October 31, 2020.

The Family Law Bench of the Pima County Superior Court continues to put forth best efforts to meet the needs of the community we serve while also being mindful of issues, recommendations, and orders relating to COVID-19 concerns.

IMPORTANT! Effective August 17, 2020, the Family Law Presiding Judge (or designee) will no longer classify all family law filings to determine into which tier the hearing falls. Each Family Law division will perform this classification task.

If there is an emergency issue and the assigned Family Law Division is not in the courthouse that day, the filing should be first directed to the Family Law assignment judicial officer for that week, and if that judicial officer is not available, then the Family Law Presiding Judge (or designee).

Family law divisions will continue to process filings and schedule hearing dates as the Court's calendar permits.

How to File Documents & Provide Exhibits

- The [Clerk of the Superior Court](#) is open normal business hours and continues to accept family law filings.
- **Notarized Signatures**
 - As to family law forms/filings that usually require a notarized signature:
 - Under Arizona Supreme Court Administrative Order [2020-59](#), you do not need to have your signature notarized IF you submit a photocopy of your driver's license or other government-issued identification card when you file your documents.
 - **IMPORTANT!** If you have a protected address you may redact (conceal, cross out) your address when you submit the photocopy of your driver's license or ID card to the Court.
- **Filings with the Clerk's Office**
 - **Self-represented litigants (SRL's)** – You may come to the office of the Clerk of the Superior Court to file or pick-up needed paperwork.
 - **For the legal community and court-runners**, the Court has centralized drop-off and pick-up locations for bench copies of filings.
 - Drop-off – a cart is located outside Window 7 of the Clerk's offices.
 - Pick-up – court-runners can pick-up paperwork at the Clerk's mailroom on the first floor.
 - Court-runners must process papers before leaving the building.
 - Courtesy chambers copies of exhibits should be dropped off on the 9th floor.
- **Service by mail**
 - For **service by mail** under Rule 41(d) & (g), a postal employee's written indication on the return receipt that signifies delivery to the address is sufficient to document effectuated service of process. [Arizona Supreme Court Administrative Order 2020-160](#).
- **Exhibits**
 - The Court asks that you provide your exhibits in a timely manner.

- You must provide the other side with copies of any exhibits.
- **When possible, the Court asks you to supply your exhibits without entering the courthouse.**
- Below are a few ways you can provide your exhibits to the Clerk before a hearing:
 - **Mail your exhibits** to the Clerk’s Office, 110 W. Congress, Tucson, 85701 - Attention Brenda Ramirez.
 - **Drop off your exhibits** using the Clerk’s dropbox located immediately outside the east entrance of the courthouse (facing Church Street).
 - **Clearly mark exhibits placed in the dropbox “Attention Brenda Ramirez.”**
 - Some judges may allow you to email exhibits to their Division - but check with their office before you do.
 - **IMPORTANT!** The Clerk’s Office will not accept emailed exhibits and will not print any exhibits that have been emailed.
- As a last resort, you may drop off exhibits on the second floor of the courthouse, in a designated dropbox in the Legal Records department.

Matters to be Set for Hearing

Hearings scheduled will be necessary and productive, and according to the rules set by local Administrative Order [2020-41](#).

As outlined in said A.O., Family Law Tier 1 and 2 hearings will be generally be conducted using telephonic conferences and/or Microsoft Teams videoconferencing only. Tier 3 trials and hearings may not be conducted in person; if in-person attendance is necessary, the matter shall be continued.

- The Court may, for good cause shown, allow hearings in Tiers 1 and 2 to be conducted in person.
 - **Requests to conduct a proceeding in person must be submitted in writing no less than two court days prior.**
 - **Requests shall not be made at the time of hearing.**
 - Requests must be made to the assigned Division with a copy to the bench presiding judge.
 - In-person hearings must be conducted in compliance with local Administrative Order No. [2020-43](#).
 - Persons not authorized to attend a proceeding may submit a request to the assigned judicial officer for permission to attend remotely or in person.

IMPORTANT!

Unless there is a current order prohibiting contact between the parties or a history of domestic violence between self-represented parties, **parties and counsel, if any, must engage in a good faith attempt to resolve any issues before the hearing.**

A good faith consultation requires a meeting by conference call or other remote means and does not consist of merely a letter or email.

- The Court may enter sanctions consistent with Rule 76.2 if parties or counsel fail to comply with this good faith consultation requirement.

Tier 1 matters, as defined by A.O. [2020-43](#), take priority over other matters.

Subject to the Family Law Bench's protocols, the following matters may be set for telephonic, evidentiary hearings as noted below:

- **Ex parte protective order requests. (Tier 1)** The Court will allow telephonic appearances for *ex parte* hearings.
- **Contested protective order proceedings. (Tier 1)** Hearings will be held within the appropriate time frames, and consistent with any related administrative orders including Arizona Supreme Court Administrative Order No. [2020-143](#) and local Administrative Order [2020-43](#).
- **Rule 48 requests; Temporary Orders Without Notice (Tier 1)**
 - Initial Requests for Rule 48 relief will be handled based upon the filing(s). No hearings will be held on the *ex parte* requests. Requests should be directed to the assigned Family Law Division.
 - If there is an emergency issue and the assigned Family Law Division is not in the courthouse that day, the filing should be first directed to the Family Law assignment judicial officer for that week, and if that judicial officer is not available, then the Family Law Presiding Judge (or designee).
 - Consistent with Arizona Supreme Court Administrative Order [2020-59](#), a party seeking orders for temporary relief related to or arising primarily from COVID-19 issues does not need to file an underlying petition to modify the long-term parenting plan or child support orders.
 - **10-day Rule 48 contested hearings. (Tier 1)** Rule 48(d) hearings will be scheduled in a timely manner. Hearings will be held consistent with any applicable administrative orders.
- **In custody hearings (child support warrants, etc.) (Tier 1)**
- **Expedited process request to enforce parenting time or legal decision-making (Tier 1)**
 - Hearings shall be brief, generally not exceeding 30 minutes
- **Rule 47 and Rule 47.2 motions for parenting time, legal decision-making and support (Tier 2)**
 - Hearings may be held in cases where no existing temporary orders are in place.
 - Generally, this would not include modification of existing temporary orders.
 - A Resolution Management Conference must be held before any evidentiary hearing.
 - Presumptively, there shall be only one hearing on one day, subject to the following time limitations:
 - If only child support is at issue, 30 minutes.
 - If only parenting time and legal decision-making are at issue, 60 minutes.
 - If more than parenting time and legal decision-making are at issue, or an interpreter is required, 90 minutes.
- **Motions for temporary orders for exclusive use of marital home (Tier 2)**
 - Hearings shall presumptively not exceed 60 minutes.
- **Petition and motions relating to school choice for a minor child (Tier 2)**
 - Hearings shall presumptively not exceed 120 minutes
- **Child support hearings, IV-D and non IV-D (Tier 2)**
 - For IV-D hearings, see below.
 - Hearings should not exceed 60 minutes.
- **Default Decrees & Judgments. (Tier 2)** See below for more details.
- **Mandatory Family Law Settlement Conferences (Tier 3).** See below for more details.
- **Resolution Management Conferences (RMC) (Tier 3)**
 - Hearings shall presumptively not exceed 30 minutes, and there shall be no in-person appearances for an RMC
- **Trials & Requests to Modify Parenting Plans (Tier 3)**
 - Trials and evidentiary hearings to modify a parenting plan shall not exceed 180 minutes
 - There shall be no in-person appearances.

- If parties require an in-person appearance or more time, the trial or hearing shall be continued to a date on or after October 1, 2020.
- **Enforcement Actions other than a Parenting Plan (Tier 3)**
 - Hearings relating to the enforcement of a court order or judgment other than a parenting plan shall not exceed 60 minutes
 - There shall be no in-person appearances.
 - If parties require an in-person appearance or more time, the hearing shall be continued to a date on or after October 1, 2020.

IV-D Child Support Hearings

- For IV-D child support hearings scheduled on or after July 6, 2020
 - Hearings will proceed as scheduled; however, **all hearings will be conducted telephonically unless otherwise ordered.**
 - If a hearing is reset, parties will receive notice of their new hearing date via U.S. Mail.
 - If you have questions about your hearing, please contact the assigned [IV-D Division](#) (see 59/J or 53/D).
 - Messages left should be returned by the close of the next business day.
 - If you do not receive a return call by the close of the next business day, please contact the Family Law Presiding Judge.

Mandatory Family Law Settlement Conferences

- There will be no mandatory in-person settlement conferences before October 5, 2020.
- Currently, full-time judicial officers are conducting settlement conferences via phone and video conferencing.
- In addition, the Court will accommodate as many settlement conferences as possible through the continued use of volunteer *pro tems*, as well as phone and video conferences.
 - Parties and counsel, if applicable, must agree to proceed remotely.
- Settlement conferences that cannot be covered will be reset to available dates on or after October 5, 2020.
 - Parties will receive notice of their new conference date via U.S. Mail.
 - Counsel, if applicable, will receive notice of the new conference date via normal court practice.

Default Matters

- Where appropriate, the Court encourages the use of Rule 44.1 motions so default decrees may be entered without a hearing.
 - You can find a sample Rule 44.1 motion and instructions [here](#).
- Division TO is conducting scheduled (Arizona Rules of Family Law Procedure, ARFLP) Rule 44.2 default hearings on Wednesday mornings from 9:30 a.m. to 12:00 p.m. Hearings will be by telephone only.
 - **The Petitioner should contact Division TO (520-724-4367) to schedule a hearing.**
 - **IMPORTANT!** The Petitioner must provide their paperwork at least two business days before the hearing.
 - Division TO will review the paperwork
 - If the matter is not appropriate for a Rule 44.2 hearing, the hearing will be cancelled the day before the scheduled hearing.
 - **To provide paperwork**

- Petitioners may mail paperwork to the Superior Court in Pima County, 110 W Congress, Tucson, 85701 - **Attention: Division TO.**
- Petitioners are also encouraged to use the Clerk’s dropbox located immediately outside the east entrance to the courthouse (facing Church street)
 - **Documents placed in the dropbox must be clearly marked “Attention Division TO.”**
- Assigned family law divisions may also hold Rule 44.2 hearing on their assigned days, and will follow a process similar to that outlined above.

Protection Orders

Most domestic violence protection orders may now be completed telephonically. **However, the courts will continue to accommodate healthy individuals who visit in person for protection requests.**

You MUST start your protection order process online using the Arizona Protective Order Initiation & Notification Tool ([AZPOINT](#)) website from any computer, tablet, or mobile phone. **You will need an email address.** Please make sure that the device you are using is safe, and, that you are not being monitored by the person causing you harm.

After you complete your application in AZPOINT, you will receive a reference number. Please write it down. Then, call any Clerk of Court’s office number (below), Monday through Friday from 8:00 a.m. until 5:00 p.m., and provide that reference number.

- **Superior Court 520-724-3221**
- **Justice Court 520-724-3942**
- **Tucson City Court 520-791-4971**

The Clerk will review your paperwork, make sure you meet the requirements for a hearing, and arrange a time for a judge to call you back.

If your petition is granted during your telephonic, on-the-record hearing, the Court will send the Order of Protection out for service the same day. (You may request service be delayed for up to 72 hours.)

Facts:

- The information you provide on the AZPOINT website is held securely for 90 days. You can save and return to finish your application at any time in that 90-day window.
- Both the application and service of a domestic violence Order of Protection are free of charge to the filing party.
- The domestic violence Order of Protection will be served by local law enforcement.
- Although the initial process of an Injunction Against Harassment (IAH) can be telephonic, applicants must visit the courthouse to pay their IAH fee (or apply for a fee waiver or deferral) and pick up the injunction paperwork.
 - The IAH applicant must also arrange service.

For the safety and health of the community and court staff during the COVID-19 crisis, the courts hope to process most protection order requests telephonically. **Again, the courts will continue to accommodate healthy individuals who visit in person for protection requests** – however, if you are ill, please do not come to the courthouse.

For more information about AZPOINT or filing an order of protection, visit <https://azpoint.azcourts.gov/> call one of the three Clerk of Court office numbers, bolded, above, or contact communityrelations@sc.pima.gov.

All Other Matters

All other matters will be set or reset for an event after October 1, 2020, or converted to a Resolution Management Conference (RMC).

- Full-time judicial officers may conduct off-the-record Resolution Management Conferences in selected cases by use of phone and video conferences.
 - If off-the-record, parties and counsel, if applicable, must agree to proceed off-the-record.
- The Court continues to hear selected cases using volunteer *pro tems* to conduct Resolution Management Conferences via phone and video conference.
 - Parties and counsel, if applicable, must agree to proceed remotely.
- If a hearing is continued or converted to an RMC, parties will receive notice of their new hearing date via U.S. Mail. Counsel, if applicable, will receive notice of the new conference date via normal court practice.
- If you have questions about your hearing, please contact the assigned [Family Law](#) Division. Messages should be returned by the close of the next business day. If you do not receive a return call by the close of the next business day, please contact the Family Law Presiding Judge.

Conciliation Court Services

- The Conciliation Court is currently conducting mediation and petitions for conciliation exclusively by phone.
- The Conciliation Court is conducting in-person Rule 12 child interviews and will notify parties if an interview is scheduled.
 - Individuals scheduled to bring their children for an interview should contact the Conciliation Court at 520-724-5590 or fccc@sc.pima.gov to determine the status of their session, and, if necessary, to reschedule their appointment.
- The Conciliation Court has temporarily postponed evaluation-related family observations and home visit appointments; however it is accepting referrals for limited scope assessments which will include the following: parent intakes; an acquisition of, and review of records; and child interview, if age appropriate, with a report in the form of a summary of involvement. The summary may include limited clinical recommendations, if appropriate, according to Conciliation Court, given the limited scope of involvement.
- **Parent Education Classes**
 - Parent education classes **will resume on July 8, 2020**. Parent education classes will be offered online using Microsoft Teams.
 - Individuals should contact the Conciliation Court at 520-724-5590 or fccc@sc.pima.gov to schedule their appointment.
 - **Effective July 1, 2020, parties will be required to submit a written motion to take a parent education class other than that provided by the Conciliation Court.**

Family Law Contact Information / Family Law Webpage Information

Contact information for the divisions of the Pima County Superior Court Family Law bench can be found on the [Family Law Bench](#) page of the Superior Court website. Rules of practice, forms, and information for Family Law matters can be found on the [Family Law](#) page of the Superior Court website.