



## **UPDATE August 20, 2021**

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 the COVID-19 pandemic. The following summarizes the protocols of the Family Law Bench which will be in effect until further ordered.

### **Matters to be Set for Hearing**

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

If there is an emergency issue and the assigned Family Law Division is not available, 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).

Hearings scheduled will be necessary and productive, and according to the rules set by local Administrative Order [2021-39](#).

**IMPORTANT!** Unless there is a current order prohibiting contact 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 do not comply with this good faith consultation requirement.

**Unless ordered otherwise, Hearings and trials will presumptively be remote-only appearances with parties and attorneys appearing via phone or Microsoft Teams.**

- **If a party wishes to have a virtual hearing converted to in-person, a motion must be filed at least two court days in advance of the hearing.** An oral motion shall not be entertained at the time of the hearing.
- Unless there is a current order prohibiting contact between the parties or a history of domestic violence between self-represented parties, the motion must set forth the other party's position on an in-person hearing.

### **Default Matters**

- Where appropriate, the Court encourages the use of Rule 44.1 motions so default decrees may be entered without a hearing.
  - You may find a Rule 44.1 motion and instructions on the [forms](#) page, see [packet 11a](#).

- Division TO is conducting scheduled (Arizona Rules of Family Law Procedure, ARFLP) Rule 44.2 default hearings. Hearings will be by telephone only.
- **Petitioner must provide the required paperwork with a request for hearing prior to the Court setting a default hearing. Upon receipt of the paperwork, the Court's JAA will contact the appropriate party to schedule the 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 a 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, courts will 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](mailto:communityrelations@sc.pima.gov).

### **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**, courtesy chambers copies of filings and exhibits should be dropped at an assigned divisions’ chambers or on the 9th floor. Please respect the directions of each division as to where copies should be dropped off.

- **Service**

- 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 accomplished 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.”**
    - You may also drop off exhibits in a dropbox located on the southside of the 8th floor lobby.
  - 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.

### **Conciliation Court Services (FCCC)**

- **Child Interviews:** In-person child interviews continue. Interviews will be held Monday through Friday in the FCCC conference room on the 17<sup>th</sup> floor of the Legal Services Building (LSB).
  - Guidelines
    - Parents and children must wear face coverings. (Masks are available for those without.)
    - A court security officer will escort the parties to FCCC offices.
    - Parents must remain in the outer lobby while the child's interview is underway.
  - Please contact the Conciliation Court at [fccc@sc.pima.gov](mailto:fccc@sc.pima.gov) or 520-724-5590 for more information.
- **Evaluations:** Due to COVID-19, FCCC continues to conduct Legal Decision Making/Parenting Time assessments in a modified capacity.
- **Mediation:** Telephonic mediation services continue. FCCC anticipates implementation of the Microsoft Teams video platform for mediation services in the next couple of months.
- **Conciliation Counseling:** Petitions for conciliation, once filed and appointments set, are held telephonically.
- **Parenting Coordination:** Appointments are held telephonically.
- **Parent Education Classes**
  - Parent education classes are offered online through Microsoft Teams, a remote video platform or in a limited capacity, in an online, on-demand format.
  - Individuals may register for most parent education classes [online](#). Those who need to complete the Divorce class should contact the Conciliation Court at 520-724-5590 to schedule their appointment.
  - **Parties must submit a written motion to take a parent education class other than those provided by 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](#) 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.