

Family Court Case Management Process

Hon. Kenneth L. Gregory, Commissioner/Judge Pro Tempore

Pursuant to Administrative Order 2019-13, the Court adopts the following process for managing its domestic relations docket:

1. Court's Initial Review of Petitions and Motions. The types of petitions that may be filed in family court are listed in Rule 23(a), Arizona Rules of Family Law Procedure (ARFLP). **Regardless of whether an Answer or Response has been filed, the Clerk of Court shall bring all petitions and motions to the Court's attention immediately after they are filed.** The Court will review the petition or motion and the Court's judicial assistant will make record of it in an internal caseload spreadsheet.

If the Court finds that a post-decree/post-judgment petition fails to set forth adequate grounds for relief, the Court may reject the petition. If the petition is rejected, the Court will make a ruling identifying the deficiency and providing the petitioner thirty days to correct the same. See, ARFLP Rule 91(i). The Court may make other appropriate orders where there are filing deficiencies or inadequate grounds for the exercise of the Court's jurisdiction.

2. Temporary Orders. The process for requesting temporary orders is set forth in ARFLP Rule 47. If there are no deficiencies discovered in the petition, and a motion for temporary orders is filed, the Court will issue an Order to Appear (OTA) setting the matter for a Resolution Management Conference (RMC) within 20 to 30 days. The requesting party shall serve the OTA, and all other documents required to be served, on the opposing party within five (5) days of the Court's issuance of the OTA. See, ARFLP Rule 47(d). Depending on caseload and calendaring, the Court will generally allot less than thirty minutes for an RMC.

Unless there is a protective order in place, **at least three days prior to a scheduled RMC the parties and attorneys are to meet and confer and file with the Court a completed Form 4 or 5, as applicable.** See, ARFLP Rule 47(f)(1). If the parties are not able to reach an agreement on temporary orders at the RMC, the Court will set the matter for an evidentiary hearing within thirty days of the RMC. See, ARFLP Rule 47(c)(1)(B). Depending on the complexity and circumstances of the case, and available judicial time, the Court will generally allot ninety (90) minutes for evidentiary hearings on temporary orders. The parties shall exchange their witness and exhibit lists, and pre-mark all evidence with the Clerk of Court, at least three days prior to the date of the evidentiary hearing. See, ARFLP Rule 47(f)(2).

3. Temporary Orders Without Notice. If the Court grants temporary orders without notice to the opposing party, pursuant to ARFLP Rule 48, an evidentiary hearing will be set within 10 days of the entry of the Court's order.

4. Defaults. In cases where a default has become effective under ARFLP Rule 44(a)(4), the Clerk of Court shall bring the file to the Court's attention. If a default hearing is required, the Court will set the matter for a hearing within thirty days, or as soon thereafter as practicable. The Court will allot fifteen minutes for a default hearing. If a hearing is not required, the Court will review the file and make a ruling on the requested default decree or judgment.
5. Inactive Cases - Dismissals. If a petition has been pending for at least ninety (90) days with no filed proof of service, an administrative order shall issue notifying the petitioner that the action will be dismissed without prejudice unless respondent is served with process within one hundred twenty (120) days of the filing date of the petition. See, ARFLP Rule 40(I). If service is not made within that time, the Clerk shall bring the file to the Court's attention for appropriate action, which may include dismissal. Id.

In all other cases pending for at least one hundred twenty (120) days, where the respondent has been served but no party has filed a motion to set the matter for trial, and where no trial, hearing or conference has otherwise been scheduled, and there are no pending dispositive motions or motions related to genetic testing, the Court will issue an administrative notice placing the matter on the Court's inactive calendar for a period of sixty (60) days. If appropriate action is not taken by any party while the case is on the inactive calendar, the case will be dismissed. See, ARFLP Rule 46(b).

6. Trial Setting. As a general rule, and where justice permits, all new cases initiated in the family court are to be fully adjudicated within one (1) year of the filing of the petition. Additionally, the Court's policy is that all post-decree/post-judgment petitions be fully adjudicated within one hundred eighty (180) days of the filing of the petitions. Trial settings will be made with these guidelines in mind, while taking into consideration the particular circumstances of each case.
7. Court's Calendaring/Tickle System. The Court's judicial assistant shall maintain an internal caseflow spreadsheet listing all petitions and motions filed with the Court after the adoption of this management process, along with notations of significant upcoming events that have been scheduled and any matters under advisement. The Court will review the list every sixty (60) days and take appropriate action where needed to ensure that cases are being timely processed.