

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF FAMILY
DEPARTMENT EXPEDITED PARENTING
TIME ENFORCEMENT PILOT
PROGRAM

ADMINISTRATIVE ORDER
NO. 2025-076

(Affecting AO2007-022)

WHEREAS, the Superior Court of Arizona in Maricopa County Amended Plan for Expedited Process to Establish and Modify Child Support, Enforce Support, Enforce Parenting Time and Visitation, and Stop and Modify Orders of Assignment (“Expedited Plan”) was approved by the Arizona Supreme Court pursuant to its Administrative Order 2001-65 (effective 01/30/2007), and published and promulgated by the Superior Court in its Administrative Order 2007-022 (effective 02/23/2007); and

WHEREAS, the Expedited Plan established a “Parenting Time Enforcement Court” as a Post-Decree Specialty Court utilizing Court Commissioners and staffed by the Family Court Conference Center (FCCC) to expedite the processing of all eligible post-decree and post-judgment petitions to enforce parenting time; and

WHEREAS, the Parenting Time Enforcement Court procedures provide that, upon a party filing an eligible petition to enforce parenting time, the court must issue an *Order to Appear* setting both a conference with a conference officer and an evidentiary hearing before a judicial officer. The conference / evidentiary hearing must be set within 25 days of when the requesting party indicates service of the petition will be accomplished, as required by A.R.S. § 25-414(B); and

WHEREAS, the Parenting Time Enforcement Court procedures result in an inefficient use of the Superior Court’s resources due to the need to vacate and reset most conferences / evidentiary hearings for lack of service. For example, in FY2024, less than 40% of Orders to Appear were served before the date of the conference / evidentiary hearing, resulting in the need to vacate and reset over 60% of these conferences / evidentiary hearings; and

WHEREAS, stakeholder feedback has identified areas for improvement in the Parenting Time Enforcement Court procedures, including the following:

- 1) a conference with a conference officer is not appropriate for every petition to enforce parenting time or visitation and some matters are better set straight to an evidentiary hearing;
- 2) a 90-minute conference is often not sufficient time for the conference officer and parties to discuss and resolve the issues in the petition, and then document any full or partial agreements reached by the parties;

- 3) the timing of the conference—followed *immediately* by an evidentiary hearing—gives the conference officer limited time to prepare a report for the judicial officer, which results in less detailed and less informative reports; and
- 4) the timing of the conference—followed *immediately* by an evidentiary hearing—results in increased preparation time and cost for the parties because they must prepare exhibits and/or witnesses for the evidentiary hearing in the event that they do not reach agreements at the conference; and

WHEREAS, in a significant percentage of cases in which one party files a petition to enforce parenting time or visitation, the other party files a separate petition to modify or enforce legal decision-making, parenting time, and/or child support. Since Parenting Time Enforcement Court can only address single-issue petitions, the parties either have to participate in two separate evidentiary hearings (one before a commissioner in Parenting Time Enforcement Court on the petition to enforce parenting time and one before the assigned judge on all other petitions), or the parties have to wait until assigned judge can find time on their calendar to hear multiple petitions; and

WHEREAS, in consideration of proposing amendments to the Expedited Plan, the Family Department desires to adopt a pilot program to test alternative procedures for expedited processing and disposition of petitions to enforce parenting time and third-party visitation;

IT IS THEREFORE ORDERED that **effective 06/30/2025**, the Family Department shall suspend the use of Parenting Time Enforcement Court to handle petitions to enforce parenting time.

IT IS FURTHER ORDERED that **effective 06/30/2025**, the Family Department shall handle petitions to enforce parenting time and third-party visitation following the procedures set forth in the ***Expedited Parenting Time Enforcement Pilot Program*** (“Pilot Program”) attached hereto as **Appendix A**.

IT IS FURTHER ORDERED that by 01/31/2026, the Family Department shall complete a six-month review of the effectiveness of the Pilot Program to determine whether any modifications of the pilot program are appropriate. The six-month review shall address the period from 06/30/2025 – 12/31/2025, and review the following metrics:

- (1) The number of petitions to enforce parenting time and third-party visitation filed each month;
- (2) The number of petitions rejected after the initial review each month;
- (3) The number of amended petitions filed after being rejected after the initial review each month;
- (4) Return Hearing monthly statistics, including the number of Return Hearings set each week, the number of Return Hearings reset due to lack of service, the number of OTAs that were served no less than 5 days before the initial Return

- (5) Open Negotiation monthly statistics, including the turnaround time for the Open Negotiation reports, the settlement rate at Open Negotiation (including full, partial, and no agreements);
- (6) Evidentiary Hearing monthly statistics, including the time to the first hearing being set for matters set straight to Evidentiary Hearing, the time to hearing being set for matters sent to Open Negotiation followed by an Evidentiary Hearing; the time to final resolution (*i.e.*, dismissal or Rule 78 judgment) for all matters set for Evidentiary Hearing; the percentage of Evidentiary Hearings for which exhibits are uploaded into Case Center;
- (7) The need for modifications to any standard forms (including self-service forms offered by the LLRC), orders to appear, minute entries, or Open-Negotiation reports;
- (8) The need for modification to any procedures, including the initial review, return hearings and the use of a consolidated return-hearing calendar, open negotiations, evidentiary hearings, review hearings, and use of technology including Court Connect and Case Center; and
- (9) Stakeholder Survey (including Family Department Administration, conciliators, judicial officers, judicial staff, litigants, and legal representatives), measuring satisfaction with the Pilot Program and gathering suggestions for improvements and/or modifications (including specifically items 7 and 8 above).

DATED this 20 day of May, 2025.

Copies: Hon. Joseph Welty, Presiding Judge
All Family Court Judges and Commissioners
Hon. Joseph W. Malka, Clerk of the Superior Court
Raymond L. Billotte, Judicial Branch Administrator
Cheri Clark, Deputy Court Administrator
Adis Bosnic, Family Department Administrator
Michael Nimtz, Office of the Clerk of the Superior Court

APPENDIX A:

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY Expedited Parenting Time Enforcement Pilot Program

A. Purpose.

This is the Expedited Parenting Time Enforcement Pilot Program (the “Pilot Program”). The purpose of the Pilot Program is to implement provisions of Arizona law, particularly A.R.S. §§ 25-326, -411, and -412 on expeditious handling of post-decree and post-judgment petitions regarding enforcement of parenting time and third-party visitation.

B. Pilot Program Eligibility.

1. **Eligible Petitions.** This Pilot Program applies to **single-issue** post-decree and post-judgment petitions to enforce parenting-time or third-party visitation, filed pursuant to Rules 91, 91.5, and 92, ARFLP.
 - i. A “single-issue” petition is a petition that involves a single request for enforcement of a prior order regarding parenting time or third-party visitation. For this purpose, incidental requests for attorney fees and/or costs incurred with respect to an eligible petition, or requests civil contempt sanctions pursuant to Rule 92, ARFLP related to a petition to enforce parenting time or third-party visitation, will not disqualify the petition from being a “single issue” petition.
 - ii. An eligible petition must include detailed facts supporting a violation of the order or enforcement action and the specific remedy or remedies sought. See Rule 91.5(a)(2), ARFLP. An eligible petition that also seeks civil contempt sanctions must recite the essential facts alleged to be contemptuous. See Rule 92(b)(1), ARFLP.
2. **Ineligible Petitions.** The following petitions are **not** eligible for processing through the Pilot Program procedures and will be referred directly to the judicial officer assigned to the case for processing.
 - i. **Multiple Issue Petitions.** Petitions that include a request to enforce a parenting time order as part of a petition to modify or enforce custody, support or spousal maintenance, or other non-parenting time orders.
 - ii. **Concurrent Petitions.** Petitions that seek only to enforce a parenting time order that are filed during the time that there are any other unadjudicated post-decree or post-judgment petitions pending.
 - iii. **Custody Enforcement.** Petitions that seek to enforce a prior custody order, including petitions for enforcement of a child custody determination pursuant to A.R.S. § 25-1058.

- iv. **Warrant To Take Physical Custody.** Petitions that seek enforcement of a prior child custody order that seek the issuance of a warrant to take physical custody of a child pursuant to A.R.S. § 25-1061.
 - v. **Hague Convention Cases.** Petitions filed pursuant to A.R.S. § 25-1052 seeking the return of a child under the Hague Convention on the Civil Aspects of International Child Abduction.
- 3. **Requests for Referral Without Petition.** Stipulations, informal requests, and written requests for referral to the Pilot Program without payment of the appropriate filing fee and filing of an eligible petition under Rule 91, ARFLP, cannot be made by a party, will not be granted by the court, and will be rejected by Family Department Administration.
 - 4. **Retention of a Petition by Assigned Judge.** Eligible petitions that are erroneously presented to the judicial officer assigned to the case rather than through the Pilot Program will be heard by the judicial officer assigned to the case and will not be referred to the Pilot Program.

C. Timeframes.

- i. Under A.R.S. § 25-414(B), “within 25 days of service of the petition, the court must hold a hearing or conference before a judge, commissioner, or person appointed by the court to review noncompliance with a visitation or parenting time order. The court must rule on the petition no later than 21 days after the hearing or conference is concluded.” See Rule 91.5, ARFLP.
- ii. For purposes of this Pilot Program, a Conciliator assigned to conduct an Open Negotiation Conference is a “person appointed by the court to review noncompliance with a visitation or parenting time order.”

D. Enforcement Proceedings.

1. Initiating the Process.

Any party seeking to enforce a parenting-time or third-party visitation order may file a single-issue petition to enforce parenting time or third-party visitation in accordance with the requirements of Rules 91(b) and 91.5, ARFLP. The filing party may request a return hearing by either eFiling the petition or hand-delivering a paper copy of the petition with proof of filing to Family Department Administration.

2. Obtaining an Order to Appear.

Upon receipt of an eligible petition to enforce parenting time or third-party visitation that satisfies the requirements of Rule 91, ARFLP, the Family Court

Conference Center will issue an Order to Appear for all parties to appear at a virtual Return Hearing before the Family Department Presiding Judge (or her designee) within 14 days.

3. **Service of Process.**

- i. **Non-Contempt Petitions.** The filing party must serve the petition, affidavit in support of the petition, and Order to Appear on all other parties in the manner required under Rules 40(f)(1) or 41, ARFLP, as applicable. The filing party must make good faith efforts to complete service promptly and within 10 days after the receipt of the issued Order to Appear but must complete service in no event later than 5 days before the Return Hearing, unless otherwise specified in the Order to Appear. See Rule 91(j), ARFLP.
- ii. **Contempt Petitions.** If the petition to enforce parenting time or third-party visitation seeks civil contempt sanctions, the civil contempt petition and the Order to Appear must be personally served on the alleged contemnor as provided in Rule 41. See Rule 92(b)(2), ARFLP.
- iii. **Filing Proof of Service.** The filing party must file proof of service no less than 3 days before the Return Hearing, unless otherwise specified in the Order to Appear.

4. **Return Hearing.**

- i. **Purpose.** At a Return Hearing, the Court may inquire as to whether service has been effectuated and, in the Court's discretion, schedule Open Negotiation Conference, Resolution Management Conference, and/or Evidentiary Hearing, order the parties to meet and confer, or order dismissal under Rule 91(k), ARFLP, if appropriate. No evidence may be taken at a Return Hearing except under emergency circumstances. The Court should make appropriate orders at the Return Hearing to ensure a timely resolution of the petition, including deadlines for compliance with Rule 49, ARFLP, discovery deadlines, and the exchange of statements of issues, pretrial statements, and exhibits.
- ii. **Motion to Continue.** Any motion to continue a Return Hearing must be filed *before* the date of the Return Hearing, with a courtesy copy emailed to the Family Department Presiding Judge's division at DRJ01@jbazmc.maricopa.gov.
- iii. **Failure to File Proof of Service; Failure to Appear.** If the filing party fails to timely file proof of service prior to the Return Hearing and fails to file a motion to continue, or if the filing party fails to appear at the Return Hearing, the Court may vacate the Return Hearing, reset the Return Hearing with a revised Order to Appear, or dismiss the petition.

- iv. **Setting Future Conference and/or Hearing.** If both parties appear at the Return Hearing and the petition states a claim upon which relief can be granted, the Court must set a hearing or conference within 25 days of the date of service (*i.e.*, Open Negotiation Conference, Resolution Management Conference, or Evidentiary Hearing). If the Court issues an Order for Post-Decree Open Negotiation, the Court must issue a separate minute entry that sets an Evidentiary Hearing within 25 days of the Open Negotiation Conference date.

5. Open Negotiation Conference.

- i. **Defined.** An “Open Negotiation Conference” is a non-confidential form of alternative dispute resolution facilitated by a court-employed Conciliator to attempt to resolve the parties’ disputes. All information presented or gathered is not confidential and may be used by Conciliation Services or any court-appointed evaluator for any subsequent family assessment or evaluation. The Conciliator reports any disputed issues to the Court following the Open Negotiation Conference. See Rule 68(c), ARFLP; Maricopa County Local Rule 6.5.
- ii. **Participants.** Participants include the parties to the dispute identified in the pending petition and the Conciliator. Attorneys or other legal representatives may not attend an Open Negotiation Conference. See Maricopa County Local Rule 6.5
- iii. **Agreements.** Any agreements reached during an Open Negotiation Conference must be placed in writing, signed by both parties pursuant to Rule 69, ARFLP, and transmitted by the Conciliator to the judicial officer assigned to the case for approval. The judicial officer assigned to the case retains final authority to accept, modify, or reject the parties’ agreement. Upon the Court’s entry of a written order to that effect, the agreement shall be considered binding on the parties and the Court. Even if the parties reach full agreements, they must attend the Evidentiary Hearing unless it is vacated by the judicial officer assigned to the case.
- iv. **Open Negotiation Report.** If the parties do not reach a full agreement resolving all issues raised in the petition, within 14 days of the Open Negotiation Conference, the Conciliator must email an Open Negotiation Report to the parties and the judicial officer assigned to the case, identifying any unresolved issues or areas of disagreement, including the parties’ positions on such unresolved issues or areas of disagreement and the reasons therefor.
- v. **Failure to Appear.** The parties are required to appear at all scheduled Open Negotiation Conferences. If one or both parties fail to appear, the Conciliator may report to the judicial officer assigned to the

case the identity of each person who failed to appear, and the Court may take such action as it deems appropriate, including the assessment of a no-show fee or dismissal of the petition.

6. **Evidentiary Hearing.**

The parties shall appear as directed for the Evidentiary Hearing, following all requirements in the minute entry setting the hearing. If a party fails to appear at the Evidentiary Hearing, the Court may, at its discretion, reset the Evidentiary Hearing or impose appropriate sanctions, including but not limited to dismissing the petition, rendering a default judgment against the party who fails to appear, and scheduling a proceeding to treat the failure to appear as contempt of court. See Rule 76.2, ARFLP.