



MARICOPA COUNTY SUPERIOR COURT: FAMILY DEPARTMENT

Modified Family Department Operations during COVID-19 Pandemic

Governor Ducey issued an Executive Order on March 30, 2020. Its terms invoke a “stay-at-home” protocol. Certain court operations remain essential, even under the Executive Order. The Family Department is modifying its protocols and procedures consistent with the Executive Order

- 1 **The family department** shall continue to be addressing “essential services.” “Essential services” include:
 - a. Applications for orders of protections
 - b. Contested hearings on orders of protection
 - c. Motions for temporary emergency orders
 - d. Hearings on temporary emergency motions
- 2 **All in-person family court proceedings for essential services** shall be conducted at the location the party arrives at with the exception of the Northwest Regional Court Center. For hearings on orders of protection or temporary emergency orders otherwise assigned at the Northwest facilities that cannot be held through video conferencing or telephonically, the parties will be instructed to appear at the Northeast Regional Court facility. The “check in” process shall be through the Law Library Resource Center (LLRC) at the facility. At the start of the hearing, the parties shall be video-conferenced with the assigned judicial officer at the Northwest facility.
- 3 **No in-person services or proceedings will be conducted or available at the Northwest Court facilities.** Judicial officers who are located at Northwest will conduct their matters in telephonic or video proceeding means.
- 4 **The following Family Department services may proceed, but shall be conducted telephonically:** Early Resolution Conferences, Mediation, Open Negotiations, Decree on Demand, and Parenting Conferences. Court-ordered Child Interviews will not be conducted at this time.
- 5 **Title IV-D Support Cases**
 - a. **Support hearings brought under Title IV-D** are proceeding with telephonic pre-hearing meetings through the Attorney General’s Office. Following the meeting with the Attorney General, the court matter will be conducted through video conferencing means with the assigned Judicial Officer.



8 Specialty Courts

a. **Single-issue petitions** (presently covered under Administrative Order 2007-022, Specialty Court proceedings) are being conducted as telephonic matters.

9 **Court-ordered drug or alcohol testing** continues to be performed through Averhealth. For any case in which there has been an order for breath alcohol testing, the party so ordered shall submit to an ETG test through urine samples. No breath testing is being performed at this time.

10 **Each individual judicial division is conducting matters via telephonic or by video proceeding means.** Information regarding any specific case should be sought from the assigned division.

11 **In pre-decree cases that involve children,** parents are required to complete the Parent Information Program pursuant to ARS Section 25-351. At this time, no in-person classes are being conducted. Parents required to complete the program may do so online or through a virtual live program and a list of providers is available [here](#).

The Arizona Rules of Family Law Procedure require that if a party is seeking any form of post-decree temporary order from the court, emergency or not, that party must have also filed an underlying Petition For Enforcement or Petition For Modification. On April 3, 2020, Justice Brutinel of the Arizona Supreme Court issued [Administrative Order 2020-59](#), which allows for a parent to seek temporary relief from an existing court order, including issues involving child support or parenting time issues, without requiring the filing of an underlying petition, if the basis for the relief is related to COVID-19 issues.

AO 2020-59 also provides an alternative to the notary requirement under Rule 14 of the Arizona Rules of Family Law Procedure when a party is accepting service of process.

The family department has received a number of inquiries as to how the Governor's Executive Order impacts existing parenting time schedules. As a general policy, the family department has concluded that allowing children to maintain regular access to each parent is in their best interests and the transporting of children for the start and end of each block of parenting time is part of the essential business that is authorized under the Governor's Executive Order. While the facts of any given case shall dictate the result, it is the general view of the family department that existing parenting plan schedules remain in effect and enforceable.

General guidelines for parenting plans were developed in Pima County. The Family Department of the Maricopa County Superior Court has adopted those guidelines. The most current version of the guidelines is posted on the Court's [COVID-19 update page](#).

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- * This remains a fluid situation. Services and procedures, may change, as circumstances dictate. The Family Department will make every effort to post any such changes to the Modified Department Operations section of the [Maricopa Superior Court's COVID-19 information site](#).
 - * For more information about a specific service or any other family court case matters, please call Family Court Administration at 602-506-1561.

[Click here to access available court forms online](#)