

Rule 66. Duties to Consider and Attempt Settlement by Alternative Dispute Resolution (“ADR”)

Arizona Revised Statutes Annotated
Rules of Family Law Procedure
Effective: September 1, 2019

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Rules of Family Law Procedure (Refs & Annos)
Part VIII. Settlement and Alternative Dispute Resolution (“ADR”) (Refs & Annos)

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17B A.R.S. Rules Fam.Law Proc., Rule 66

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Currentness

(a) Purpose. These rules encourage the resolution of family law cases using non-adversarial means of alternative dispute resolution (“ADR”) to the greatest extent possible, whether through a program overseen, administered, or authorized by the court, or by a person or agency independent of the court. Parties are encouraged to participate in mediation independent of the court.

(b) Definitions. The court may provide or authorize ADR processes, which may include the following:

- (1) *Arbitration.* “Arbitration” is a process in which the parties agree to submit disputed issues to one or more neutral individuals, who are retained by the parties and who will render a decision in accordance with the Uniform Arbitration Act, A.R.S. §§ 12-1501 to -1518 or the Revised Uniform Arbitration Act, A.R.S. §§ 12-3001 to -3029, and Rule 67.2.
- (2) *Family Law Master.* A “family law master” is a person appointed by the court who receives evidence on disputed issues and submits a report to the court that sets forth the master's findings of fact and conclusions of law under Rule 72.
- (3) *Mediation.* “Mediation” is a voluntary and confidential process under Rule 67.3 or Rule 68.
- (4) *Open Negotiation.* An “open negotiation” is a process of non-confidential negotiations between the parties conducted by a neutral negotiator who attempts to facilitate a resolution of their dispute. The negotiator reports disputed issues to the court if the parties are unable to resolve them.
- (5) *Parenting Coordinator.* A “parenting coordinator” is a person the court appoints to assist parents by making recommendations to the court about implementing, clarifying, modifying, and enforcing legal decision-making and parenting time orders under Rule 74.
- (6) *Settlement Conference.* A “settlement conference” is a confidential process in which parties meet with a neutral judge, commissioner, or judge pro tempore to discuss settlement under Rule 67.4.

(c) Other ADR Processes. The court may create, administer, approve, or authorize other ADR processes designed to provide the parties who are or have been involved in a family law matter, or who are thinking about filing a family law matter, with an opportunity to resolve their dispute without court litigation.

(d) Duty to Consider ADR. Not later than 90 days after a respondent's appearance, the parties must consider:

(1) the possibilities for a prompt resolution of the case; and

(2) whether they might benefit from participating in an ADR process, and, if so:

(A) the type of process that would be most appropriate in their case;

(B) the selection of an ADR service provider; and

(C) the scheduling of ADR proceedings.

(e) Duty to Attempt Settlement. Attorneys of record and self-represented parties in a case are jointly responsible for having a good faith discussion about settlement of the case or agreeing on an ADR process. The court may impose sanctions under Rule 71 for any party's failure to participate in good faith in such discussions.

(f) Domestic Violence. Parties who represent themselves are not required to personally meet or contact each other under this rule in violation of a current court order prohibiting contact, or if there is a history of domestic violence between the parties.

(g) Assistance in Choosing Appropriate ADR Process. Unless the parties have agreed to use a specific ADR process, the court may direct the parties to discuss with a court-appointed ADR specialist, either in person or by telephone, whether ADR is appropriate and if so, the types of ADR processes that might benefit them.

Credits

Added Aug. 30, 2018, effective Jan. 1, 2019.

17B A. R. S. Rules Fam. Law Proc., Rule 66, AZ ST RFLP Rule 66

Current with amendments received through 11/1/2020.