

Family Court Case Management Process

Hon. Megan A. McCoy, Judge Division 1

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

1. **Court's Initial Review of Petitions, Responses 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 caseflow tracking system.

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.

The Clerk of Court shall bring all responses to the Court's attention immediately after they are filed. After a response is filed, the case shall be sent to court conciliation services for mediation to be scheduled and the Court will set a Resolution Management Conference within 60-90 days (and at least 60 days following service in the event settlement is reached).

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) or Evidentiary Hearing 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 an 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 up to, but not more than, ninety (90) minutes for evidentiary hearings on temporary orders. The parties shall exchange their witness and exhibit lists, and

upload all evidence in the digital evidence portal, at least five (5) 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, pursuant to ARFLP Rule 48, an evidentiary hearing will be set within 10 days of the entry of the order.
4. **Default.** 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 60 days with no filed proof of service, an order may issue notifying the petitioner that the action will be dismissed without prejudice unless action is taken in the next 60 days to effect service. See, ARFLP Rule 40(I). If service is not made within that time, the Court's Judicial Assistant shall bring the file to the Court's attention for appropriate action, which may include dismissal.

If service has been completed and 45 days have passed, a notice may issue placing the case on the inactive calendar subject to dismissal if there is no action within 60 days to move the case forward. If action is not made within that time, the Court's Judicial Assistant shall bring the file to the Court's attention for appropriate action, which may include dismissal. See, ARFLP Rule 46(b).

If a case is stagnant, and no action is taken to resolve the case, the Court may issue a notice placing the matter on the Court's inactive calendar. 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.

In general practice, the Court will allocate time for trials on the morning calendar between 9:30am and 12:00pm, and then on the afternoon calendar 2:00pm to 4:30pm. Each "half day" will be about 2.5 hours of court time, but will include breaks and administrative tasks as needed.

The Court will allocate time to trial setting based on the particular circumstances and complexity of each case and will enforce time limits throughout evidentiary proceedings.

7. **Orders, PreTrial and Resolution Management Statements**. A manipulable, digital copy shall be transmitted via email to the Court's judicial assistant at the time of filing.
8. **Court's Calendaring/Tickle System**. The Court's judicial assistant shall maintain an internal caseflow tracking system 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.
9. **Evidence/Exhibits**. Mohave County Superior Court is utilizing a Digital Evidence Portal (CaseLines) for the storage and presentation of evidence. If any party wishes to have exhibits marked to be used as evidence in a hearing of this Court, they must contact the Clerk's Office by emailing MohaveDE@courts.az.gov to obtain the link to upload and review their exhibits.

Parties who are not familiar with CaseLines are encouraged to email the Clerk's office at MohaveDE@courts.az.gov for questions about submission and presentation of evidence as soon as possible.

An upload into Caselines digital evidence portal will be considered disclosure, and parties must upload all exhibits into the system prior to disclosure deadlines. After such deadline, the uploaded exhibits must not be altered or deleted in any way.

10. **Trial Practice and Procedure**. Counsel are advised this is a digital courtroom and parties will be expected to utilize the technology available.

Parties must be able to present evidence utilizing the Caselines digital evidence portal and screenshare to any Zoom participants as needed.

If you have any doubt about your ability to present evidence in the courtroom and via Zoom, please make an appointment in advance of trial with the Court's IT department to visit the courtroom and test our system.