

LAWS OF ARIZONA

CHAPTER 139

Senate Bill 1007

AN ACT

RELATING TO MARITAL AND DOMESTIC RELATIONS; PROVIDING FOR DISSOLUTION OF MARRIAGE; PRESCRIBING PROCEDURES, GROUNDS AND RIGHTS OF PARTIES; PRESCRIBING PROCEDURES FOR DETERMINATION OF CUSTODY AND SUPPORT OF CHILDREN; AMENDING LAWS RELATING TO

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COURT OF CONCILIATION; REPEALING TITLE 25, CHAPTER 3, ARTICLES 2 THROUGH 6, ARIZONA REVISED STATUTES; AND AMENDING TITLE 25, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING NEW ARTICLES 2 AND 3, AND AMENDING SECTIONS 25-381.08, 25-381.09, 25-381.17, 25-381.18, 25-381.19, 25-381.20, 25-381.21 AND 25-381.22, ARIZONA REVISED STATUTES.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Repeal

Title 25, chapter 3, articles 2 through 6, Arizona Revised Statutes, are repealed.

Sec. 2. Title 25, chapter 3, Arizona Revised Statutes, is amended by adding new articles 2 and 3, to read:

ARTICLE 2. DISSOLUTION OF MARRIAGE

25-311. Jurisdiction; form of petition; award of decree

A. THE SUPERIOR COURT IS VESTED WITH ORIGINAL JURISDICTION TO HEAR AND DECIDE ALL MATTERS ARISING PURSUANT TO THIS CHAPTER.

B. A PROCEEDING FOR DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION SHALL BE ENTITLED, "IN RE THE MARRIAGE OF _____ AND _____." A CUSTODY OR SUPPORT PROCEEDING SHALL BE ENTITLED, "IN RE THE (CUSTODY) (SUPPORT) OF _____."

C. THE INITIAL PLEADING IN ALL PROCEEDINGS UNDER THIS CHAPTER SHALL BE DENOMINATED A PETITION. A RESPONSIVE PLEADING SHALL BE DENOMINATED A RESPONSE.

D. A DECREE OF DISSOLUTION OR OF LEGAL SEPARATION, IF MADE, SHALL NOT BE AWARDED TO ONE OF THE PARTIES, BUT SHALL PROVIDE THAT IT AFFECTS THE STATUS PREVIOUSLY EXISTING BETWEEN THE PARTIES IN THE MANNER DECREED.

25-312. Dissolution of marriage; findings necessary

THE COURT SHALL ENTER A DECREE OF DISSOLUTION OF MARRIAGE IF IT FINDS EACH OF THE FOLLOWING:

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1. THAT ONE OF THE PARTIES, AT THE TIME THE ACTION WAS COMMENCED, WAS DOMICILED IN THIS STATE, OR WAS STATIONED IN THIS STATE WHILE A MEMBER OF THE ARMED SERVICES, AND THAT IN EITHER CASE THE DOMICILE OR MILITARY PRESENCE HAS BEEN MAINTAINED FOR NINETY DAYS.
2. THE CONCILIATION PROVISIONS OF SECTION 25-381.09 EITHER DO NOT APPLY OR HAVE BEEN MET.
3. THE MARRIAGE IS IRRETRIEVABLY BROKEN.
4. TO THE EXTENT IT HAS JURISDICTION TO DO SO, THE COURT HAS CONSIDERED, APPROVED, AND MADE PROVISION FOR CHILD CUSTODY, THE SUPPORT OF ANY, NATURAL OR ADOPTED, CHILD COMMON TO THE PARTIES OF THE MARRIAGE ENTITLED TO SUPPORT, THE MAINTENANCE OF EITHER SPOUSE AND THE DISPOSITION OF PROPERTY.

25-313. Decree of legal separation; findings necessary

THE COURT SHALL ENTER A DECREE OF LEGAL SEPARATION IF IT FINDS EACH OF THE FOLLOWING:

1. THAT ONE OF THE PARTIES AT THE TIME THE ACTION COMMENCED WAS DOMICILED IN THIS STATE OR WAS STATIONED IN THIS STATE WHILE A MEMBER OF THE ARMED SERVICES.
2. THE CONCILIATION PROVISIONS OF SECTION 25-381.09 EITHER DO NOT APPLY OR HAVE BEEN MET.
3. THE MARRIAGE IS IRRETRIEVABLY BROKEN.
4. THE OTHER PARTY DOES NOT OBJECT TO A DECREE OF LEGAL SEPARATION. IF THE OTHER PARTY OBJECTS TO A DECREE OF LEGAL SEPARATION, THE COURT SHALL UPON ONE OF THE PARTIES MEETING THE REQUIRED DOMICILE FOR DISSOLUTION OF MARRIAGE DIRECT THAT THE PLEADINGS BE AMENDED TO SEEK A DISSOLUTION OF THE MARRIAGE.
5. TO THE EXTENT IT HAS JURISDICTION TO DO SO, THE COURT HAS CONSIDERED, APPROVED OR MADE PROVISIONS FOR CHILD CUSTODY, THE SUPPORT OF ANY NATURAL OR ADOPTED CHILD

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COMMON TO THE PARTIES OF THE MARRIAGE ENTITLED TO SUPPORT, THE MAINTENANCE OF EITHER SPOUSE AND THE DISPOSITION OF THE PROPERTY.

25-314. Pleadings; contents; defense; joinder of parties

A. THE VERIFIED PETITION IN A PROCEEDING FOR DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION SHALL ALLEGE THAT THE MARRIAGE IS IRRETRIEVABLY BROKEN AND SHALL SET FORTH:

1. THE AGE, OCCUPATION AND ADDRESS OF EACH PARTY AND HIS LENGTH OF DOMICILE IN THIS STATE.
2. THE DATE OF THE MARRIAGE AND THE PLACE AT WHICH IT WAS PERFORMED.
3. THE NAMES, AGES AND ADDRESSES OF ALL LIVING CHILDREN, NATURAL OR ADOPTED, COMMON TO THE PARTIES AND WHETHER THE WIFE IS PREGNANT.
4. THE DETAILS OF ANY AGREEMENTS BETWEEN THE PARTIES AS TO SUPPORT, CUSTODY AND VISITATION OF THE CHILDREN AND MAINTENANCE OF A SPOUSE.
5. THE RELIEF SOUGHT.

B. EITHER OR BOTH PARTIES TO THE MARRIAGE MAY INITIATE THE PROCEEDING.

C. THE ONLY DEFENSE TO A PETITION FOR THE DISSOLUTION OF A MARRIAGE OR LEGAL SEPARATION SHALL BE THAT THE MARRIAGE IS NOT IRRETRIEVABLY BROKEN.

D. THE COURT MAY JOIN ADDITIONAL PARTIES NECESSARY FOR THE EXERCISE OF ITS AUTHORITY.

25-315. Temporary order or preliminary injunction; effect

A. IN A PROCEEDING FOR DISSOLUTION OF MARRIAGE OR FOR LEGAL SEPARATION, OR FOR MAINTENANCE OR SUPPORT FOLLOWING DISSOLUTION OF THE MARRIAGE BY A COURT WHICH LACKED PERSONAL JURISDICTION OVER THE ABSENT SPOUSE, EITHER PARTY MAY MOVE FOR TEMPORARY

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MAINTENANCE OR TEMPORARY SUPPORT OF A CHILD, NATURAL OR ADOPTED, COMMON TO THE PARTIES ENTITLED TO SUPPORT. THE MOTION SHALL BE ACCOMPANIED BY AN AFFIDAVIT SETTING FORTH THE FACTUAL BASIS FOR THE MOTION AND THE AMOUNTS REQUESTED.

B. AS A PART OF A MOTION FOR TEMPORARY MAINTENANCE OR SUPPORT OR BY INDEPENDENT MOTION ACCOMPANIED BY AFFIDAVIT, EITHER PARTY MAY REQUEST THE COURT TO ISSUE A PRELIMINARY INJUNCTION FOR ANY OF THE FOLLOWING RELIEF:

1. RESTRAINING ANY PERSON FROM TRANSFERRING, ENCUMBERING, CONCEALING OR OTHERWISE DISPOSING OF ANY PROPERTY EXCEPT IN THE USUAL COURSE OF BUSINESS OR FOR THE NECESSITIES OF LIFE, AND, IF SO RESTRAINED, REQUIRING HIM TO NOTIFY THE MOVING PARTY OF ANY PROPOSED EXTRAORDINARY EXPENDITURES MADE AFTER THE ORDER IS ISSUED.

2. ENJOINING A PARTY FROM MOLESTING OR DISTURBING THE PEACE OF THE OTHER PARTY OR OF ANY CHILD.

3. EXCLUDING A PARTY FROM THE FAMILY HOME OR FROM THE HOME OF THE OTHER PARTY UPON A SHOWING THAT PHYSICAL OR EMOTIONAL HARM MAY OTHERWISE RESULT.

4. ENJOINING A PARTY FROM REMOVING A CHILD FROM THE JURISDICTION OF THE COURT.

5. PROVIDING OTHER INJUNCTIVE RELIEF PROPER IN THE CIRCUMSTANCES.

C. THE COURT MAY ISSUE A TEMPORARY RESTRAINING ORDER WITHOUT REQUIRING NOTICE TO THE OTHER PARTY ONLY IF IT FINDS ON THE BASIS OF THE MOVING AFFIDAVIT OR OTHER EVIDENCE THAT IRREPARABLE INJURY WILL RESULT TO THE MOVING PARTY IF NO ORDER IS ISSUED UNTIL THE TIME FOR RESPONDING HAS ELAPSED. NO BOND SHALL BE REQUIRED UNLESS THE COURT DEEMS IT APPROPRIATE.

D. ON THE BASIS OF THE SHOWING MADE, AND IN CONFORMITY WITH SECTIONS 25-318 AND 25-319, THE COURT MAY ISSUE A PRELIMINARY INJUNCTION AND AN ORDER FOR TEMPORARY MAINTENANCE OR SUPPORT IN AMOUNTS AND ON TERMS JUST AND PROPER IN THE CIRCUMSTANCES.

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E. A TEMPORARY ORDER OR PRELIMINARY INJUNCTION:

1. DOES NOT PREJUDICE THE RIGHTS OF THE PARTIES OR ANY CHILD WHICH ARE TO BE ADJUDICATED AT THE SUBSEQUENT HEARINGS IN THE PROCEEDING.
2. MAY BE REVOKED OR MODIFIED BEFORE FINAL DECREE ON A SHOWING BY AFFIDAVIT OF THE FACTS NECESSARY TO REVOCATION OR MODIFICATION OF A FINAL DECREE UNDER SECTION 25-327.
3. TERMINATES WHEN THE FINAL DECREE IS ENTERED OR WHEN THE PETITION FOR DISSOLUTION OR LEGAL SEPARATION IS DISMISSED.

25-316. Irretrievable breakdown; finding

A. IF BOTH OF THE PARTIES BY PETITION OR OTHERWISE HAVE STATED UNDER OATH OR AFFIRMATION THAT THE MARRIAGE IS IRRETRIEVABLY BROKEN, OR ONE OF THE PARTIES HAS SO STATED AND THE OTHER HAS NOT DENIED IT, THE COURT, AFTER HEARING, SHALL MAKE A FINDING WHETHER OR NOT THE MARRIAGE IS IRRETRIEVABLY BROKEN.

B. IF ONE OF THE PARTIES HAS DENIED UNDER OATH OR AFFIRMATION THAT THE MARRIAGE IS IRRETRIEVABLY BROKEN, THE COURT SHALL, UPON HEARING, CONSIDER ALL RELEVANT FACTORS AS TO THE PROSPECT OF RECONCILIATION, AND SHALL EITHER:

1. MAKE A FINDING WHETHER OR NOT THE MARRIAGE IS IRRETRIEVABLY BROKEN; OR
2. CONTINUE THE MATTER FOR FURTHER HEARING, NOT MORE THAN SIXTY DAYS LATER. THE COURT, AT THE REQUEST OF EITHER PARTY, OR ON ITS OWN MOTION MAY ORDER A CONCILIATION CONFERENCE. AT THE ADJOURNED HEARING THE COURT SHALL MAKE A FINDING WHETHER OR NOT THE MARRIAGE IS IRRETRIEVABLY BROKEN.

C. A FINDING THAT THE MARRIAGE IS IRRETRIEVABLY BROKEN IS A DETERMINATION THAT THERE IS NO REASONABLE PROSPECT OF RECONCILIATION.

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25-317. Separation agreement; effect

A. TO PROMOTE AMICABLE SETTLEMENT OF DISPUTES BETWEEN PARTIES TO A MARRIAGE ATTENDANT UPON THEIR SEPARATION OR THE DISSOLUTION OF THEIR MARRIAGE, THE PARTIES MAY ENTER INTO A WRITTEN SEPARATION AGREEMENT CONTAINING PROVISIONS FOR DISPOSITION OF ANY PROPERTY OWNED BY EITHER OF THEM, MAINTENANCE OF EITHER OF THEM, AND SUPPORT, CUSTODY AND VISITATION OF THEIR CHILDREN.

B. IN A PROCEEDING FOR DISSOLUTION OF MARRIAGE OR FOR LEGAL SEPARATION, THE TERMS OF THE SEPARATION AGREEMENT, EXCEPT THOSE PROVIDING FOR THE SUPPORT, CUSTODY AND VISITATION OF CHILDREN, ARE BINDING UPON THE COURT UNLESS IT FINDS, AFTER CONSIDERING THE ECONOMIC CIRCUMSTANCES OF THE PARTIES AND ANY OTHER RELEVANT EVIDENCE PRODUCED BY THE PARTIES, ON THEIR OWN MOTION OR ON REQUEST OF THE COURT, THAT THE SEPARATION AGREEMENT IS UNFAIR.

C. IF THE COURT FINDS THE SEPARATION AGREEMENT UNFAIR AS TO DISPOSITION OF PROPERTY OR MAINTENANCE, IT MAY REQUEST THE PARTIES TO SUBMIT A REVISED SEPARATION AGREEMENT OR MAY MAKE ORDERS FOR THE DISPOSITION OF PROPERTY OR MAINTENANCE.

D. IF THE COURT FINDS THAT THE SEPARATION AGREEMENT IS NOT UNFAIR AS TO DISPOSITION OF PROPERTY OR MAINTENANCE, AND THAT IT IS REASONABLE AS TO SUPPORT, CUSTODY AND VISITATION OF CHILDREN, THE SEPARATION AGREEMENT SHALL BE SET FORTH OR INCORPORATED BY REFERENCE IN THE DECREE OF DISSOLUTION OR LEGAL SEPARATION AND THE PARTIES SHALL BE ORDERED TO PERFORM THEM. IF THE SEPARATION AGREEMENT PROVIDES THAT ITS TERMS SHALL NOT BE SET FORTH IN THE DECREE, THE DECREE SHALL IDENTIFY THE SEPARATION AGREEMENT AS INCORPORATED BY REFERENCE AND STATE THAT THE COURT HAS FOUND THE TERMS AS TO PROPERTY DISPOSITION AND MAINTENANCE NOT UNFAIR AND THE TERMS AS TO SUPPORT, CUSTODY AND VISITATION OF CHILDREN REASONABLE.

E. TERMS OF THE AGREEMENT SET FORTH OR INCORPORATED BY REFERENCE IN THE DECREE ARE ENFORCEABLE BY ALL

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REMEDIES AVAILABLE FOR ENFORCEMENT OF A JUDGMENT,
INCLUDING CONTEMPT.

F. EXCEPT FOR TERMS CONCERNING THE MAINTENANCE OF EITHER PARTY AND THE SUPPORT, CUSTODY OR VISITATION OF CHILDREN, ENTRY OF THE DECREE SHALL THEREAFTER PRECLUDE THE MODIFICATION OF THE TERMS OF THE DECREE AND THE PROPERTY SETTLEMENT AGREEMENT, IF ANY, SET FORTH OR INCORPORATED BY REFERENCE THEREIN.

25-318. Disposition of property

IN A PROCEEDING FOR DISSOLUTION OF THE MARRIAGE, OR FOR LEGAL SEPARATION, OR IN A PROCEEDING FOR DISPOSITION OF PROPERTY FOLLOWING DISSOLUTION OF THE MARRIAGE BY A COURT WHICH PREVIOUSLY LACKED PERSONAL JURISDICTION OVER THE ABSENT SPOUSE OR PREVIOUSLY LACKED JURISDICTION TO DISPOSE OF THE PROPERTY, THE COURT SHALL ASSIGN EACH SPOUSE'S SOLE AND SEPARATE PROPERTY TO HIM. IT SHALL ALSO DIVIDE THE COMMUNITY, JOINT TENANCY, AND OTHER PROPERTY HELD IN COMMON EQUITABLY, THOUGH NOT NECESSARILY IN KIND, WITHOUT REGARD TO MARITAL MISCONDUCT. FOR PURPOSES OF THIS SECTION ONLY, PROPERTY ACQUIRED BY EITHER SPOUSE OUTSIDE THE STATE SHALL BE DEEMED TO BE COMMUNITY PROPERTY IF SAID PROPERTY WOULD HAVE BEEN COMMUNITY PROPERTY IF ACQUIRED IN THIS STATE. NOTHING IN THIS SECTION SHALL PREVENT THE COURT FROM CONSIDERING EXCESSIVE OR ABNORMAL EXPENDITURES, DESTRUCTION, CONCEALMENT OR FRAUDULENT DISPOSITION OF COMMUNITY, JOINT TENANCY AND OTHER PROPERTY HELD IN COMMON.

25-319. Maintenance; computation factors

A. IN A PROCEEDING FOR DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION, OR A PROCEEDING FOR MAINTENANCE FOLLOWING DISSOLUTION OF THE MARRIAGE BY A COURT WHICH LACKED PERSONAL JURISDICTION OVER THE ABSENT SPOUSE, THE COURT MAY GRANT A MAINTENANCE ORDER FOR EITHER SPOUSE ONLY IF IT FINDS THAT THE SPOUSE SEEKING MAINTENANCE:

1. LACKS SUFFICIENT PROPERTY, INCLUDING PROPERTY APPORTIONED TO HIM, TO PROVIDE FOR HIS REASONABLE NEEDS; AND

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2. IS UNABLE TO SUPPORT HIMSELF THROUGH APPROPRIATE EMPLOYMENT OR IS THE CUSTODIAN OF A CHILD WHOSE AGE OR CONDITION IS SUCH THAT THE CUSTODIAN SHOULD NOT BE REQUIRED TO SEEK EMPLOYMENT OUTSIDE THE HOME.

B. THE MAINTENANCE ORDER SHALL BE IN SUCH AMOUNTS AND FOR SUCH PERIODS OF TIME AS THE COURT DEEMS JUST, WITHOUT REGARD TO MARITAL MISCONDUCT, AND AFTER CONSIDERING ALL RELEVANT FACTORS, INCLUDING:

1. THE FINANCIAL RESOURCES OF THE PARTY SEEKING MAINTENANCE, INCLUDING MARITAL PROPERTY APPORTIONED TO HIM, AND HIS ABILITY TO MEET HIS NEEDS INDEPENDENTLY.

2. THE TIME NECESSARY TO ACQUIRE SUFFICIENT EDUCATION OR TRAINING TO ENABLE THE PARTY SEEKING MAINTENANCE TO FIND APPROPRIATE EMPLOYMENT.

3. THE STANDARD OF LIVING ESTABLISHED DURING THE MARRIAGE.

4. THE DURATION OF THE MARRIAGE.

5. THE AGE AND THE PHYSICAL AND EMOTIONAL CONDITION OF THE SPOUSE SEEKING MAINTENANCE.

6. THE ABILITY OF THE SPOUSE FROM WHOM MAINTENANCE IS SOUGHT TO MEET HIS NEEDS WHILE MEETING THOSE OF THE SPOUSE SEEKING MAINTENANCE.

7. EXCESSIVE OR ABNORMAL EXPENDITURES, DESTRUCTION, CONCEALMENT OR FRAUDULENT DISPOSITION OF COMMUNITY, JOINT TENANCY AND OTHER PROPERTY HELD IN COMMON.

25-320. **Child support; factors**

A. IN A PROCEEDING FOR DISSOLUTION OF MARRIAGE, LEGAL SEPARATION, MAINTENANCE, OR CHILD SUPPORT, THE COURT MAY ORDER EITHER OR BOTH PARENTS OWING A DUTY OF SUPPORT TO A CHILD, BORN TO OR ADOPTED BY THE PARENTS, TO PAY AN AMOUNT REASONABLE AND NECESSARY FOR HIS SUPPORT, WITHOUT REGARD TO MARITAL MISCONDUCT, AFTER CONSIDERING ALL RELEVANT FACTORS, INCLUDING:

1. THE FINANCIAL RESOURCES AND NEEDS OF THE CHILD.

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2. THE FINANCIAL RESOURCES AND NEEDS OF THE CUSTODIAL PARENT.
 3. THE STANDARD OF LIVING THE CHILD WOULD HAVE ENJOYED HAD THE MARRIAGE NOT BEEN DISSOLVED.
 4. THE PHYSICAL AND EMOTIONAL CONDITION OF THE CHILD, AND HIS EDUCATIONAL NEEDS.
 5. THE FINANCIAL RESOURCES AND NEEDS OF THE NONCUSTODIAL PARENT.
 6. EXCESSIVE OR ABNORMAL EXPENDITURES, DESTRUCTION, CONCEALMENT OR FRAUDULENT DISPOSITION OF COMMUNITY, JOINT TENANCY AND OTHER PROPERTY HELD IN COMMON.
- B. IN THE CASE OF A MENTALLY OR PHYSICALLY DISABLED CHILD, IF THE COURT, AFTER CONSIDERING THE FACTORS SET FORTH IN SUBSECTION A, DEEMS IT APPROPRIATE, THE COURT MAY ORDER SUPPORT TO CONTINUE PAST THE AGE OF EMANCIPATION AND TO BE PAID TO THE CUSTODIAL PARENT, GUARDIAN OR CHILD.

25-321. Representation of child by counsel; fees

THE COURT MAY APPOINT AN ATTORNEY TO REPRESENT THE INTERESTS OF A MINOR OR DEPENDENT CHILD WITH RESPECT TO HIS SUPPORT, CUSTODY AND VISITATION. THE COURT MAY ENTER AN ORDER FOR COSTS, FEES AND DISBURSEMENTS IN FAVOR OF THE CHILD'S ATTORNEY. THE ORDER MAY BE MADE AGAINST EITHER OR BOTH PARENTS.

25-322. Payment of maintenance or support to courts; records

- A. UPON ITS OWN MOTION OR UPON MOTION OF EITHER PARTY, THE COURT MAY ORDER AT ANY TIME THAT MAINTENANCE OR SUPPORT PAYMENTS BE MADE TO THE CLERK OF COURT FOR REMITTANCE TO THE PERSON ENTITLED TO RECEIVE THE PAYMENTS.
- B. THE CLERK OF COURT SHALL MAINTAIN RECORDS LISTING THE AMOUNT OF PAYMENTS, THE DATE PAYMENTS ARE REQUIRED TO BE MADE, AND THE NAMES AND ADDRESSES OF THE PARTIES AFFECTED BY THE ORDER.

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C. THE PARTIES AFFECTED BY THE ORDER SHALL INFORM THE CLERK OF COURT OF ANY CHANGE OF ADDRESS.

D. IF THE PERSON OBLIGATED TO PAY SUPPORT HAS LEFT OR IS BEYOND THE JURISDICTION OF THE COURT, ANY PARTY MAY INSTITUTE ANY OTHER PROCEEDING AVAILABLE UNDER THE LAWS OF THIS STATE FOR ENFORCEMENT OF THE DUTIES OF SUPPORT AND MAINTENANCE.

25-323. Assignments

IN THE EVENT A PERSON OBLIGATED TO PAY CHILD SUPPORT IS IN ARREARS FOR AT LEAST TWO MONTHS THE COURT MAY ORDER THE PERSON OBLIGATED TO PAY CHILD SUPPORT TO MAKE AN ASSIGNMENT OF A PART OF HIS PERIODIC EARNINGS OR TRUST INCOME TO THE PERSON ENTITLED TO RECEIVE THE PAYMENTS. THE ASSIGNMENT IS BINDING ON THE EMPLOYER, TRUSTEE, OR OTHER PAYOR OF THE FUNDS TWO WEEKS AFTER SERVICE UPON SUCH PERSON OF NOTICE THAT THE ASSIGNMENT HAS BEEN MADE. THE PAYOR SHALL WITHHOLD FROM THE EARNINGS OR TRUST INCOME PAYABLE TO THE PERSON OBLIGATED TO SUPPORT THE AMOUNT SPECIFIED IN THE ASSIGNMENT AND SHALL TRANSMIT THE PAYMENTS TO THE CLERK OF THE SUPERIOR COURT. THE PAYOR MAY DEDUCT FROM EACH PAYMENT A SUM NOT EXCEEDING ONE DOLLAR AS REIMBURSEMENTS FOR COSTS. AN EMPLOYER SHALL NOT DISCHARGE OR OTHERWISE DISCIPLINE AN EMPLOYEE AS A RESULT OF A WAGE OR SALARY ASSIGNMENT AUTHORIZED BY THIS SECTION.

25-324. Attorney's fees

THE COURT FROM TIME TO TIME, AFTER CONSIDERING THE FINANCIAL RESOURCES OF BOTH PARTIES, MAY ORDER A PARTY TO PAY A REASONABLE AMOUNT TO THE OTHER PARTY FOR THE COSTS AND EXPENSES OF MAINTAINING OR DEFENDING ANY PROCEEDING UNDER THIS CHAPTER. FOR THE PURPOSE OF THIS SECTION COSTS AND EXPENSES MAY INCLUDE ATTORNEY'S FEES, DEPOSITION COSTS AND SUCH OTHER REASONABLE EXPENSES AS THE COURT FINDS NECESSARY TO THE FULL AND PROPER PRESENTATION OF THE ACTION, INCLUDING ANY APPEAL. THE COURT MAY ORDER ALL SUCH AMOUNTS PAID DIRECTLY TO THE ATTORNEY, WHO MAY ENFORCE THE ORDER IN HIS NAME WITH THE SAME FORCE AND

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EFFECT, AND IN THE SAME MANNER, AS IF THE ORDER HAD BEEN MADE ON BEHALF OF ANY PARTY TO THE ACTION.

25-325. Decree; finality; restoration of maiden name

A. A DECREE OF DISSOLUTION OF MARRIAGE OR OF LEGAL SEPARATION IS FINAL WHEN ENTERED, SUBJECT TO THE RIGHT OF APPEAL. AN APPEAL FROM THE DECREE OF DISSOLUTION THAT DOES NOT CHALLENGE THE FINDING THAT THE MARRIAGE IS IRRETRIEVABLY BROKEN DOES NOT DELAY THE FINALITY OF THAT PROVISION OF THE DECREE WHICH DISSOLVES THE MARRIAGE BEYOND THE TIME FOR APPEALING FROM THAT PROVISION, AND EITHER OF THE PARTIES MAY REMARRY PENDING APPEAL. AN ORDER DIRECTING PAYMENT OF MONEY FOR SUPPORT OR MAINTENANCE OF THE SPOUSE OR THE MINOR CHILD OR CHILDREN, SHALL NOT BE SUSPENDED OR THE EXECUTION THEREOF STAYED PENDING THE APPEAL.

B. THE COURT MAY UPON HEARING WITHIN SIX MONTHS AFTER THE ENTRY OF A DECREE OF LEGAL SEPARATION, CONVERT THE DECREE TO A DECREE OF DISSOLUTION OF MARRIAGE.

C. THE COURT SHALL UPON MOTION OF EITHER PARTY AFTER EXPIRATION OF SIX MONTHS FROM THE ENTRY OF A LEGAL SEPARATION, CONVERT THE DECREE TO A DECREE OF DISSOLUTION OF MARRIAGE.

D. UPON REQUEST BY A WIFE WHOSE MARRIAGE IS DISSOLVED OR DECLARED INVALID, THE COURT SHALL ORDER HER MAIDEN NAME OR A FORMER NAME RESTORED.

25-326. Independence of provisions of decree or temporary order

IF A PARTY FAILS TO COMPLY WITH A PROVISION OF A DECREE OR TEMPORARY ORDER OR INJUNCTION, THE OBLIGATION OF THE OTHER PARTY TO MAKE PAYMENTS FOR SUPPORT OR MAINTENANCE OR TO PERMIT VISITATION IS NOT SUSPENDED, BUT HE MAY MOVE THE COURT TO GRANT AN APPROPRIATE ORDER.

25-327. Modification and termination of provisions for maintenance, support and property disposition

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A. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION F OF SECTION 25-317, THE PROVISIONS OF ANY DECREE RESPECTING MAINTENANCE OR SUPPORT MAY BE MODIFIED ONLY AS TO INSTALLMENTS ACCRUING SUBSEQUENT TO THE MOTION FOR MODIFICATION AND ONLY UPON A SHOWING OF CHANGED CIRCUMSTANCES WHICH ARE SUBSTANTIAL AND CONTINUING. THE PROVISIONS AS TO PROPERTY DISPOSITION MAY NOT BE REVOKED OR MODIFIED, UNLESS THE COURT FINDS THE EXISTENCE OF CONDITIONS THAT JUSTIFY THE REOPENING OF A JUDGMENT UNDER THE LAWS OF THIS STATE.

B. UNLESS OTHERWISE AGREED IN WRITING OR EXPRESSLY PROVIDED IN THE DECREE, THE OBLIGATION TO PAY FUTURE MAINTENANCE IS TERMINATED UPON THE DEATH OF EITHER PARTY OR THE REMARRIAGE OF THE PARTY RECEIVING MAINTENANCE.

C. UNLESS OTHERWISE AGREED IN WRITING OR EXPRESSLY PROVIDED IN THE DECREE, PROVISIONS FOR THE SUPPORT OF A MINOR CHILD ARE NOT TERMINATED BY THE DEATH OF A PARENT OBLIGATED TO SUPPORT THE CHILD. WHEN A PARENT OBLIGATED TO PAY SUPPORT DIES, THE AMOUNT OF SUPPORT MAY BE MODIFIED, REVOKED OR COMMUTED TO A LUMP SUM PAYMENT TO THE EXTENT JUST AND APPROPRIATE IN THE CIRCUMSTANCES.

25-328. Separate trials when custody or visitation is an issue

A. IN ALL CASES WHEN CUSTODY OR VISITATION IS A CONTESTED ISSUE, THE COURT SHALL FIRST HEAR ALL OTHER ISSUES INCLUDING MAINTENANCE AND CHILD SUPPORT. THE CONTESTED ISSUE OF CUSTODY OR VISITATION SHALL NOT BE HEARD AT ANY HEARING INVOLVING OTHER ISSUES EVEN UPON AGREEMENT OF ATTORNEYS.

B. AFTER ALL OTHER ISSUES HAVE BEEN DECIDED AND THE AMOUNT OF MAINTENANCE AND CHILD SUPPORT ESTABLISHED BY THE COURT, THEN THE ISSUES OF CUSTODY OR VISITATION MAY BE HEARD.

ARTICLE 3. CHILD CUSTODY

25-331. Jurisdiction; commencement of proceedings

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A. THE SUPERIOR COURT FOR THE STATE OF ARIZONA IS VESTED WITH JURISDICTION TO DECIDE CHILD CUSTODY MATTERS BY INITIAL DETERMINATION OR BY MODIFICATION DECREE IF:

1. THIS STATE IS THE DOMICILE OF THE CHILD AT THE TIME OF COMMENCEMENT OF THE PROCEEDING, OR HAD BEEN THE CHILD'S DOMICILE WITHIN SIX MONTHS BEFORE COMMENCEMENT OF THE PROCEEDING AND THE CHILD IS ABSENT FROM THIS STATE BECAUSE OF HIS REMOVAL OR RETENTION BY A PERSON CLAIMING HIS CUSTODY OR FOR OTHER REASON, AND A PARENT OR PERSON ACTING AS PARENT CONTINUES TO LIVE IN THIS STATE; OR

2. IT IS IN THE BEST INTEREST OF THE CHILD THAT A COURT OF THIS STATE ASSUME JURISDICTION BECAUSE THE CHILD AND HIS PARENTS, OR THE CHILD AND AT LEAST ONE CONTESTANT, HAVE A SIGNIFICANT CONNECTION WITH THIS STATE, AND THERE IS AVAILABLE IN THIS STATE SUBSTANTIAL EVIDENCE CONCERNING THE CHILD'S PRESENT OR FUTURE CARE, PROTECTION, TRAINING, AND PERSONAL RELATIONSHIPS; OR

3. THE CHILD IS PHYSICALLY PRESENT IN THIS STATE AND HAS BEEN ABANDONED OR IT IS NECESSARY IN AN EMERGENCY TO PROTECT HIM BECAUSE HE HAS BEEN SUBJECTED TO OR THREATENED WITH MISTREATMENT OR ABUSE OR IS NEGLECTED OR DEPENDENT; OR

4. NO OTHER STATE HAS JURISDICTION UNDER PREREQUISITES SUBSTANTIALLY IN ACCORDANCE WITH PARAGRAPH 1, 2 OR 3, OR ANOTHER STATE HAS DECLINED TO EXERCISE JURISDICTION ON THE GROUND THAT THIS STATE IS THE MORE APPROPRIATE FORUM TO DETERMINE CUSTODY OF THE CHILD, AND IT IS IN HIS BEST INTEREST THAT THE COURT ASSUME JURISDICTION.

B. EXCEPT UNDER PARAGRAPHS 3 AND 4 OF SUBSECTION A, PHYSICAL PRESENCE IN THIS STATE OF THE CHILD, OR OF THE CHILD AND ONE OF THE CONTESTANTS, IS NOT ALONE SUFFICIENT TO CONFER JURISDICTION ON A COURT OF THIS STATE TO MAKE A CHILD CUSTODY DETERMINATION.

C. PHYSICAL PRESENCE OF THE CHILD, WHILE DESIRABLE, IS NOT A PREREQUISITE FOR JURISDICTION TO DETERMINE HIS CUSTODY.

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D. A CHILD CUSTODY PROCEEDING IS COMMENCED IN THE SUPERIOR COURT:

1. BY A PARENT, BY FILING A PETITION:

(a) FOR DISSOLUTION OR LEGAL SEPARATION; OR

(b) FOR CUSTODY OF THE CHILD IN THE COUNTY IN WHICH THE CHILD IS PERMANENTLY RESIDENT OR FOUND; OR

2. BY A PERSON OTHER THAN A PARENT, BY FILING A PETITION FOR CUSTODY OF THE CHILD IN THE COUNTY IN WHICH HE IS PERMANENTLY RESIDENT OR FOUND, BUT ONLY IF HE IS NOT IN THE PHYSICAL CUSTODY OF ONE OF HIS PARENTS.

E. NOTICE OF A CHILD CUSTODY PROCEEDING SHALL BE GIVEN TO THE CHILD'S PARENT, GUARDIAN, AND CUSTODIAN, WHO MAY APPEAR, BE HEARD, AND FILE A RESPONSIVE PLEADING. THE COURT, UPON A SHOWING OF GOOD CAUSE, MAY PERMIT INTERVENTION OF OTHER INTERESTED PARTIES.

25-332. **Best interest of child; modification of decree; fees**

A. THE COURT SHALL DETERMINE CUSTODY, EITHER ORIGINALLY OR UPON PETITION FOR MODIFICATION, IN ACCORDANCE WITH THE BEST INTERESTS OF THE CHILD. THE COURT MAY CONSIDER ALL RELEVANT FACTORS, INCLUDING:

1. THE WISHES OF THE CHILD'S PARENT OR PARENTS AS TO HIS CUSTODY.

2. THE WISHES OF THE CHILD AS TO HIS CUSTODIAN.

3. THE INTERACTION AND INTERRELATIONSHIP OF THE CHILD WITH HIS PARENT OR PARENTS, HIS SIBLINGS, AND ANY OTHER PERSON WHO MAY SIGNIFICANTLY AFFECT THE CHILD'S BEST INTEREST.

4. THE CHILD'S ADJUSTMENT TO HIS HOME, SCHOOL AND COMMUNITY.

5. THE MENTAL AND PHYSICAL HEALTH OF ALL INDIVIDUALS INVOLVED.

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B. NO MOTION TO MODIFY A CUSTODY DECREE MAY BE MADE EARLIER THAN ONE YEAR AFTER ITS DATE, UNLESS THE COURT PERMITS IT TO BE MADE ON THE BASIS OF AFFIDAVITS THAT THERE IS REASON TO BELIEVE THE CHILD'S PRESENT ENVIRONMENT MAY ENDANGER SERIOUSLY HIS PHYSICAL, MENTAL, MORAL OR EMOTIONAL HEALTH.

C. ATTORNEY FEES AND COSTS SHALL BE ASSESSED AGAINST A PARTY SEEKING MODIFICATION IF THE COURT FINDS THAT THE MODIFICATION ACTION IS VEXATIOUS AND CONSTITUTES HARRASSMENT.

25-333. Temporary orders

A. A PARTY TO A CUSTODY PROCEEDING MAY MOVE FOR A TEMPORARY CUSTODY ORDER. THIS MOTION MUST BE SUPPORTED BY PLEADINGS AS PROVIDED IN SECTION 25-339. THE COURT MAY AWARD TEMPORARY CUSTODY UNDER THE STANDARDS OF SECTION 25-332 AFTER A HEARING, OR, IF THERE IS NO OBJECTION, SOLELY ON THE BASIS OF THE PLEADINGS.

B. IF A PROCEEDING FOR DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION IS DISMISSED, ANY TEMPORARY CUSTODY ORDER IS VACATED UNLESS A PARENT OR THE CHILD'S CUSTODIAN MOVES THAT THE PROCEEDING CONTINUE AS A CUSTODY PROCEEDING AND THE COURT FINDS, AFTER A HEARING, THAT THE CIRCUMSTANCES OF THE PARENTS AND THE BEST INTEREST OF THE CHILD REQUIRE THAT A CUSTODY DECREE BE ISSUED.

C. IF A CUSTODY PROCEEDING COMMENCED IN THE ABSENCE OF A PETITION FOR DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION IS DISMISSED, ANY TEMPORARY CUSTODY ORDER THEREBY IS VACATED.

25-334. Interviews by court; professional assistance

A. THE COURT MAY INTERVIEW THE CHILD IN CHAMBERS TO ASCERTAIN THE CHILD'S WISHES AS TO HIS CUSTODIAN AND AS TO VISITATION.

B. THE COURT MAY SEEK THE ADVICE OF PROFESSIONAL PERSONNEL, WHETHER OR NOT EMPLOYED BY THE COURT ON A REGULAR BASIS. THE ADVICE GIVEN SHALL BE IN WRITING AND

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SHALL BE MADE AVAILABLE BY THE COURT TO COUNSEL, UPON REQUEST, UNDER SUCH TERMS AS THE COURT DETERMINES. COUNSEL MAY EXAMINE AS A WITNESS ANY PROFESSIONAL PERSONNEL CONSULTED BY THE COURT, UNLESS SUCH RIGHT IS WAIVED.

25-335. Investigations and reports

A. IN CONTESTED CUSTODY PROCEEDINGS, AND IN OTHER CUSTODY PROCEEDINGS IF A PARENT OR THE CHILD'S CUSTODIAN SO REQUESTS, THE COURT MAY ORDER AN INVESTIGATION AND REPORT CONCERNING CUSTODIAL ARRANGEMENTS FOR THE CHILD. THE INVESTIGATION AND REPORT MAY BE MADE BY THE COURT SOCIAL SERVICE AGENCY, THE STAFF OF THE JUVENILE COURT, THE LOCAL PROBATION OR WELFARE DEPARTMENT, OR A PRIVATE AGENCY EMPLOYED BY THE COURT FOR THE PURPOSE.

B. IN PREPARING HIS REPORT CONCERNING A CHILD, THE INVESTIGATOR MAY CONSULT ANY PERSON WHO MAY HAVE INFORMATION ABOUT THE CHILD OR HIS POTENTIAL CUSTODIAL ARRANGEMENTS.

C. THE COURT SHALL MAIL THE INVESTIGATOR'S REPORT TO COUNSEL AT LEAST TEN DAYS PRIOR TO THE HEARING. THE INVESTIGATOR SHALL MAKE AVAILABLE TO COUNSEL THE NAMES AND ADDRESSES OF ALL PERSONS WHOM THE INVESTIGATOR HAS CONSULTED. ANY PARTY TO THE PROCEEDING MAY CALL FOR EXAMINATION THE INVESTIGATOR AND ANY PERSON WHOM HE HAS CONSULTED.

25-336. Custody hearings; priority; costs; record

A. CUSTODY PROCEEDINGS SHALL RECEIVE PRIORITY IN BEING SET FOR HEARING.

B. THE COURT MAY TAX AS COSTS THE PAYMENT OF NECESSARY TRAVEL AND OTHER EXPENSES INCURRED BY ANY PERSON WHOSE PRESENCE AT THE HEARING THE COURT DEEMS NECESSARY TO DETERMINE THE BEST INTEREST OF THE CHILD.

C. THE COURT, WITHOUT A JURY, SHALL DETERMINE QUESTIONS OF LAW AND FACT. IF IT FINDS THAT A PUBLIC HEARING MAY BE DETRIMENTAL TO THE CHILD'S BEST INTEREST, THE

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COURT MAY EXCLUDE THE PUBLIC FROM A CUSTODY HEARING, BUT MAY ADMIT ANY PERSON WHO HAS A DIRECT AND LEGITIMATE INTEREST IN THE PARTICULAR CASE OR A LEGITIMATE EDUCATIONAL OR RESEARCH INTEREST IN THE WORK OF THE COURT.

D. IF THE COURT FINDS THAT TO PROTECT THE CHILD'S WELFARE, THE RECORD OF ANY INTERVIEW, REPORT, INVESTIGATION, OR TESTIMONY IN A CUSTODY PROCEEDING SHOULD BE KEPT SECRET, THE COURT MAY THEN MAKE AN APPROPRIATE ORDER SEALING THE RECORD.

25-337. Visitation rights; exception

A. A PARENT NOT GRANTED CUSTODY OF THE CHILD IS ENTITLED TO REASONABLE VISITATION RIGHTS UNLESS THE COURT FINDS, AFTER A HEARING, THAT VISITATION WOULD ENDANGER SERIOUSLY THE CHILD'S PHYSICAL, MENTAL, MORAL OR EMOTIONAL HEALTH.

B. THE COURT MAY MODIFY AN ORDER GRANTING OR DENYING VISITATION RIGHTS WHENEVER MODIFICATION WOULD SERVE THE BEST INTEREST OF THE CHILD, BUT THE COURT SHALL NOT RESTRICT A PARENT'S VISITATION RIGHTS UNLESS IT FINDS THAT THE VISITATION WOULD ENDANGER SERIOUSLY THE CHILD'S PHYSICAL, MENTAL, MORAL OR EMOTIONAL HEALTH.

25-338. Judicial supervision

A. EXCEPT AS OTHERWISE AGREED BY THE PARTIES IN WRITING AT THE TIME OF THE CUSTODY DECREE, THE CUSTODIAN MAY DETERMINE THE CHILD'S UPBRINGING, INCLUDING HIS EDUCATION, HEALTH, CARE AND RELIGIOUS TRAINING, UNLESS, UPON MOTION BY THE NONCUSTODIAL PARENT, THE COURT, AFTER HEARING, FINDS THAT IN THE ABSENCE OF A SPECIFIC LIMITATION OF THE CUSTODIAN'S AUTHORITY, THE CHILD'S PHYSICAL HEALTH WOULD BE ENDANGERED OR HIS EMOTIONAL DEVELOPMENT SIGNIFICANTLY IMPAIRED.

B. IF BOTH PARENTS OR ALL CONTESTANTS AGREE TO THE ORDER, OR IF THE COURT FINDS THAT IN THE ABSENCE OF THE ORDER THE CHILD'S PHYSICAL HEALTH WOULD BE ENDANGERED OR HIS EMOTIONAL DEVELOPMENT SIGNIFICANTLY

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IMAIPIRED, THE COURT MAY ORDER A LOCAL SOCIAL SERVICE AGENCY TO EXERCISE CONTINUING SUPERVISION OVER THE CASE TO ASSURE THAT THE CUSTODIAL OR VISITATION TERMS OF THE DECREE ARE CARRIED OUT.

25-339. **Affidavit; contents**

A PARTY SEEKING A TEMPORARY CUSTODY ORDER OR MODIFICATION OF A CUSTODY DECREE SHALL SUBMIT AN AFFIDAVIT OR VERIFIED PETITION SETTING FORTH DETAILED FACTS SUPPORTING THE REQUESTED ORDER OR MODIFICATION AND SHALL GIVE NOTICE, TOGETHER WITH A COPY OF HIS AFFIDAVIT, OR VERIFIED PETITION TO OTHER PARTIES TO THE PROCEEDING, WHO MAY FILE OPPOSING AFFIDAVITS. THE COURT SHALL DENY THE MOTION UNLESS IT FINDS THAT ADEQUATE CAUSE FOR HEARING THE MOTION IS ESTABLISHED BY THE PLEADINGS, IN WHICH CASE IT SHALL SET A DATE FOR HEARING ON WHY THE REQUESTED ORDER OF MODIFICATION SHOULD NOT BE GRANTED.

Sec. 3. Section 25-381.08, Arizona Revised Statutes, is amended to read:

25-381.08. **Jurisdiction**

Whenever any controversy exists between spouses which may, unless a reconciliation is achieved, result in the LEGAL SEPARATION, dissolution or annulment of the marriage or in the disruption of the household, and there is any minor child of the spouses or either of them whose welfare might be affected thereby, the conciliation court shall have jurisdiction over the controversy, and over the parties thereto and all persons having any relation to the controversy, as further provided in this article.

Sec. 4. Section 25-381.09, Arizona Revised Statutes, is amended to read:

25-381.09. **Petition invoking jurisdiction or for transfer of action to conciliation court**

Prior to the filing of any action for ~~divorce, annulment, separate maintenance, or separation from bed and board,~~ DISSOLUTION OF MARRIAGE, OR LEGAL SEPARATION, either spouse, or both spouses, may file in the conciliation court a petition invoking the jurisdiction of the court for the purpose of preserving the marriage by effecting a conciliation between the parties or for amicable settlement of the controversy between the spouses so as to avoid further litigation over the issue involved. In any

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case where an action for ~~divorce, annulment, separate maintenance, or separation from bed and board~~ DISSOLUTION OF MARRIAGE, OR LEGAL SEPARATION has been filed, either party thereto may by petition filed therein have the cause transferred to the conciliation court for proceedings in the same manner as though action had been instituted in the conciliation court in the first instance.

Sec. 5. Section 25-381.17, Arizona Revised Statutes, is amended to read:

25-381.17. Orders; duration of effectiveness; reconciliation agreement

A. The judge of the conciliation court shall have full power to make, alter, modify, and enforce all orders or temporary orders, orders for custody of children, restraining orders, PRELIMINARY INJUNCTIONS and orders affecting possession of property, as may appear just and equitable, but such orders shall not be effective for more than sixty days from the filing of the petition, unless the parties mutually consent to a continuation of such time.

B. Any reconciliation agreement between the parties may be reduced to writing and, with the consent of the parties, a court order may be made requiring the parties to comply fully therewith.

Sec. 6. Section 25-381.18, Arizona Revised Statutes, is amended to read:

25-381.18. Dissolution of marriage or legal separation, annulment, maintenance; stay of right to file; jurisdiction as to pending actions

A. During a period beginning upon the filing of a petition for conciliation and continuing until sixty days after the filing of the petition for conciliation, neither spouse shall file any action for ~~divorce, annulment, separate maintenance, or separation from bed and board~~ DISSOLUTION OF MARRIAGE, OR LEGAL SEPARATION, and, upon the filing of a petition for conciliation, proceedings then pending in the superior court shall be stayed and the case transferred to the conciliation court for hearing and further disposition as provided in this article, but all restraining, support, MAINTENANCE, or custody orders theretofore issued by the superior court shall remain in full force and effect until vacated or modified by the conciliation court or until they expire by their own terms.

B. If, however, after the expiration of such period, the controversy between the spouses has not been terminated, either spouse may institute

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proceedings for ~~divorce, annulment of marriage, separate maintenance, or separation from bed and board~~ DISSOLUTION OF MARRIAGE, OR LEGAL SEPARATION by filing in the clerk's office additional pleadings complying with the requirements relating to ~~divorce, annulment of marriage, separate maintenance, or separation from bed and board~~ DISSOLUTION OF MARRIAGE, OR LEGAL SEPARATION respectively, or either spouse may proceed with the action previously stayed, and the conciliation court shall have full jurisdiction to hear, try, and determine such action for ~~divorce, annulment of marriage, separate maintenance, or separation from bed and board~~ DISSOLUTION OF MARRIAGE, OR LEGAL SEPARATION under the laws relating thereto, and to retain jurisdiction of the case for further hearings on decrees or orders to be made therein. The conciliation provisions of this article may be used in regard to ~~post-divorce, POST-DISSOLUTION~~ problems concerning MAINTENANCE support, visitation, contempt, or for modification based on changed conditions, in the discretion of the conciliation court.

C. Upon the filing of an action for ~~divorce, annulment, separate maintenance or separation from bed and board~~ DISSOLUTION OF MARRIAGE, OR LEGAL SEPARATION and after the expiration of sixty days from the service or the acceptance of service of process upon or by the defendant, neither spouse without the consent of the other may file a petition invoking the jurisdiction of the court of conciliation, as long as such domestic relations case remains pending, unless it appears to the court that such filing will not delay the orderly processes of such pending action, in which event the court may accept the petition and the filing thereof shall have the same effect as the filing of any such petition within such sixty days after service or acceptance of process.

Sec. 7. Section 25-381.19, Arizona Revised Statutes, is amended to read:

25-381.19. Transfer of certain actions where minor child involved

Whenever any action for ~~divorce, annulment of marriage, separate maintenance, or separation from bed and board~~ DISSOLUTION OF MARRIAGE, OR LEGAL SEPARATION is filed in the superior court and it appears to the court at any time during the pendency of the action that there is any minor child of the spouses or either of them whose welfare may be adversely affected by the dissolution or annulment of the marriage, LEGAL SEPARATION or the disruption of the household, and there appears to be some reasonable possibility of a reconciliation being effected, the case may be transferred to the conciliation court for proceedings for reconciliation of the spouses or amicable settlement of issues in controversy in accordance with the provisions of this article.

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Sec. 8. Section 25-381.20, Arizona Revised Statutes, is amended to read:

25-381.20. Procedure in actions where no child is involved; conciliation court may accept case

Whenever application is made to the conciliation court for conciliation proceedings in respect to a controversy between spouses or a contested action for ~~divorce, annulment of marriage, separate maintenance, or separation from bed and board~~ DISSOLUTION OF MARRIAGE, OR LEGAL SEPARATION, but there is no minor child whose welfare might be affected by the results of the controversy, and it appears to the court that reconciliation of the spouses or amicable adjustment of the controversy can probably be achieved, and that the work of the court in cases involving children will not be seriously impeded by acceptance of the case, the court may accept and dispose of the case in the same manner as similar cases involving the welfare of children are disposed of. In the event of such application and acceptance, the court shall have the same jurisdiction over the controversy and the parties thereto or having any relation thereto that it has under this article in similar cases involving the welfare of children.

Sec. 9. Section 25-381.21, Arizona Revised Statutes, is amended to read:

25-381.21. Construction of article

Except as specifically and expressly so provided, nothing in this article is intended or shall be construed to repeal, modify, or change in any respect whatsoever the laws relating to ~~divorce, annulment of marriage, separate maintenance or separation from bed and board~~ DISSOLUTION OF MARRIAGE, OR LEGAL SEPARATION, and the court of conciliation shall, when application for such relief is made as provided in this article, apply such laws in the same manner as if action had been brought thereunder in the first instance in the superior court, but the conciliation procedures of the conciliation court shall be applied to arrive at an amicable settlement of all issues in controversy.

Sec. 10. Section 25-381.22, Arizona Revised Statutes, is amended to read:

25-381.22. Subsequent petition filed within one year

Once a petition by either or both of the spouses has been filed as permitted by section 25-381.09, the filing of any subsequent petition under such section within one year thereafter by either or both of the

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spouses shall not stay any action for ~~divorce, annulment, separate maintenance, or separation from bed and board~~ DISSOLUTION OF MARRIAGE, OR LEGAL SEPARATION then pending nor prohibit the filing of such an action by either party. The filing of a subsequent petition by either or both of the spouses more than one year after the filing of any previous petition with such effect shall have the same effect toward staying any domestic relations action then pending and toward prohibiting the filing of any such action as provided in section 25-381.18.

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