

LA PAZ COUNTY
SUPERIOR COURT CLERK
SHERI NEWMAN

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF LA PAZ

In Re the Matter The Appointment of:

**LA PAZ COUNTY REGISTRAR AND
SPECIAL COMMISSIONER**

ADMINISTRATIVE ORDER NO. 2009-073
(replaces A.O. 97-02)

In compliance with A.R.S. § 14-1307 providing for the appointment of a Registrar;
IT IS ORDERED Sheri Newman, Clerk of the Court and Christene "Tina" Schwab, Chief Deputy Clerk of the Court, La Paz County Superior Court, are hereby appointed as Registrar and shall perform all acts and orders provided for by Title 14, Arizona Revised Statutes, until further order of the court.

Article VI, Section 24, of the Constitution of the State of Arizona authorizes a judge of the superior court to appoint court commissioners in their respective counties;

IT IS THEREFORE ORDERED Sheri Newman, Clerk of the Court and Christene "Tina" Schwab, Chief Deputy Clerk of the Court, La Paz County Superior Court, are hereby appointed as Special Court Commissioners who shall perform the limited acts as prescribed by Rule 96(a)5 of the Rules of the Supreme Court, until further order of this court.

IT IS FURTHER ORDERED that in the absence of or inability of said Registrar or Special Court Commissioner to act, all acts and orders which Title 14 specifies as performable by the Registrar and Special Court Commissioner shall be performed by any Judge of the Superior Court of the State of Arizona.

DATED this 27 day of July, 2009.



Michael J. Burke, Presiding Judge
La Paz County Superior Court

24. Superior court; court commissioners, masters and referees

Section 24. Judges of the superior court may appoint court commissioners, masters and referees in their respective counties, who shall have such powers and perform such duties as may be provided by law or by rule of the supreme court. Court commissioners, masters and referees shall receive such compensation as may be provided by law.

Constitution

VIII. Superior Court Administration

➔**Rule 96. Powers and Duties of Court Commissioners**

All court commissioners and juvenile court commissioners appointed in accordance with Article VI, Section 24, of the Constitution of the State of Arizona, and Sections 12-213 and 8-231.03 of the Arizona Revised Statutes, shall have such powers and duties as are provided by this Rule.

(a) Powers of Commissioner; Hearings and Determinations; Order; Contempt. Each court commissioner shall, except as otherwise provided by this Rule, have the power to:

1. Hear and determine any matter in which each party sought to be adversely affected thereby (a) has had his default entered, or (b) has given his consent in writing, individually or by his attorney, to the commissioner's hearing and determining such matter, or (c) has, in a proceeding arising under Chapter 3, Title 25, Arizona Revised Statutes (entitled "Dissolution of Marriage"), filed a written waiver of further time to appear, notice of trial setting and entry of judgment.

2. Hear and determine in a proceeding arising under Chapter 3, Title 25, Arizona Revised Statutes (entitled "Dissolution of Marriage"), any matter, pendente lite, or post decree or judgment, where the decree or judgment was signed by a Superior Court commissioner, not otherwise included in 1, above.

3. Hear and determine any matter arising under Article 4 and Article 4.1, Chapter 9, Title 12, of the Arizona Revised Statutes (entitled "Garnishment of Monies or Property and Garnishment of Earnings"); and grant and, when otherwise required, sign (a) an order of judgment under Article 4 and Article 4.1 thereof, provided that the facts in support of such order or judgment appear uncontroverted from the pleadings, (b) an order quashing a writ of garnishment on application of the party at whose instance the writ was issued, or (c) an appropriate order ancillary to any of the foregoing, arising under Article 4, Chapter 9, Title 12, Arizona Revised Statutes.

4. Hear and determine, when so assigned by the presiding judge of the Superior Court, any matter arising under Article 10, Chapter 9, Title 12, Arizona Revised Statutes (entitled "Uniform Enforcement of Support Act"), except determinations of paternity, unless the commissioner finds that the respondent's denial of paternity is frivolous.

5. Hear and determine, when so assigned by the presiding judge of the Superior Court, any uncontested matter arising under Title 14, Arizona Revised Statutes (entitled ["Trusts, Estates and Protective Proceedings"]).

As we previously discussed, my position is that we are only authorized to sign the Order to PR in Informal Probate matters. Frankly, I can't think of any other uncontested matter that a commissioner may have authority of in informal probates where the registrar would not.

6. Grant and, when otherwise required, sign an order, judgment or decree on written stipulation as to its terms or arising out of any matter heard and determined as herein provided; and such order, judgment or decree shall, upon its entry in accordance with the Rules of Civil Procedure, have the

same force and effect for all purposes as if such order, judgment or decree had been granted or signed by a judge of the Superior Court.

7. Hear and determine any motion or application relating to an order, judgment or decree granted or signed by a commissioner, and made subsequent to the entry thereof, including an application or motion made under Rules 55(c) or 60(c) of the Rules of Civil Procedure.

8. Issue an order to show cause under Rule 6(d) of the Rules of Civil Procedure.

9. Issue an order requiring any person or persons to show cause, before the presiding judge of the Superior Court or such other judge as the presiding judge may designate, why he or they should not be adjudged in contempt of court.

10. Adjudicate a person in contempt of court for a direct contempt committed in his or her presence, or for an act or omission in violation of his or her order, and impose a fine or imprisonment therefor.

11. Hear and determine any matter governed by Rules 4, 6, 7, 12.7, 12.26, 14, 17.1, 17.2, 17.3, 17.4, 17.6, 27.7(a), 27.7(e) and 27.8, Rules of Criminal Procedure.

12. Hear and determine, when so assigned by the presiding judge of the Superior Court, any matter arising under Title 36, Chapter 5, Arizona Revised Statutes (entitled "Mental Health" and on and after October 15, 1974, entitled "Mental Health Services"), and under Title 12, Chapter 1, Article 2, § 12-136, Arizona Revised Statutes (entitled "Indian Tribal Courts; Involuntary Commitment Orders; Recognition").

13. Hear and determine any matter arising under Article 8, Chapter 9, Title 12, Arizona Revised Statutes (entitled "Supplemental Proceedings").

14. Issue civil arrest warrants pursuant to Rule 64.1, Rules of Civil Procedure.

15. Hear and determine, if assigned as commissioner in the Arizona Tax Court, any matter denominated as a small claims procedure, pursuant to Title 12, Chapter 1, Article 4 of the Arizona Revised Statutes.

16. Adjudicate a person in contempt of court in a proceeding arising under Chapter 3, Title 25, Arizona Revised Statutes (entitled "Dissolution of Marriage") where a commissioner has signed any order pendente lite, a decree of dissolution, decree of annulment, decree of legal separation or post decree order, and impose a fine or imprisonment therefore.

17. Exercise such other judicial powers of a judge of the Superior Court as may be necessary to effectuate the above-enumerated powers.

(b) Restrictions on Powers; Ex Parte Orders; Criminal Proceedings; Contempts.

Notwithstanding anything to the contrary herein set forth, a court commissioner shall not:

1. Except on default of the party or parties adversely affected thereby, make an ex parte order which would deprive any person or persons of custody of their child or children, or which would effect a change of counsel of any party, or which would deprive any person or entity of liberty or property or the use thereof, or which would grant injunctive relief.

2. Adjudicate any person in contempt of court or impose any fine or punishment therefor, except as provided in Rule 91(a)(10) and (16).

(c) Contempt of Commissioner as Contempt of Court. Any act or omission which would constitute contempt of court if done or omitted with respect to a judge or an order of a judge shall constitute contempt of court if done or omitted with respect to a court commissioner or an order of a court

commissioner.

(d) Definition of Ex Parte Order. As used in this Rule and in Section 12- 213 of the Arizona Revised Statutes, an "ex parte" order means an order made and entered without notice of the motion or application for such order having first been given to each person who may be adversely affected thereby and without each such person having an opportunity to appear in opposition thereto.

(e) Special Appointment of Commissioners. Upon the filing of a written stipulation of each party or his attorney consenting to the appointment of a designated qualified person as court commissioner to hear and determine a particular cause or matter, the presiding judge may appoint such person as court commissioner for the purpose of hearing and determining such cause or matter. When so appointed, such person shall have all the powers and duties of a judge of the Superior Court with respect to the designated cause or matter.

(f) Powers of Juvenile Court Commissioner; Hearings and Determinations; Order; Contempt. All juvenile court commissioners appointed in accordance with Article VI, Section 24, of the Constitution of the State of Arizona, and Section 8-231.03 of the Arizona Revised Statutes, shall have the power to:

1. Hear and determine an uncontested petition for adoption or a petition for child's custody by non-certified party filed pursuant to Chapter 1, Title 8, Arizona Revised Statutes (entitled "Adoption") except a petition or motion by an applicant certified as nonacceptable to adopt children pursuant to Section 8-105, Arizona Revised Statutes, or a petition and order to show cause why custody by a noncertified party should not be denied pursuant to Section 8-108(B), Arizona Revised Statutes, shall be heard and determined by a judge of the juvenile court.
2. Hear and determine all matters at the initial hearing or advisory hearing on a petition for delinquency or incorrigibility filed pursuant to Article 2, Chapter 2, Title 8, Arizona Revised Statutes (entitled "General Procedure") and the applicable Rules of Procedure for the Juvenile Court.
3. When assigned by the presiding judge of the juvenile court, hear and determine, pursuant to the applicable Rules of Procedure for the Juvenile Court and Article 2, Chapter 2, Title 8, any contested or uncontested matter concerning a child accused by petition of having committed a delinquent act or being an incorrigible child.
4. Hear and determine under Rules 15 and 16, Rules of Procedure of the Juvenile Court, any uncontested petition commenced under Chapter 2, Title 8, Arizona Revised Statutes, concerning a dependent child, provided, however, that if the matter becomes contested the juvenile court commissioner shall transfer the matter to a judge of the juvenile court for further proceedings. Notwithstanding the foregoing provision, a juvenile court commissioner shall have the power to hear and determine requests for review of temporary custody filed pursuant to A.R.S. § 8-546.06, and to enter necessary temporary orders when declaring a child a temporary ward of the court upon the filing of a dependency petition pursuant to Rule 15(b), Rules of Procedure for the Juvenile Court.
5. Hear and determine any matter arising under A.R.S. § 8-242.01 and Title 36, Chapter 5, Article 4, Arizona Revised Statutes, pertaining to evaluation, treatment and placement of a mentally ill child and mental health services for such a child.
6. Hear and determine an application filed pursuant to Section 8-247, Arizona Revised Statutes (entitled "Destruction of Records").
7. Enter orders in accordance with Section 8-263, Arizona Revised Statutes, for implementation of Article 5, Chapter 2, Title 8, Arizona Revised Statutes (entitled "Family Counseling Programs").
8. Hear and determine uncontested reviews of children in receiving foster homes and foster care pursuant to Section 8-515, Arizona Revised Statutes.

9. Hear and determine uncontested proceedings on petitions filed pursuant to Article 2, Chapter 5, Title 8, Arizona Revised Statutes (entitled "Termination of Parent-Child Relationship").

10. Hear and dispose of any and all cases wherein a child under the age of 18 years on the date of the alleged offense and on the date of the hearing is charged with an alcohol offense, as defined by Section 8-201, Arizona Revised Statutes, or a violation of the motor vehicle code not declared to be a felony.

11. Hear and determine any other matter under Title 8, Arizona Revised Statutes (entitled "Children") in which each party sought to be adversely affected thereby (a) has had his default entered, or (b) has given his consent in writing, individually or by his attorney, to the commissioner's hearing and determining such matter, or (c) has filed a written waiver of further time to appear, notice of trial setting, and entry of judgment or final order.

12. Grant and when otherwise required, sign an order, judgment or decree on written stipulation as to its terms or arising out of any matter heard and determined as herein provided; and such order, judgment or decree shall, upon its entry in accordance with the Rules of Procedure of the Juvenile Court or Title 8, Arizona Revised Statutes (entitled "Children"), have the same force and effect for all purposes as if such order, judgment or decree had been granted or signed by a judge of the juvenile court.

13. Hear and determine any motion or application relating to an order, judgment or decree granted or signed by a juvenile court commissioner, including an application or motion made under Rules 55(c) or 60(c) of the Rules of Civil Procedure.

14. Adjudge a person in contempt of court for a direct contempt committed in his or her presence, or for an act or omission in violation of his or her order, and impose a fine or imprisonment therefor.

(g) Restrictions on Powers; Ex Parte Orders; Contempts. A juvenile court commissioner shall not make ex parte orders which would deprive a person from custody of his child or deprive a person of his liberty, except in default hearings or for necessary temporary matters preceding a hearing. Nor shall a juvenile court commissioner adjudicate any person in contempt of court, or impose any fine or punishment therefor, except as provided in Rule 91(f)(14).

(h) Contempt of Juvenile Court Commissioner as Contempt of Court. Any act or omission which would constitute contempt of court if done or omitted with respect to a judge or an order of a judge of the juvenile court shall constitute contempt of court if done or omitted with respect to a juvenile court commissioner or an order of a juvenile court commissioner.

(i) [Part-Time Pro Tempore Court Commissioners and Part-Time Pro Tempore Juvenile Court Commissioners.] [FN1] A part-time pro tempore court commissioner and a part-time pro tempore juvenile court commissioner, under this rule, are lawyers who serve or expect to serve on less than a full-time basis under a separate appointment for each period of less than full-time service or for each case heard. As such, the conduct of part-time pro tempore court commissioners or part-time pro tempore juvenile court commissioners shall be governed by section B of the compliance section of Rule 81, Rules of the Supreme Court.

CREDIT(S)

Added as Rule 91. Amended March 27, 1985, effective June 1, 1985; June 27, 1989, effective Sept. 1, 1989; Nov. 9, 1989, effective Jan. 1, 1990; July 10, 1990, effective July 12, 1990, adopted in final form Dec. 16, 1992; March 31, 1992, effective June 1, 1992; Jan. 26, 1994, effective June 1, 1994. Renumbered as Rule 96 Oct. 10, 2000, effective Dec. 1, 2000.

[FN1] Editorially supplied heading.

<Formerly Part VII. Redesignated as Part VIII January 15, 2003, effective July 1, 2003.>

<The heading was changed from "Court Commissioners" to "Superior Court Administration" by order dated Oct. 10, 2000, effective Dec. 1, 2000.>

STATE BAR COMMITTEE NOTE 2000 AMENDMENT

As part of the effort to consolidate formerly separate sets of procedural rules into either the Arizona Rules of Civil Procedure or the Rules of the Arizona Supreme Court, various rule provisions contained in the Uniform Rules of Practice of the Superior Court and the Arizona Rules of Civil Procedure which were concerned primarily with the internal administration of the Superior Court were transferred to a retitled Section VII of the Rules of the Arizona Supreme Court. Existing Rule 91 of those Rules was simply renumbered as Rule 96, with no substantive change.

HISTORICAL NOTES

This rule is the same as former Rule 46, added effective July 15, 1961, except for renumbering.

NOTES OF THE SUPREME COURT [RULE 46]

Pursuant to Article VI, § 24, of the Constitution of the State of Arizona, and § 12-213 of the Arizona Revised Statutes, the Supreme Court, by minute entry dated April 18, 1961, ordered that court commissioners "may hear and determine all such matters as shall expressly be provided for by local court rules" with specific exceptions, and promulgated, through the presiding judge of the Superior Court of Maricopa County, appropriate rules for that court. Accordingly, the court commissioner appointed by the presiding judge of the Superior Court of Maricopa County has, since April 18, 1961, been authorized to hear and determine, and has heard and determined, divorce, garnishment and reciprocal support matters and has been authorized to grant and sign, and has granted and signed, orders and judgments entered on default, by stipulation and by consent of the parties as if on default.

Because it is anticipated that court commissioners will be appointed in counties other than Maricopa County, it seemed more appropriate for the Supreme Court to promulgate a rule setting forth in detail the powers and duties of court commissioners appointed in any county. It is the purpose of this rule to replace any other rule promulgated by this Court or by any other court relating to court commissioners.

It is the intention of the Supreme Court that court commissioners shall hereafter, as the court commissioner in Maricopa County has been doing since April 18, 1961, function within the scope of their authority in the same manner as do judges of the Superior Court, and that the effect of an order, judgment or decree entered by a court commissioner shall be precisely the same as if the same order, judgment or decree had been entered by a judge of the Superior Court.

17A A. R. S. Sup. Ct. Rules, Rule 96, AZ ST S CT Rule 96

Current with amendments received through 6/15/09

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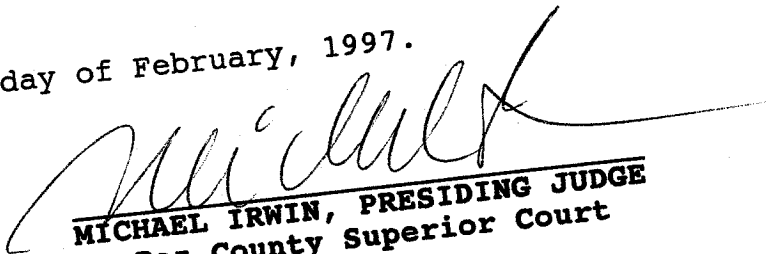
IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF LA PAZ

In Re the Appointment of:)
LA PAZ COUNTY REGISTRAR.)
_____)

Administrative Order
No. 97-02

IT IS ORDERED pursuant to Arizona Revised Statutes Section 14-1307, appointing Sheri Newman, Clerk of the Superior Court and Christene "Tina" Schwab, Chief Deputy Clerk of the Superior Court as La Paz County Registrar and Deputy Registrar, respectively, to enable them to perform the acts and orders which title fourteen specifies.

DATED this 28 day of February, 1997.


MICHAEL IRWIN, PRESIDING JUDGE
La Paz County Superior Court