

summer  
2025

# FAMILY LAW NEWS

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### FROM THE CHAIRS

Lisa McNorton Jenny Gadow



PowerPoints out there - but we wanted to go rogue. No more mega-priced, flavorless national seminars. We aimed to serve up quality, low-cost, actually relevant programs. And spoiler: **FLEC delivered.**

Big shoutout to Bill Bishop, who made community liens almost... fun (no small feat); to Jennika Stith for co-sponsoring an event with the State Bar to unpack the wild intersection of family and criminal law (bless the overlap); and to Michael Wozniak, who successfully herded judicial cats across *eight counties* for a joint event where we were

## It's a Wrap

HOW CAN WE... ENGAGE WITH OUR MEMBERS, PROMOTE WHAT IS NEW AND DEBATABLE IN FAMILY LAW AS WELL AS OUR SECTION, AND HOW CAN WE GIVE BACK

**L**AST AUGUST, I had the dubious honor of being voluntold - er, *designated* - as Chair of the Family Law Executive Council (FLEC).

Our mission (should we choose to accept it - and we did, because lawyers never say no to a challenge): make FLEC meaningful to you, our Section members.

Yes, we're all drowning in CLEs - it's practically raining

**OUR MISSION  
AND WE  
CHOOSE TO  
ACCEPT IT**



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gently reminded how not to be... jerks in court (his title may have been more tactful, but you get the idea). Community service, really.

And the momentum continues: on September 8, 2025, Jennika and Kayt Yrun-Duffy are co-chairing a seminar on litigation business valuations in divorce - and it's just \$25. That's less than what you spent this week on cold brew and existential dread. This is where FLEC shines: giving value *and* caffeine-level energy.

Now, as summer *allegedly* winds down (we live in Arizona, we know better), I'm thrilled to pass the torch - and the inbox - to our new Chair, **Jenny Gadow**. We had an avalanche of applicants this year, proving that, yes, lawyers *do* want to get involved when it's something worthwhile (and maybe there's snacks).

At our annual retreat, Jenny kicked things off with a clear goal: continue evolving FLEC into something useful, smart, and a little less soul-sucking than traditional CLEs. Enter the **"Expert Lounge"** - where happy hour meets hands-on learning. Think wine and wisdom. FLEC is betting this format will help demystify intimidating topics in a chill setting (and no, it's not just about the wine). More about this from Jenny below.

Huge thanks to our rockstar committee members who gave up their Saturdays and billable hours (you are seen) to bring all this to life. It's been a whirlwind of a year, and now I get to relax, sip something cold, and wait for someone to tell me what I'm doing next. Probably tomorrow.

-Lisa C. McNorton

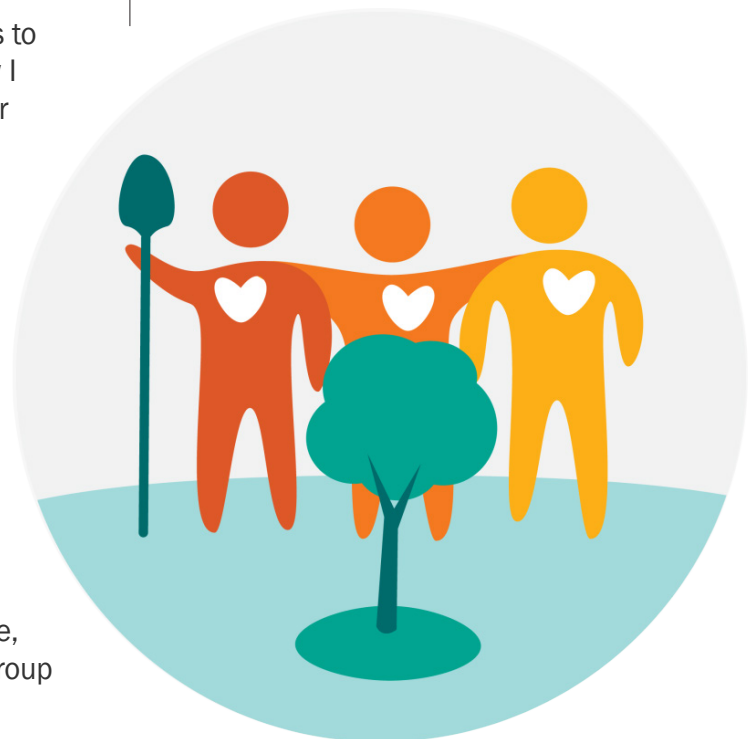
## AND, TO PASS THE TORCH TO JENNY GADOW

As I embark on a year of chairing this committee, we are focusing on community. As family law attorneys, we are embroiled in adversarial communications on a daily basis. The truly special moments are when we can come together, collaborate, and share unique knowledge. What other group of people can experience the devotion their

clients have for a five-year-old couch, an air fryer, or patio furniture? At the same time, we can talk about survivor benefits, coercive control, and discount rates without batting an eye.

Our committee is also stuck by the saturation of opportunities to sit and learn through standard CLE presentations on a video platform or in a small conference room. Rather than follow the standard, we have decided to try something new. Thus, Family Law Executive Counsel strives to be Family Law Encourages Community. We intend to create social events filled with experts in different fields to allow family law attorneys to ask questions, collaborate, and solidify a professional relationship within our field. We are excited by this theme and hope the members of the family law section will join in and make these events "the place to be". While a goal is to create an opportunity for learning, our true desire is to present a forum where lawyers can be social and get to know each other beyond the emails and pleadings. Who knows, you may even make a new friend.

-Jennifer Gadow 



► We intend to create social events filled with experts in different fields to allow family law attorneys to ask questions, collaborate, and solidify a professional relationship within our field.

A practical summary of Arizona's revised Spousal Maintenance Guidelines - what's new, what's gone, and why higher earners might see lower numbers come September 1, 2025.



# What's Changing (and What Isn't) in Spousal Maintenance: 2025 Guideline Revisions





**Effective September 1, 2025**, the Arizona Supreme Court has adopted significant revisions to the Arizona Spousal Maintenance Guidelines, pursuant to [Administrative Order No. 2025-101](#). These revised Guidelines will apply to all spousal maintenance orders entered on or after that date, including original orders and modifications, except in cases of default or as otherwise agreed by the parties.

The revised Spousal Maintenance Calculator - which will soon be available online and as a downloadable Excel workbook - will also go into effect on September 1, 2025. Below is a summary of the most important substantive changes to be aware of.

## 1. Threshold Clarifications

These changes clarify when and how the Guidelines should be applied, with added emphasis on judicial findings of eligibility and relaxed requirements for stipulated agreements.



Eligibility cannot be established by simply using the calculator.

### Eligibility Must Be Determined First

- The revised Guidelines emphasize that courts may only apply the Guidelines **after** finding that a party is eligible under A.R.S. § 25-319(A). Eligibility cannot be established by simply using the calculator.

### Agreements Outside the Guidelines are Permitted

- Parties may still enter into agreements that deviate from the Guideline ranges. A court may adopt such agreements if they are in writing or stated on the record pursuant to Rule 69, ARFLP, entered without duress or coercion, and compliant with A.R.S. § 25-317. The parties must also acknowledge “that they are aware of the Guidelines and the calculator, and if applicable, they have had an opportunity to calculate what that party believes to be the range provided by the Guidelines and the calculator.”





## 2. Income and Mortgage Principal

“  
**THE PARTIES MUST  
ACKNOWLEDGE THAT  
THEY ARE AWARE OF THE  
GUIDELINES AND THE  
CALCULATOR, ...**

”

Several definitional and procedural revisions affect how courts calculate spousal maintenance income and attribute returns on assets. The family's mortgage principal amount has been completely removed from the equation.

### Overtime Income

- Courts should consider average overtime earnings over the **three years** before service of the Petition if it was

regularly earned during the marriage. Previously, there was no specific time period mentioned.

### Income-Producing Property

- The **4% rate of return** on income-producing property is no longer presumed. Courts may now apply a rate

of return only “when equitable to do so.” The exemption for the **first \$100,000** has also been eliminated.

### Retirement Assets

- Income may not be attributed from retirement accounts that would incur a penalty. Interest income can be attributed after age 59.5, while principal distributions may be attributed only after full retirement age. Social Security retirement income cannot be attributed until full retirement age.

### Family Size

- Family size is now expressly determined as of the date of service of the Petition.

### Mortgage Principal

- A family's mortgage principal payment has been removed as a consideration. This is no longer part of the Guideline calculation.
- This, along with other changes to the higher-income adjustment (discussed below), result in a substantial decrease to the amount range (see table below):

Assuming a 2-person household with Spouse 1 having an income of \$150,000, Spouse 2 having an income of \$25,000, and a mortgage principal reduction of \$500/month:

	Low Award	Midpoint Award	High Award
Current Guidelines with Mortgage Principal	\$2,407.91	\$2,680.39	\$2,958.86
Current Guidelines without Mortgage Principal	\$2,223.34	\$2,501.82	\$2,780.29
Proposed Guidelines without Mortgage Principal	\$1,805.00	\$2,031.00	\$2,257.00



### 3. Temporary Orders and Community Expenses

New provisions address attribution of actual income during temporary orders and how community expenses should be allocated.

#### Income Attribution

- Courts may now use actual income for a spouse who has worked less than 24 months if that spouse is employed at the time of the hearing. Previously, the court could not attribute any income unless the recipient had been continuously employed for 24 months prior to the filing of the Petition.

#### Community Expenses

- Courts now **must** allocate community expenses when making temporary orders and may reallocate them at the final hearing. *Bobrow v. Bobrow*, 241 Ariz. 592 (App. 2017) is cited as authority.

#### Duration Considerations

- Courts are encouraged to be mindful of the duration ranges during temporary orders, especially if the duration may expire before a final trial takes place.

### 4. Duration

The revised Guidelines expand the maximum duration of spousal maintenance in long term marriages.

#### Standard Duration Ranges

- For marriages of 16 years or more (192+ months) **not** subject to the Rule of 65, the maximum duration has increased from 8 years (96 months) to 12 years (144 months) or 50% of the length of the marriage, whichever is greater.

### 5. Calculator

The revised calculator significantly alters the high-income adjustment, reducing awards for higher earners.

#### Higher-Income Adjustment

- Previously, there was a +1% adjustment applied for every \$2,500 of intact family income above \$100,000 per year, up to a maximum of an 80% increase.
- In the revised Guidelines, the income level at

#### DATA REVIEW

**IT IS FURTHER ORDERED** that on a quadrennial basis, the Committee on Family Court shall undertake an economic data and case file review to ensure that the application of the Guidelines results in the determination of appropriate spousal maintenance amounts. The first... review shall be reported...to the Arizona Judicial Council by March 31, 2029.

#### THRESHOLD CLARIFICATIONS

**Only if a court finds a party eligible** for spousal maintenance under A.R.S. § 25-319(A) may it use the guidelines. The Guidelines lead to an amount range from which a court determines the appropriate award. Yet if a court finds the amount resulting from applying the amount range is inappropriate or unjust, a court may deviate based on the factors in Section V of the Guidelines. The Guidelines also establish duration ranges.

## Spousal Maintenance Guidelines Are a Change'n

A PRACTICAL SUMMARY OF ARIZONA'S REVISED SPOUSAL MAINTENANCE GUIDELINES - WHAT'S NEW, WHAT'S GONE, AND WHY HIGHER EARNERS MIGHT SEE LOWER NUMBERS COME SEPTEMBER 1, 2025.

#### INCOME & PRINCIPAL

**A court should not attribute principal distribution** until the party reaches full retirement age. A court does not attribute income from Social Security retirement benefits before the party reaches full retirement age as defined by 42 U.S.C. § 416(l).

which the adjustment begins has increased from \$100,000 to \$175,000.

- The maximum adjustment has decreased from 80% to 70%, reducing spousal maintenance awards at higher income levels.
- These two changes result in a significant downward adjustment for families with higher incomes (see table below):



Assuming a 2-person household with Spouse 1 having an income of \$150,000, Spouse 2 having an income of \$25,000, and no monthly mortgage principal reduction:

	Low Award	Midpoint Award	High Award
Current Guidelines with starting point of \$100,000 for higher income adjustment	\$2,223.34	\$2,501.82	\$2,780.29
Guidelines with starting point of \$150,000 for higher income adjustment	\$1,989.00	\$2,238.00	\$2,488.00
Proposed Guidelines with starting point of \$200,000 for higher income adjustment	\$1,805.00	\$2,032.00	\$2,258.00

The table above provides examples starting at \$100,000, \$150,000, and \$200,000. In the final version of the revised Guidelines, the starting point was adjusted to \$175,000.

## 6. Data from First-Year Review

The Spousal Maintenance Guidelines Review Subcommittee reviewed empirical data gathered during the first year of implementation of the original Guidelines. This data is collected in the Subcommittee's [Final Report and Recommendations](#), and reflects wide ranging durations and limited use of indefinite-term awards.

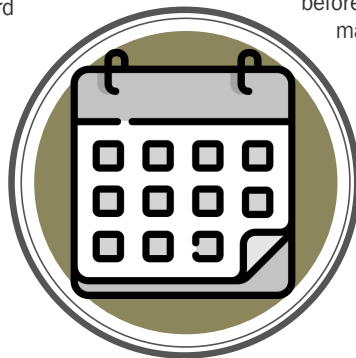
- 490 cases analyzed (63% from Maricopa County).
- For final orders, the duration ranged from 4 months to 500 months (almost 42 years!)
  - Average duration: 44 mths.
  - Median duration: 24 mths.
- Data was collected on the average duration within each range:
  - For cases in the 3-12 month standard range, the average duration awarded was 11 mths.
  - For cases in the 6-36 month standard range, the average duration awarded was 16 mths.



### COMMUNITY EXPENSE

**A court must consider and allocate** the community expenses in making the temporary orders because the Spousal Maintenance Calculator presumes the community expenses and other expenses reflecting the parties' standard of living are equally divided....

A court should include language that the temporary spousal maintenance award amount and the community expense allocation is subject to reallocation at the final hearing. *Bobrow v. Bobrow*, 241 Ariz. 592 (App. 2017).



### DURATION

**For spousal maintenance purposes**, the marriage length is the number of months from the date of marriage to the date of service of process of the dissolution or legal separation petition. The time before the parties were legally married is specifically omitted from this calculation. Marriage length includes periods of physical separation without the initiation of dissolution or legal separation proceedings.



### ADJUSTMENT

**The Spousal Maintenance Calculator** includes a High-Income Adjustment to better account for higher-income households.

That adjustment provides for an additional 1% for every \$2,500 of intact family income starting at \$175,000 annually, up to a maximum of a 70% increase.



- For cases in the 6-48 mth standard range, the average duration awarded was 23 mths.
- For cases in the 12-60 month standard range, the average duration awarded was 41 mths.
- For cases in the 12-96 month standard range, the average duration awarded was 56 mths.
- Rule of 65 applied in 32% of cases (average duration 55 mths).
- Indefinite or extraordinary duration applied in only 2% of cases.

7.

## Conclusion

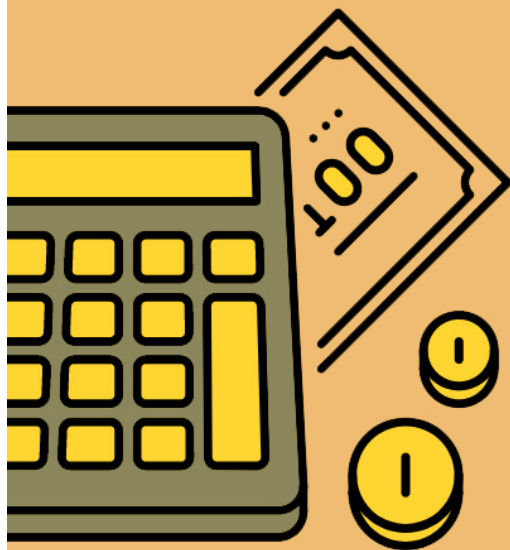
These updates to the Guidelines are more than just tweaks around the edges. Pro per litigants and family law

practitioners will notice real changes in the numbers. Removing the mortgage principal from the equation

means lower awards in cases where those payments previously increased the Guideline range. And the revised calculator's higher income adjustment now kicks in at \$175,000 rather than \$100,000, with a lowered cap from 80% to 70%. That means recipients in higher-income households may see significantly reduced awards compared to the prior model.

The new [2025 Arizona Spousal Maintenance Guidelines](#) are available in PDF format online. While the updated online and Excel-based calculators have not yet been posted as of this writing, they are expected to be released prior to the September 1st effective date. [FL](#)

**THESE UPDATES TO THE GUIDELINES ARE MORE THAN JUST TWEAKS AROUND THE EDGES. PRO PER LITIGANTS AND FAMILY LAW PRACTITIONERS WILL NOTICE REAL CHANGES IN THE NUMBERS.**



Removing Mortgage Principal  
= Lower Awards

Higher-Income Households =  
Awards Possibly Reduced

Guideline Updates  
More Than Just Tweaks



A photograph of a dog, possibly a Weimaraner, standing between the legs of two people. The dog is wearing a collar with a large white rose and small purple flowers. The person on the left is wearing blue jeans and black sneakers. The person on the right is wearing a white skirt and white sneakers. A tattoo is visible on the person's right leg. The background is a blurred outdoor setting.

by JOAN M. BUNDY, Esq.

WHEN

LOVE

ENDS

WHO GETS THE

LEASH?

What happens to Fido or Fluffy when **their humans' relationship goes south?**



# Have you ever considered what might happen to your cherished pets

– be they canine, feline, avian, reptilian, aquatic, or otherwise – should your living situation suddenly be disrupted by a romantic partner breakup, roommate move out, divorce, or even death?

We would all like to think that our beloved companion animal(s) will stay by our side throughout their/our natural lives. **Unfortunately, that is not always the case.**

## Co-Ownership Dog Contract

This Comprehensive Co-Ownership Dog Contract ("Agreement") is entered into on this \_\_\_\_ day of \_\_\_\_\_, 20, by and between \_\_\_\_\_ ("Co-Owner 1") and \_\_\_\_\_ ("Co-Owner 2"), collectively referred to as "the Parties".

### Preamble

WHEREAS, the Parties have agreed to jointly own and care for a dog named \_\_\_\_\_ ("Dog"), a \_\_\_\_\_ breed, born on \_\_\_\_\_; and

WHEREAS, the Parties are committed to ensuring the health, well-being, and proper care of the Dog through mutual cooperation and shared responsibilities;

NOW, THEREFORE, and acknowledging the mutual benefits and obligations of this co-ownership, the







Pets increasingly matter to people, especially as we continue to become less and less connected to extended family, hometowns and communities (*hello, COVID-19!*). With almost as many women as men in the workforce nowadays and singles of all genders getting married later in life (or not at all), child-rearing is often foregone or at least put on hold until the family unit is more established and financially solid. Couples often will “try out” parenting with a pet or two! On the other end of the spectrum, people are living longer, and pets can mean the world to empty-nesters, retirees and widows/widowers.

But what happens when the stability of the household breaks down? Well, if the parties while still in a blissful relationship or at least on civil speaking terms didn’t think to execute a written, dated, signed/notarized “joint pet-custody agreement” and/or “mutual honorary pet trusts” (yes, these are both very real things, which I highly recommend and will draft), judges have to decide ownership.

If the parties are already in Family Court via a Dissolution of Marriage or a Legal Separation case, the Court can decide/affirm an agreement about pet ownership in the final decree. Otherwise, the case will have to go through Civil Court.

#### FROM PROPERTY TO FAMILY

As of 2020, 4.5 million U.S. households own reptiles, according to the American Pet Products Association. A 2014 survey by the American Academy of Matrimonial Lawyers reported a 22% rise in pet custody cases over the prior five years. In response, states like Illinois and California now allow judges, to consider an animal’s well-being, treating them more like children than property.

In reality, black-robe-wearers typically are not going to spend time crafting joint-custody terms for a pet or even award it to more than one person absent an already-existing, enforceable, “shared possession” agreement. They probably won’t “deep dive” into things like pets’ biological bonds to each other, or even keeping pets with the kids when they go back and forth between co-parents’ households. They may give half the pets to one party and half to the other, or all the dogs to one and all the cats to the other, but that’s about it.

Yes, it may seem cold-heartedly arbitrary at times, but non-human animals legally are considered personal property akin to a toaster - although a proposed hybrid “living property” category is getting increasing traction, which I vigorously applaud - thus, with very few exceptions (like wildlife in the public



"Animal ownership laws form a **crazy patchwork** of HOA and administrative rules, agency regulations, and city, county, state, and federal statutes, often **contradictory and varying widely**."

domain), domesticated animals ranging from the largest bull-cow livestock to the tiniest "pocket-pet" hamsters are going to be deemed owned (or potentially owned) by one specific person or entity.

Laws on animal ownership are a crazy checkerboard of HOA and administrative-agency rules and regulations; city, county, state and national statutes; and case law. They can be terribly contradictory and vary greatly in breadth and depth. For example, a municipality's codified definition of animal ownership might state simply: "harboring an animal for three days or more." But what exactly does that mean?

Say a Good Samaritan finds a tag-less puppy on a public street and carries it home, gives it food, water and shelter for three days, then takes it to a vet where it is scanned for any microchips, and it pings as having had the same owner for a decade? Further suppose though that the listed owner hasn't bothered to keep their contact information current and, furthermore, a

quick check of animal-control and court records indicates they have had numerous citations and convictions for animal-status offenses, neglect or even cruelty to animals? Now ownership is no longer so clear cut, and we're talking about moral as well as legal concerns.

Increasingly, to determine the legal owner in a pet-custody dispute, civil courts will look to a balancing principle called *indicia of ownership* - various factors that taken as a whole may point to one party having a superior ownership claim (or not). *They include but are not necessarily limited to which party (if any) solely or primarily:*

- (1) Found, adopted or bought pet (e.g. when/how did it come into their possession?)
- (2) Got pet microchipped, kept records up-to-date
- (3) Got pet spayed or neutered
- (4) Scheduled, took pet to vet as needed





- (5) Ensured pet was current on all required vaccinations (such as rabies) and registered and renewed local government license
- (6) Fed, watered, gave meds, cleaned up after
- (7) Let pet sleep on humans' bed or, contra, kicked them off bed or even outside
- (8) Groomed and/or took pet to necessary/desired grooming appointments
- (9) Walked dog and/or scheduled and took pet to beginning/advanced obedience training, agility/show training/competitions, doggie daycare, dog park, playdates and/or other exercise, socialization and enrichment opportunities
- (10) Took dog with on vacation(s)
- (11) Paid for pet's purchase/adoption, food, treats, bowls, leashes, harnesses, bedding, doghouse, toys, veterinary/other services, licensing fees, etc.



- (12) Bought and installed appropriate pet safety restraint in car(s)
- (13) Arranged for professional portraits, made TikTok videos and/or frequent posts on social media like Facebook, Instagram, etc., about pet



#### PET OWNERSHIP IN COURT

In pet-custody disputes, courts often weigh 'indicia of ownership' - factors showing who has the stronger claim. These include who acquired the pet, arranged medical care and licensing, provided daily needs and enrichment, paid expenses, ensured safety, and engaged in activities like training, travel, or sharing posts on social media.

**S**ure, individual animals are known to have a favorite “person,” but to wit that is not yet a relevant factor in the law. It’s definitely not like on TV where a judge has a handler bring a dog into the courtroom then drop the leash while everyone waits with bated breath to see which party the dog goes to first or how they interact with each person. A lot of times a decision comes down to something as mundane as who happens to have the best paper trail, which is often also the party who paid for most things (not always the best indicator of pet caregiving unfortunately).

Take, for example, a woman who is by far the superior caregiver of a mutual pet but loses custody to her ex-boyfriend when his attorney produces in court a document he calls “adoption paperwork” claiming it was the contract with the rescue group from which the animal was obtained. The paperwork creates the appearance that he was the only adopter when in actuality the duo adopted the pet together and paid the adoption fee in equal amounts. A client who is unable to unearth in time - from thousands of pieces of paper in dozens of archive boxes or in an offsite storage unit - the final, complete copy of the same document that shows *both* their names/ signatures on it. Or, for example, suppose the rescue group is no longer in existence and unable to be reached. The court makes its decisions on the evidence before it, which may not be the best outcome for a pet owner if paperwork is lost or incomplete.

Obtaining a civil protective order that includes the pet(s) is another option - and Arizona thankfully years ago added pets to their application guidelines and will include them on orders if applicants ask for it - but this is only a temporary Band-Aid, as is replevin (temporary possession good for only the pendency of a pet-custody dispute case).

Something that has proven to be quite helpful and much more long-lasting in pet-custody disputes is the afore-

mentioned honorary pet trust. Losing an animal due to death - not the death of the animal, but the death of the human - is a situation that comes up way more often than people want to admit. Yes, we generally outlive common household pets like dogs, cats and fish. But for instance certain tropical birds, particularly Macaw and African Grey parrots, can live a century or more! If you have a pet like this or you are getting into the upper decades of human life expectancy - or really if you are an adult of any age - please think seriously about obtaining an honorary pet trust to designate who cares for your beloved pets in case of your unavailability, incapacity or death. [FL](#)

**JOAN M. BUNDY, ESQ.** has been a solo private practitioner since 2009 focusing primarily on LGBTQIA+, pet-custody issues and mediation. She has been a member and at times served on the Executive Council of the State Bar of Arizona’s Animal Law Section since law school and was chairperson of the Student Animal Legal Defense Fund chapter at the University of Arizona James E. Rogers College of Law from 2002 to 2005. She has been a member of the State Bar’s Family Law Section since 2009.

# IN A DIVORCE, WHO GETS THE PET?

# SAVE THE

# DATE



## Valuation Masterclass – Litigating Business Valuations in Divorce

*Presented by the Family Law Section*

Monday, September 8, 2025, | 1pm – 4:30pm

In-Person (CLE Center, 4201 N. 24th St., Suite 100) or Webcast

MCLE: This seminar may qualify for up to 3-hours MCLE, no ethics.

### Description:

Join us for a masterclass in business valuations in divorces! This CLE will provide you with an overview of business valuation basics that all practitioners should know or brush up on, a look at more complex business valuation concepts, and an in-depth look at challenging business valuations and how to prepare to litigate them.

### Program Chairs:

Jennika Stith, *Warner Angle*  
Kayt Yrun-Duffy, *Hideraker & Yrun-Duffy*

### Speakers:

Kyle Garcia, *Stout Risius Ross, LLC*  
Julia Miessner, *CPA, BeachFleischman PLLC*  
Jennifer Gadow, *Stillman Smith & Gadow*

### Pricing:

Family Law Section Members \$25

Non-Family Law Section Members & Non-Members \$45

For in-person attendance, [REGISTER HERE](#)

For webcast attendance, [REGISTER HERE](#)

Event Code **T25430 & TW25430**

