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SUPREME COURT OF ARIZONA

SUPPLEMENTAL PETITION) Supreme Court No. R-20-0044
TO ADOPT NEW JUVENILE)
RULES 349, 350, AND 419 AND) SUPPLEMENTAL APPENDIX
NEW FORMS 7 AND 8, AND TO)
AMEND FAMILY LAW RULE 43.1)
_____)

Supplemental Appendix

Rule 349. Revocation of a Permanent Guardianship

- (a) **Generally.** The child's guardian or any party to the dependency proceeding may file a petition pursuant to A.R.S. § 8-873 for the revocation of an order granting permanent guardianship.
- (b) **Petition.** The petition must state a factual basis describing a significant change of circumstances supporting a revocation and address the appropriate factors cited in A.R.S. § 8-873(A). The petition must be verified.
- (c) **Petitioner's Duties.**
- (1) **Generally.** The petitioner must provide a serve of the petition to the child's parents and the permanent guardian under Rule 106. The court must provide a copy of the petition to the attorney and GAL appointed for the child under subpart (d)(1).
 - (2) **Indian Child.** If the child is an Indian child, the petitioner must provide notice as required by ICWA to the parent, Indian custodian, and tribe by registered or certified mail with return receipt requested. If the identity or location of the parent or Indian custodian cannot be determined, the petitioner must notify the Secretary of the Interior by registered or certified mail, who has 15 days after receipt of mailing to provide the requisite notice to the parent or Indian custodian and the tribe. The notice must advise the parent or Indian custodian and the tribe of their right to intervene.
- (d) **Court's Duty Upon Receiving a Petition.** Upon receiving a petition to revoke a permanent guardianship, the court:
- (1) must appoint an attorney and GAL for the child;
 - (2) must set an initial revocation hearing no later than 45 days after the filing of the petition and notify the petitioner, the child's attorney and GAL, the child's parent, and the permanent guardian of the hearing date; and
 - (3) may, if the court has reason to believe that the child is at risk of abuse or neglect, order DCS to investigate and provide a report to the court and the parties no later than 10 court days after the order is entered.
- (e) **Initial Revocation Hearing.** At the initial revocation hearing, the court must determine whether a copy of the petition was served as required by section (c); whether DCS, if ordered to investigate, provided its investigative report to the court and parties; and whether a parent, permanent guardian, the child's attorney, or GAL

objects to the petition. At the conclusion of the initial revocation hearing, the court may:

- (1) continue the initial hearing to allow the petitioner and DCS to complete their responsibilities under subparts (c)(1) and (d)(3);
- (2) order the GAL to prepare a report to the court and to provide a copy of the report to the parties, and continue the initial hearing pending completion of those actions;
- (3) set a contested hearing if a party objects to the petition;
- (4) grant the petition if there is no objection and the court has made the required findings under section (g); and
- (5) enter interim orders.

(f) Contested Hearing. If the petition is set for a contested hearing, the petitioner must meet the burden of proof required by A.R.S. § 8-873 (C) or (D). The court may consider any evidence at the hearing that is admissible under Rule 104(b).

(g) Considerations. Before entering findings and orders, the court must consider:

- (1) the child's position;
- (2) the duration of the guardianship;
- (3) the level of contact between the parent and the child during the guardianship; and
- (4) any other relevant factor.

(h) Findings. The court's findings must be contained in a signed minute entry or order. If the child was adjudicated dependent, the court must make findings under A.R.S. § 8-873(C). If the child was not adjudicated dependent, the court must make findings under A.R.S. § 8-873(D). The court must also:

- (1) make findings related to the considerations in section(g); and
- (2) make findings required by ICWA if the child is an Indian child.

(i) Orders. The court must enter an order granting or denying the petition to revoke the permanent guardianship. Upon revoking the guardianship, the court may:

- (1) order the child returned to the legal and physical custody of a parent;
- (2) enter other orders that may be appropriate.

Rule 350. Reunification Services When a Dependency Petition is Filed During a Permanent Guardianship

(a) Generally. The provisions of this rule apply when a dependency petition is filed while the child is in the custody of a permanent guardian. In that circumstance, the court under A.R.S. § 8-873.01 must order reunification services for the parent whose child was previously adjudicated dependent if the parent meets the requirements of section (b).

(b) Requirements. After the parent has been notified of the dependency petition, the parent must:

- (1)** be willing to care for the child;
- (2)** at the parent's first appearance, request the court – orally or in writing – to participate in reunification services; and
- (3)** prove by clear and convincing evidence that there has been a significant change of circumstances demonstrating that the parent may be able to care for the child and that reunification services are in the child's best interests.

(c) Procedure. If a parent is willing to care for the child and requests to participate in reunification services, the court must set a hearing to determine whether the parent can prove the requirements in section (b).

(d) Findings and Orders. Findings must be contained in a signed minute entry or order. If the court finds that the requirements of section (b) have been proven, the court must order DCS to provide reunification services.

Rule 419. Notice of Completed Adoption

(a) Generally. The purpose of this rule is to assure that a parent's child support obligations terminate upon adoption of the child, as required under A.R.S. §§ 8-117, 8-539, and 25-503(Q)(3).

(b) Verified Parent Information Form (Form 7).

(1) Either DCS or the prospective adoptive parent must complete a Verified Parent Information form, Form 7, and provide the completed form to the juvenile court clerk no later than 10 days before the adoption hearing. DCS must complete the form if the child is dependent. Otherwise, the prospective adoptive parent must complete the form.

(2) Form 7 must include:

(A) the child's full name and date of birth; and

(B) the full name, date of birth, and social security number for each parent whose rights were terminated after consent or by court order.

(3) The juvenile court clerk must maintain Form 7 as an unfiled document in the adoption case.

(c) Search of the Registry. At the time the court enters an adoption order and using the information provided in Form 7, the clerk must search the Arizona state case registry established under A.R.S. § 46-442 for both Title IV-D and Non-IV-D cases to determine whether there is a child support order for the adopted child.

(d) Search Results; Notice of Completed Adoption (Form 8). If the clerk's search confirms the existence of a child support order, the clerk must take the following action as applicable.

(1) If there is a child support order in a Title IV-D case, whether it is an in-state or out-of-state order, the clerk must transmit a completed Notice of Completed Adoption, Form 8, to the Arizona IV-D agency.

(2) If there is a child support order in an in-county, non-IV-D case, the clerk must send a completed Form 8 to the last known address of the parties in the family law case and their attorney of record.

(3) If there is a child support order in an out-of-county, non-IV-D case, the clerk must transmit a completed Form 8 to the clerk of that county. The receiving clerk also must send a completed Form 8 to the to the last known address of the parties in the family law case and their attorneys of record; or

(4) If a child support order is listed on Form 7 for an out-of-state court in a non-IV-D case, the clerk must send a completed Form 8 to the address of the parties listed on Form 7.

(e) **Clerk's Subsequent Duties.** After completing the responsibilities specified above, the clerk must:

- (1) file Form 8 in the Arizona family law case, if an Arizona case has been identified, as a confidential record under Family Law Rule 43.1(h); and
- (2) destroy Form 7.

Rules of Family Law Procedure

Rule 43.1. Filings, Pleadings, and Other Documents

(a) – (g) [No change]

(h) Notice of Completed Adoption. A notice of completed adoption (Juvenile Form 8), a motion to modify or terminate child support based on the adoption of a child, any response, or an associated minute entry or order terminating child support, must be treated as a confidential record.

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Representing [] Self or Attorney for [] _____
Lawyer's Bar Number: _____

For Clerk's Use Only

_____ COURT OF ARIZONA
IN _____ COUNTY

In the Matter of:

Case Number: _____

**CONFIDENTIAL VERIFIED
PARENT INFORMATION FORM
[Form 7]**

(Names of Child(ren) under 18 years of age)

(Assigned to Hon. _____
Division _____)

- **This form must be submitted to the juvenile court clerk not later than 10 days before the adoption hearing. Please use additional sheets if necessary.**
- **If the child is a ward of the court, DCS must complete this form.**
- **If the child is not a ward of the court, the prospective adoptive parent must complete this form.**
- **A separate form is required for each child with different biological parents.**
- **Do not add to this form other confidential information from the adoption case, including but not limited to the name(s) the child/ren will bear after adoption. Include the name of the prospective adoptive parent only if that person signs this form.**

Child/ren's Full Name

Child/ren's Date of Birth

Parents' Information:

Mother's Full Name

Date of Birth

Social Security Number

Case Number: _____

Other Known Names for Mother:

Mother's Last Known Mailing Address and Email Address:

Father's Full Name

Date of Birth

Social Security Number

Other Known Names for Father:

Father's Last Known Mailing Address and Email Address:

Child Support Order Information:

The above-named child/ren are subject to a child support order. ___ Yes ___ No ___ Unknown

If yes, please provide the following information: The child support order was issued:

On this date: _____

In this county and state: _____

Under this case number: _____

ATLAS Number: _____

VERIFICATION: I declare under penalty of perjury that the foregoing is true and correct.

Signature of the person completing this form and the date:

Prospective Adoptive Parent

Date

DCS/by:

Date

Person Filing: _____
 Address (if not protected): _____
 City, State, Zip Code: _____
 Telephone: _____
 Email Address: _____
 Representing [] Self or Attorney for [] _____
 Lawyer's Bar Number: _____

For Clerk's Use Only

_____ **COURT OF ARIZONA**
IN _____ **COUNTY**

In the Matter of:

Case Number: _____

**NOTICE OF COMPLETED
 ADOPTION
 [Form 8]**

(Names of Child(ren) under 18 years of age)

(Assigned to Hon. _____
 Division _____)

You are hereby notified that the following child/children were adopted.

Full Name of Child	Date of Birth	Date of Adoption
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The obligation to pay child support is terminated by operation of law when a child is adopted under A.R.S. §§ 8-539 and 25-530(Q). However:

- You may need to request that your income withholding order be stopped.
- The order may not terminate if the order is for more than one child, and they are not all adopted.
- Child support arrears from prior to adoption are not extinguished by the adoption and the parent entitled to receive the support or a state child support agency may still be entitled to collect arrears.

Case Number: _____

If you have received this notice, you may want to seek legal advice about what steps you need to take with regards to your child support order. If your case is being enforced by the Arizona Division of Child Support Service, you can contact your caseworker for additional information.

Clerk of the Court

Date

Distribution:

This Notice must be filed by the Clerk of the Court as a Confidential Document pursuant to Rule 43.1(h), Rules of Family Law Procedure.

Derivation Table

New Rule #	This column shows the title of the new juvenile rule.	The new rule is derived from the former rule shown in this column. A new rule might derive from multiple former rules, as shown. In some instances, a new rule might have incorporated only a portion of the referenced former rule.
Part I: GENERAL PROVISIONS		
101	Scope and Construction	1. Applicability; Definitions; Required Format of Stipulations; Motions and Orders
102	Definitions	1. Applicability; Definitions; Required Format of Stipulations; Motions and Orders 47.2. Minute Entries
103	Priority of Proceedings; Conducting Proceedings; Applicability of Other Rules of Procedure	6. Formality of Proceedings
104	Applicability of the Arizona Rules of Evidence; Admissibility of Evidence and Reports	32. Revocation of Probation 45. Admissibility of Evidence 47.3. Court Authorized Removal 51. Review of Temporary Custody 55. Dependency Adjudication Hearing 56. Disposition Hearing 58. Review Hearing 59. Return of the Child 60. Permanency Hearing 63. Guardianship Adjudication Hearing 66. Termination Adjudication Hearing 77. Certification to Adopt
105	Form of Filed Documents	1. Applicability; Definitions; Required Format of Stipulations; Motions and Orders
106	Serving Documents After Service of Case Initiating Documents	15. Motions 46. Motions 74. Motions
107	Computing and Extending Time	17. Computation of Time 43. Computation of Time 72. Computation of Time
108	Change of Judge	2. Change of Judge or Commissioner
109	Combining Hearings	14. Consolidation of Hearings
110	Virtual Proceedings; Declared Emergencies	13. Attendance of Witnesses and Counsel by Telephone or Video Conference

Derivation Table

		42. Telephonic Testimony, Video Conferencing 71. Telephonic Testimony, Video Conferencing
111	Indian Child Welfare Act (“ICWA”)	8. Applicability of the Indian Child Welfare Act
112	Court-Appointed Special Advocate (“CASA”)	3. Appointment of Special Advocate
113	Intervention	New
114	Forms	Appendix: Forms
	PART II: DELINQUENCY	PART II: DELINQUENCY AND INCORRIGIBILITY
	1. Delinquency Scope and Procedures	1. General Delinquency Provisions
201	Scope of the Delinquency Rules	New
202	Referral; Diversion	22. Pre-petition Investigation and Diversion 33. Disposition of Non-Felony Offenses
203	Content of a Delinquency Petition	24. Content of Petition
204	Filing a Delinquency Petition	25. Filing of a Petition
205	Notice to Appear; Service; Failure to Appear	26. Service of Petition and Notice to Appear
206	Appointment of an Attorney for a Juvenile	10. Appointment and Waiver of Counsel
207	Attorney’s Appearance and Withdrawal	11. Appearance of Counsel
208	The Juvenile’s Attendance at Court Proceedings; Restraints	12. Attendance of Juvenile at Proceedings
209	Attendance of Witnesses and Appearance of Attorneys by Telephone or Video Conference	13. Attendance of Witnesses and Counsel by Telephone or Video Conference
210.	Disclosure	16. Discovery
211	Subpoenas	27. Subpoenas
212	Computation of Time in a Delinquency Case	17. Computation of Time
213	Speedy Justice	18. Duties of Counsel; Speedy Justice

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214	Victims' Rights	21. Rights of Victims
215	Records and Proceedings	19. Records and Proceedings
216	Motions	15. Motions
217	Mandatory Judicial Determinations	19.1. Mandatory Judicial Determinations; Determinations Required Under Title IV-E of the Social Security Act
	2. Delinquency Proceedings	2. Delinquency and Incurrigibility Proceedings
218	Detention and Probable Cause Hearing	23. Detention and Probable Cause Hearing
219	Advisory Hearing	28. Advisory Hearing
220	Admission or Change of Plea	28. Advisory Hearing
221	Adjudication Hearing	29. Adjudication Hearing
222	Disposition	30. Disposition
223	Probation	31. Probation
224	Revocation of Probation	32. Revocation of Probation
225	Intercounty Transfers	20. Intercounty Transfers
226	Transfer for Criminal Prosecution	34. Transfer for Criminal Prosecution
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	PART III. CHILD DEPENDENCY AND GUARDIANSHIP; TERMINATION OF PARENTAL RIGHTS	PART III. DEPENDENCY, GUARDIANSHIP, AND TERMINATION OF PARENTAL RIGHTS
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303	Assignment and Appointment of an Attorney; Advisory Attorney	38. Assignment, Appointment of Counsel
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305	Appointment of a GAL	40. Appointment of Guardian Ad Litem
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307	Duties of a Parent's Attorney	40.2. Duties and Responsibilities of Appointed Counsel for Parent Representation
308	Duties of a Parent's GAL	40. Appointment of Guardian ad Litem
309	Education Requirements for Court-Appointed Attorneys and GALs	40.1. Duties and Responsibilities of Appointed Counsel and Guardians Ad Litem

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312	Public Attendance at Hearings	41. Attendance at Hearings
313	Release of Information	47. Release of Information
314	Change of Venue	New
315	Disclosure and Discovery	44. Disclosure and Discovery
316	Motions	46. Motions
317	Altering or Amending a Final Order	New
318	Motions to Continue, for Summary Judgment, and to Set Aside a Final Order	46. Motions
319	Motions for Judgment as a Matter of Law	New
320	Placement Preferences	New
321	ICWA Placement Preferences	50.1. Deviation from Placement Preferences
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324	Providing Notice of a Change in a Child’s Placement	New
325	Mandatory Judicial Determinations	47.1. Mandatory Judicial Determinations
326	Required Admonition and Findings	New
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329	Service of the Dependency Petition, Temporary Orders, and Notice of Hearing	48. Petition, Temporary Orders and Findings, Notice of Hearing, and Service of Petition
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341	Review Hearing	58. Review Hearing
342	Motion for Return of the Child	59. Return of the Child
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	4. Guardianship Proceedings	4. Permanent Guardianship
344	Motion, Notice of Hearing, Service of Process, and Order for Permanent Guardianship	61. Motion, Notice of Hearing, Service of Process, and Order for Permanent Guardianship
345	Initial Guardianship Hearing	62. Initial Guardianship Hearing
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347	Successor Permanent Guardianships	63.1. Motion, Notice of Hearing, Service of Process and Orders for Successor Permanent Guardianship
348	Initial Successor Permanent Guardianship Hearing	63.2. Initial Successor Permanent Guardianship Hearing
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350	Reunification Services When a Dependency Petition Is Filed During a Permanent Guardianship	New
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351	Petition, Motion, Notice of Hearing and Service of Process and Orders	64. Motion, Petition, Notice of Hearing and Service of Process and Orders
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Derivation Table

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