

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-21-0036
RULES 94 AND 102 RULES OF)
PROCEDURE FOR THE JUVENILE COURT) **FILED: 12/8/2021**
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_____)

**ORDER ADOPTING ON A PERMANENT BASIS
AMENDMENTS TO RULES 94 AND 102 OF
THE RULES OF PROCEDURE FOR THE JUVENILE COURT**

On June 30, 2021, David K. Byers, on behalf of the Administrative Office of the Courts, filed a rule petition proposing the adoption, on an emergency basis, of amendments to Rules 94 and 102 of the Rules of Procedure for the Juvenile Court. On July 1, 2021, the Court granted Petitioner's request for expedited consideration and opened the petition for public comment until October 1, 2021.

Following the August 2021 Rules Agenda, the Court entered an order on August 25, 2021 adopting the rule amendments on an emergency basis under Rule 28(h)(2) of the Rules of the Supreme Court of Arizona, effective September 29, 2021. The order also provided that during the December 2021 Rules Agenda, the Court would consider whether to adopt the rule changes on a permanent basis.

As the Court has not received any comments and as the Court remains convinced that the rule amendments are appropriate,

IT IS ORDERED that the amendments to Rules 94 and 102 of the Rules of Procedure for the Juvenile Court, which the Court adopted on an emergency basis on August 25, 2021, are hereby adopted permanently in accordance with the attachment to this order, effective January 1, 2022. The amendments shown on the attachment are the same as the amendments shown on the attachment to this Court's August 25, 2021 order.

IT IS FURTHER ORDERED that, consistent with this Court's December 2021 order regarding R-20-0044, Rules 94 and 102 as amended will be abrogated, effective July 1, 2022.

DATED this 8th day of December, 2021.

_____/s/_____
ROBERT BRUTINEL
Chief Justice

Arizona Supreme Court No. R-21-0036

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TO:

Rule 28 Distribution

David K Byers

ATTACHMENT¹

RULES OF PROCEDURE FOR THE JUVENILE COURT

Rule 94. Petition, Filing, Content and Documentation Requirements.

A. Filing of Petition. A minor seeking emancipation may file a petition for emancipation with the clerk of the court in the county in which the minor resides if all of the following apply:

1. – 4. [No change]

~~5. The minor is not a ward of the court and is not in the care, custody and control of a state agency.~~

B. Content of petition. A petition for emancipation shall be made in writing, under oath, captioned: “In the Matter of Emancipation of ____, a minor.” It shall set forth:

1. – 2. [No change]

3. Specific facts and documentation to support the petition, including:

(a) The petitioner’s demonstrated ability to manage the petitioner’s financial affairs including proof of employment, an offer of employment, or other means of support.

(b) – (f) [No change]

C. – D. [No change]

* * *

Rule 102. Findings, Order of Emancipation.

A. The court shall determine emancipation based on the best interests of the petitioner and shall consider the following:

1. – 3. [No change]

4. The financial resources of the petitioner, including any employment history or offer of employment.

5. – 7. [No change]

¹ Additions to the text of the rule are shown by underscoring and deletions are shown by ~~strike-through~~.

B. If the court finds emancipation is in the best interests of the petitioner, the court shall:

1. Make the following findings as a matter of record:

(a) – (d) **[No change]**

~~(e) The petitioner is not a ward of the court and is not in the care, custody and control of a state agency.~~

2. – 4. **[No change]**

C. [No change]