

A r i z o n a J u v e n i l e C o u r t s

**Terminating
Parental Rights
by Jury Trial
in Arizona:
A First Year Look**

May 2005



 **CHILDREN'S
ACTION
ALLIANCE**

Q What were the outcomes of cases when jury trials were requested but did not go to trial?

A *The vast majority (87%) of cases involving jury trial requests were resolved before jury trials were held.*

Of the 167 jury trials requested, 39 cases were pending as of December 17, 2004. Of the remaining cases, 128 reached some form of resolution. Seventeen (17) cases resulted in completed trials where juries rendered verdicts,¹⁴ and 111 cases reached some other form of resolution without a jury rendering a verdict.

Table 3 shows that half of the cases where the parent initially requested a jury trial resulted in bench trials either because the parent withdrew the jury trial request, failed to appear at the jury trial, or failed to appear at the pre-trial conference. Just under one-third (34 cases) of the parents requesting jury trials relinquished their parental rights at some point before juries rendered verdicts in their trials. And in eight percent of the cases that did not go to jury trial, CPS withdrew its motion for severance.

Q Why are relatively few TPR jury trials actually completed and when do they tend to resolve?

A *In this first year, many cases involving jury trial requests resolved close to or on the first day of trial.*

There appear to be a number of reasons why jury trials are not held. These include:

- Mandatory mediation in some counties which helps many of these matters resolve before trial, particularly if relatives are involved and present an alternative placement for the child.
- Many parents who initially request trials (either jury or bench trials) do not show for pre-trial hearings (or mediation) which can lead the court, after consideration of the evidence, to sever their parental rights.
- Some parents realistically assess their chances before juries (or judges) and ultimately agree to the child’s permanent placement before or soon after a trial commences.

	Number of cases (N=111)	Percentage of jury trial requests reaching of resolution without a trial being held
Jury trial request withdrawn by parent, bench trial ordered	27	24%
Parent failed to appear at trial, bench trial held in absentia	7	6%
Right to jury trial denied by judge due to non-appearance of parent at pre-trial conference, bench trial ordered	22	20%
Parent relinquished, jury trial vacated	34	31%
Guardianship agreed to, trial vacated	5	5%
Motion for summary judgment granted, parental rights terminated	6	5%
Motion for termination withdrawn by CPS	9	8%
Dependency adjudication set aside on appeal, no trial	1	<1%