

David K. Byers  
Administrative Office of the Courts  
1501 W. Washington, Suite 414  
Phoenix, Arizona 85007-3231  
602-452-3283

**ARIZONA SUPREME COURT**

In the matter of :	)	
	)	
PETITION TO AMEND PROPOSED	)	Supreme Court No. R-08-0020
RULE 41, RULE 47.1, RULE 50, RULE 56,	)	
RULE 58, RULE 60, RULE 61, RULE 63	)	REPLY TO COMMENTS
AND RULE 79; AND PETITION TO	)	
ADOPT PROPOSED RULE 61.1 AND 62.1)	)	
_____	)	

David K. Byers, Director of the Administrative Office of the Courts and petitioner in this matter hereby replies pursuant to Rule 28(D) to comments requested and received by the Court and to issues raised regarding this petition. In particular, this is a reply to the comment filed by the Honorable Samuel A. Thumma, joined and adopted by the Honorable Barbara Rodriguez Mundell.

**REPLY TO RECOMMENDED CHANGES IN PROPOSED RULES I, II and III**

Petitioner does not object to Judge Thumma’s comments concerning the form of drafting: that the Proposed Rules should “Expressly state that Proposed Rules 61.1 and 62.1 Apply Only to Title 8 Guardianships,” calling for the Rules to “provide for more specificity regarding the Motion to Appoint Successor Permanent Guardian and Affidavit of Proposed Successor Permanent Guardian, and suggesting to “Change terms to avoid confusion and comport with Current Usage.”

**REPLY TO RECOMMENDED CHANGE IV (CLARIFY THAT THE PROPOSED SUCCESSOR GUARDIAN HAS NO RIGHT TO COURT APPOINTED COUNSEL.)**

Petitioner respectfully disagrees with this comment and suggests that the wording of Rule 38(b) is sufficient regarding right to court appointed counsel.

**REPLY TO RECOMMENDED CHANGE V. (CONFORM PROPOSED RULE 62.1(a) TO OTHER JUVENILE COURT RULES.)**

Petitioner does not object to the proposed changes suggested, if the Court prefers form of drafting recommended by Judge Thumma.

**REPLY TO RECOMMENDED CHANGE VI (SPECIFICITY REGARDING BURDEN OF PROOF)**

Petitioner takes no position regarding this recommended change.

**REPLY TO RECOMMENDED CHANGE VII. (RENUMBER PROPOSED RULES TO REFLECT CHRONOLOGY OF HEARINGS).**

Petitioner takes no position regarding this recommended change.

**REPLY TO RECOMMENDED CHANGE VIII (TECHNICAL CORRECTIONS)**

Petitioner does not object to the recommended technical changes.

Respectfully submitted this 30th day of June, 2009.

By \_\_\_\_\_  
David K. Byers, Director  
Administrative Office of the Courts  
1501 W. Washington  
Phoenix, Arizona