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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) AMENDMENT TO THE REPLY
NEW FORMS 7 AND 8, AND TO)
AMEND FAMILY LAW RULE 43.1)
_____)

After filing its Reply, the Editorial Group was advised of an oversight in section (d) of its proposed amendments to Rule 419. The Editorial Group accordingly files this Amendment to its Reply, which proposes a modification to the text of section (d).

Rule 419(c) (“Search of the Registry”) requires the juvenile court clerk, using the information provided in Form 7, to perform a search of the referenced Arizona state case registry “at the time the court enters an adoption order.” That is, the adoption order must be entered before the clerk’s search of the registry.

Section (d), as proposed in yesterday’s Reply, provided:

(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 no later than 30 days after Form 7 is [provided to] [filed with] the juvenile court clerk, as applicable.

Here is the oversight. If Form 7 is filed more than 30 days before the adoption hearing, then applying the above verbiage means that the time for the clerk to take the actions specified in section (d) would have expired before the adoption hearing occurred. In another scenario, if Form 7 is filed 10 days before the adoption hearing but the hearing is thereafter postponed, the time for the clerk to act would once again expire before the hearing. Yet as section (c) provides, the clerk cannot act until the time that the court enters the adoption order.

To properly address the timing, the Editorial Group proposes the following alternative amendment to section (d):

(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, no later than 30 days after entry of the adoption order ~~as applicable.~~

The date of entry of the adoption order is readily ascertainable, and 30 days should provide adequate time for the clerk to perform the specified tasks. The Editorial Group requests the Court to replace the amendment to section (d) shown in the Appendix to the Reply with the alternative amendment shown directly above.

RESPECTFULLY SUBMITTED this 1st day of June 2022.

By /s/ Rebecca White Berch
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Chair of the Task Force Editorial Group

Copy emailed this 1st day
of June 2022 to:

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