

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-23-0040
RULES 206, 325, 327, 334)
AND FORM 8, RULES OF PROCEDURE)
FOR THE JUVENILE COURT)
) **FILED 12/06/2023**
)
)
_____)

**ORDER ADOPTING ON A PERMANENT BASIS
AMENDMENTS TO RULES 206, 325, 327, AND 334 OF THE
RULES OF PROCEDURE FOR THE JUVENILE COURT AND FORM 8**

On July 15, 2023, David K. Byers, on behalf of the Administrative Office of the Courts, filed a rule petition to amend Rules 206, 325, 327, and 334 of the Rules of Procedure for the Juvenile Court, along with Form 8 to those rules. At that time, the Court granted the request for expedited consideration and opened the petition for public comment through October 2, 2023.

Following the August 2023 Rules Agenda, the Court entered an order on August 24, 2023, adopting the rule and form amendments on an emergency basis under Rule 28(h)(2) of the Rules of the Supreme Court of Arizona. The order also provided that during the December 2023 Rules Agenda, the Court would consider whether to adopt the rule and form amendments on permanent basis.

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

Arizona Supreme Court No. R-23-0040

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TO:

Rule 28 Distribution

David K Byers

ATTACHMENT¹

RULES OF PROCEDURE FOR THE JUVENILE COURT

Rule 206. Appointment of Attorney for a Juvenile

(a)–(b) [No change]

(c) ~~Determination of the Cost of a Court-Appointed Attorney.~~ ~~The court may order the juvenile’s parent to provide proof of financial resources by completing the court’s financial questionnaire. The court also may question the parent under oath about the parent’s available financial resources.~~ If the court determines the juvenile is entitled to a court-appointed attorney, the court may order the juvenile’s parent to pay a reasonable portion of the cost of a court-appointed attorney. The cost of a the court-appointed attorney may not be assessed against the juvenile, the juvenile’s parent, DCS or ADJC.

(d)–(e) [No change]

* * *

Rule 325. Mandatory Judicial Determinations

(a)–(c) [No change]

(d) At the Preliminary Protective Hearing and Initial Dependency Hearing.

(1) At the preliminary protective hearing and the initial dependency hearing, the court must determine whether DCS is attempting to identify and assess:

(1A) placement of the child with the child’s grandparent or other member of the child’s extended family, including a person who has a significant relationship with the child, and

(2B) placement of the child with the child’s siblings, if such placement is possible and is in the child’s best interests.

(2) At the initial dependency hearing, the court must also determine whether DCS is conducting a due diligence search under A.R.S. § 8-514.07.

(e)–(j) [No change]

* * *

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

Rule 327. Court Authorized Removal

(a)–(c) [No change]

(d) Findings and Orders.

(1) *Content.* An order granting an application must:

(A)–(C) [No change]

(D) state whether remaining in the child’s home is contrary to the welfare of the child as required by Rule 325(c); ~~and~~

(E) if there is reason to know that the child an Indian child, find that authorization of temporary custody is necessary to prevent imminent physical damage or harm to the child, as required by 25 C.F.R. § 23.113(b)(1); and

(F) require DCS to initiate a due diligence search under A.R.S. § 8-514.07.

(2)–(5) [No change]

* * *

Rule 334. Initial Dependency Hearing

(a)–(d) [No change]

(e) Determination. If DCS is the petitioner, the court should determine:

(1) whether DCS placed, or is conducting a due diligence search under A.R.S. § 8-514.07 and attempting to place, the child with a grandparent or another member of the child’s extended family, including a person who has a significant relationship with the child;

(2) whether DCS placed, or is attempting to place, the child with the child’s siblings, if such placement is possible and is in the child’s best interests, and if that is not possible, to maintain frequent visitation or other ongoing contact between all siblings; ~~and~~

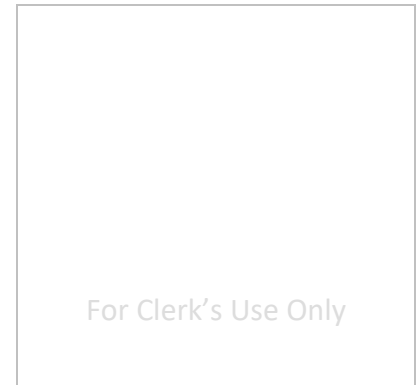
(3) identify on the record all the documents the court has received and will consider, including DCS’s report prepared pursuant to A.R.S. § 8-824(H) and other evidence permitted by A.R.S. § 8-825; and

(4) whether the parent is providing the court and DCS with the names, relationships, and contact information necessary to locate persons who are related to the child or who have a significant relationship with the child.

(f)–(g) [No change]

Form 8. Notice of Completed Adoption

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Representing [] Self or [] Attorney for: _____
State Bar No. (if any): _____



_____ **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~~ 25-503(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.

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 Services, 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.