

SUPREME COURT OF ARIZONA

In the Matter of ) Arizona Supreme Court  
 ) No. R-24-0014  
RULES 304 AND 306, RULES OF )  
PROCEDURE FOR THE JUVENILE COURT )  
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 )  
 ) **FILED 08/22/2024**  
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**ORDER AMENDING RULES 304 AND 306 OF  
THE RULES OF PROCEDURE FOR THE JUVENILE COURT**

A petition having been filed proposing to amend Rules 304 and 306 of the Rules of Procedure for the Juvenile Court, and comments having been received, upon consideration,

**IT IS ORDERED** that Rules 304 and 306 of the Rules of Procedure for the Juvenile Court are amended in accordance with the attachment to this order, effective January 1, 2025.

DATED this 22nd day of August, 2024.

\_\_\_\_\_  
/s/  
ANN A. SCOTT TIMMER  
Chief Justice

TO:

Rule 28 Distribution  
Thomas Jose  
Hon Samuel A Thumma

## ATTACHMENT<sup>1</sup>

### RULES OF PROCEDURE FOR THE JUVENILE COURT

#### Rule 304. Appearance, Substitution, and Withdrawal; Responsibilities of Parties

(a) [No change]

(b) **Attorney's Duties.**

(1) [No change]

(2) *Representation.* After an attorney has appeared of record in any action, the attorney will be responsible for all matters involving the action until:

(A)–(C) [No change]

(D) if an attorney represented the party solely on appeal, the issuance of an appellate mandate.

(c) [No change]

(d) **Attorney Substitution.**

(1) [No change]

(2) *Within the Same Firm or Office.* If a pending case is transferred within the same law firm or governmental office, the court must be notified of the new attorney of record, including any changes in the physical or email address. An order of substitution is not required. If such a transfer is made for purpose of appeal, the notice shall be filed with the appellate court before which the case is pending.

(e) [No change]

**(f) Concurrent Appellate Attorney for Child.** A child's attorney may request that the juvenile court appoint different counsel to represent the child during an appeal while the child's trial counsel continues to represent the child in any ongoing proceedings in the trial court. Both attorneys shall ensure that the child is kept apprised of the appeal.

**(fg) Duty of Attorney After Withdrawal or Substitution.** No later than 7 days after withdrawal or substitution, other than a substitution from within the same firm or office, the former attorney must transfer the file and provide the client's most current contact information and all disclosure to the new lawyer or to the client, if self-represented. The attorney must preserve the file if the client's whereabouts are unknown.

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

**(gh) Responsibility to the Court.**

(1)–(3) [No change]

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**Rule 306. Duties of Child’s Attorney or a Child’s GAL**

**(a) [No change]**

**(b) Provide Information About Court Proceedings.** An attorney and GAL must keep the child informed, in an age and developmentally appropriate manner, of the nature of each court proceeding, the child’s right to attend hearings and speak with the judge, any benefits or consequences of the child’s participation or lack of participation, the possible outcomes of each hearing, the child’s appellate rights, and other legal rights regarding the dependency proceeding, and must explain the outcome of each hearing to the child.

**(c) Participate in the Proceedings.** When appropriate, an attorney and GAL must participate in discovery, file pleadings, and subpoena witnesses. An attorney and GAL must develop a position for each hearing. The duties of an attorney and GAL include identifying appropriate family and professional resources for the child. The attorney and GAL must inquire of the child regarding potential placements and communicate this information to DCS and the court as appropriate. The child’s attorney must also ensure the child’s position is fully and fairly represented during an appeal, which may include the filing of a brief or a notice of joinder in another party’s brief.

**(d) Meet with the Child.** The attorney and GAL must meet in person with the child before the preliminary protective hearing, or if that is not possible, no later than 14 days after the preliminary protective hearing. The attorney must ensure that the child has the attorney’s contact information, which may include providing such information to the child’s caregiver. Thereafter, the attorney and GAL must have meaningful in-person communication with the child before every substantive hearing. Substantive hearings include all preliminary protective hearings, all review hearings, permanency hearings, any hearings involving placement, visitation or services, or any hearing to adjudicate dependency, guardianship, or termination. Upon a showing of extraordinary circumstances, a judge may modify the requirements of this section for a particular substantive hearing. At each substantive hearing the attorney and the GAL must inform the court of the child’s position concerning pending issues and the GAL must inform the court of what is in the child’s best interests. If the child is not present, the attorney or GAL must provide an explanation for the child’s absence.

**(e)–(i) [No change]**