

Hon. Anna Young, Chair
Committee on Juvenile Courts
1501 W. Washington St.
Phoenix, AZ 85007
Projects2@courts.az.gov

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the matter of:)
)
PETITION TO AMEND RULES 316(d),) Supreme Court No. 24-_____
RULES OF PROCEDURE FOR THE)
JUVENILE COURT)
)
_____)

Pursuant to Rule 28 of the Rules of the Supreme Court of Arizona, the Committee on Juvenile Courts (“Petitioner”), respectfully petitions this Court to amend Rule 316(d) of the Rules of Procedure for the Juvenile Court to clarify that a party who objects to a motion must file a written objection.

I. Background

Juvenile Rule 316 (“motions”) sets out the requirements for motions filed in dependency, Title 8 guardianship, and termination of parental rights cases. Under subsection (a), motions must be in writing and state the other parties’ position on the issues raised, i.e., whether the other parties agree, disagree, or their positions are unknown. Subsection (d) provides that except as otherwise provided by rule or statute, the court may rule on the motion with or without a hearing “if no party objects” or the time for response has expired. It is unclear, however, how the court

may determine whether “no party objects,” i.e., whether the position stated in the motion suffices, a written objection from the party is necessary, etc.

Accurately determining whether a party objects becomes even more difficult, if not impossible, when the motion states that the other parties’ positions are unknown and no written objection has been filed. In such circumstances, the court is likely to default to scheduling a hearing to rule on the motion, even though other parties may not object and may not even appear. This presents an inefficient use of court and the filing party’s time and resources.

II. Proposed Amendments

Petitioner therefore proposes an amendment to Juvenile Rule 316(d) as set forth in the Appendix to clarify that if the motion states that no parties object, the court can rule on the motion with or without a hearing. The proposed amendment also clarifies that if a party objects, he or she must file a written objection prior to the expiration of the time for response, even if the parties’ opposition is stated in the motion. Otherwise, the court can rule with or without a hearing.

These amendments will provide a mechanism for determining whether a party objects to a motion so that the court can determine whether it may rule on the motion with or without a hearing.

III. Request.

Petitioner respectfully requests that this Court open this petition for public comment, consider the petition and comments in the regular course provided by Supreme Court Rule 28, and adopt the proposed amendments as set forth in the Appendix.

Respectfully submitted this 17th day of October, 2024.

By /s/ Hon. Anna Young
Hon. Anna Young, Chair
Committee on Juvenile Courts

APPENDIX

(deletions shown with ~~striketrough~~, new language is underlined)

Rules of Procedure for the Juvenile Court

Rule 316. Motions

(a) through (c) [No change]

(d) **Court Ruling.** Except as these rules or statutes provide otherwise, if ~~no party objects~~ a motion states that there is no opposition or the time for a response has expired, the court may rule on the motion with or without a hearing. If a motion states that a party objects or the position of a party is unknown, when the time for a response has expired, if no party has filed a written objection, the court may rule on the motion with or without a hearing.