

Hon. Anna Young, Chair
Committee on Juvenile Courts
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IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the matter of:	)	
	)	
PETITION TO AMEND RULE 415,	)	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 415 of the Rules of Procedure for the Juvenile Court to amend which documents must be provided to the court before an adoption finalization hearing and enlarge the timeframe for doing so.

I. Background

Juvenile Rule 415 (“documentation required to adopt”) sets out the documents that a petitioner must provide to the court before the court can finalize an adoption. Specifically, subsection (a) lists the documents that the petitioner must provide to the court at least ten days before the hearing to finalize an adoption, which includes, among other things, a copy of the birth certificate of the child to be adopted. Subsection (b) lists the documents that must be provided to the court at the hearing,

which includes a certified copy of the birth certificate of the child to be adopted and “all original consents as provided by law.”

Many times, parties arrive at the finalization hearing without the required original consents and/or without a certified copy of the birth certificate (presumably because they already provided a copy to the court under subsection (a)). In such cases, the court is unable to proceed with finalizing the adoption and must continue the hearing.

II. Proposed Amendments

Petitioner proposes amending Rule 415 to move the certified birth certificate requirement from subsection (b) (“at the hearing”) to subsection (a) (“before the hearing”) by amending (a)(1), which currently requires a copy of the birth certificate, to require a *certified* copy of the birth certificate. This will allow the court to ensure that it has a certified copy of the birth certificate before the hearing, instead of requiring the parties to provide a non-certified copy of the birth certificate before the hearing and then requiring a certified copy at the hearing. Petitioner also proposes moving the original consents requirement from subsection (b) to subsection (a).

The purpose of these proposed amendments is to implement a process in which the necessary documents are provided to the court before the hearing, to ensure that the court has all the documents it needs in order to proceed with finalizing the adoption. These amendments will reduce continuances and would mean that only

the Order of Adoption and Certificate of Adoption would need to be provided at the time of the hearing. Petitioner also proposes adding verbiage to Rule 415(b) to clarify that the Order of Adoption and Certificate of Adoption must be provided “by the petitioner.”

Petitioner also proposes enlarging the timeframe in (a) for providing these documents to the court, from 10 days to 15 days, so that if the court determines it does not have everything it needs, the parties have time to get what they need submitted to the court. The 10-day time frame is calendar days. Counting weekends and holidays, if any, can reduce the court’s time to review the documentation by as much as five days. This leaves a very small amount of time to remedy any issues after the documentation is reviewed, which can be rectified by enlarging the timeframe for providing these documents to the court before the hearing by five days.

Adoption hearings often have family or friends coming from out of town to participate in the hearing and ensuring that the court has all required documentation at the time of the hearing would prevent the inconvenience to all parties created by a hearing continuance or adoption denial.

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 415. Documentation Required to Adopt

(a) Before the Hearing. No later than ~~40~~15 days before the finalization of an adoption, the petitioner must provide to the court the following documents, if applicable:

- (1) a certified copy of the birth certificate of the child to be adopted;
- (2) through (8) [No change]
- (9) the original agreement between the birth parent and prospective adoptive parent regarding future communications among the parties, as provided by A.R.S. § 8-116.01;~~and~~
- (10) the social study required by A.R.S. § 8-112 or as ordered by the court;
and
- (11) all original consents as provided by law.

(b) At the Hearing. The following documents must be provided by the petitioner to the court at the hearing:

- (1) ~~a certified copy of the birth certificate of the child to be adopted;~~
- (~~2~~) the certificate of adoption; and
- (~~3-2~~) the order of adoption; ~~and~~
- (4) ~~all original consents as provided by law.~~