

Samuel A. Thumma
Chair, Arizona Commission on Access to Justice
Judge, Arizona Court of Appeals
Division One
State Courts Building
1501 West Washington Street
Phoenix, AZ 85007-3329
Telephone: (602) 452-6700

**IN THE SUPREME COURT
STATE OF ARIZONA**

IN THE MATTER OF:) Supreme Court No. R-25-0004
)
) **COMMENTS OF THE ARIZONA**
PETITION TO AMEND THE) **COMMISSION ON ACCESS TO**
ARIZONA RULES OF EVIDENCE) **JUSTICE SUPPORTING THE**
) **PETITION**
)
_____)

The Arizona Commission on Access to Justice is charged with considering and recommending innovative ways to promote access to justice for individuals who cannot afford legal counsel or who choose to represent themselves in civil cases. Established in 2014, the Commission evaluates best practices, identifies possible changes in court rules or practices to reduce barriers to access, identifies and encourages the adoption of best practices among legal service providers, and considers potential long-term funding options.

Following a presentation at the April 10, 2025, Commission meeting, a motion was made and seconded that the Commission support Rule Change Petition No. R-25-0004. After discussion by members of the Commission, that motion

passed. This Comment is a result of that formal Commission action and is intended to reflect the Commission’s support of the changes requested in the Petition.

This Petition seeks to amend the Arizona Rules of Evidence by adding Rule 807.1 titled “Hearsay Exception; Statement Made by a Child to a Forensic Interviewer.” The new rule would allow admission of recorded statements made by a child under the age of 15 to a forensic interviewer, provided the child testifies or is unavailable and previously provided sworn testimony. The child will still be subject to cross examination. The Commission supports this Petition. While the proposed rule appears to apply most often in criminal cases, this testimony can occur in the civil context as well. The amendment will likely increase the accuracy of testimony and make giving testimony less stressful for child witnesses, thereby increasing access to justice.

For these reasons, the Commission supports the adoption of the proposed amendments requested in Petition No. R-25-0004.

DATED this 30th day of April 2025.

_____/s/_____
Samuel A. Thumma
Chair, Arizona Commission on Access to Justice
Judge, Arizona Court of Appeals
Division One
State Courts Building
1501 West Washington Street
Phoenix, AZ 85007-3329