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**IN THE SUPREME COURT OF THE STATE OF ARIZONA**

|                                  |   |                            |
|----------------------------------|---|----------------------------|
| In the matter of:                | ) |                            |
|                                  | ) |                            |
| PETITION TO AMEND RULE 108(c) OF | ) | Supreme Court No. 25-_____ |
| THE RULES OF PROCEDURE FOR THE   | ) | (expedited consideration   |
| JUVENILE COURT                   | ) | and emergency adoption     |
|                                  | ) | requested)                 |
| _____                            | ) |                            |

Pursuant to Rule 28 of the Rules of the Supreme Court of Arizona, David K. Byers, Administrative Director, Administrative Office of the Courts, respectfully petitions this Court to amend Rule 108 (“change of judge”), Arizona Rules of Procedure for the Juvenile Court, as proposed in Appendix A. The proposed amendments are prompted by the enactment of House Bill (HB) 2295, Change of Judge; Impartiality; Juveniles, during the First Regular Session of the Fifty-seventh Legislature, as more particularly described below.

HB 2295 will become effective on September 26, 2025. Accordingly, Petitioner seeks expedited consideration of this petition and emergency adoption of the proposed amendments to Juvenile Rule 108(c), with an effective date of

September 26, 2025 for the amendments to Juvenile Rule 108(c)(4)(A) and an immediate effective date for the technical amendment to Juvenile Rule 108(c)(4)(B).

## **I. Grounds for Approval**

### **A. HB 2295, Change of Judge; Impartiality; Juveniles (Laws 2025, Ch. 80)**

HB 2295 creates A.R.S. § 8-865, which provides a statutory right to a change of judge with or without cause for actions initiated under Title 8, Chapter 4, Article 11 (“permanency determinations”). A.R.S. § 8-865 tracks Juvenile Rule 108 (“change of judge”), with the exception of 108(c)(4)(A) (“remand by appellate court”). Specifically, Juvenile Rule 108(c)(4)(A), applicable to all juvenile proceedings to which the Juvenile Rules apply, provides that “[i]f the appellate court remands a case that remains assigned to the original judge, the parties do *not* have a renewed right to a change of judge [without cause].” Emphasis added. A.R.S. § 8-865(F), however, provides that the parties *do* have a renewed right to a change of judge without cause in actions initiated under Title 8, Chapter 4, Article 11 if an appellate court remands a case that remains assigned to the original judge.

To align Juvenile Rule 108(c)(4)(A) with A.R.S. § 8-865(F), Petitioner proposes amending Juvenile Rule 108(c)(4)(A) to except permanency determinations as follows (additions shown in underline) and as set forth in Appendix A:

(A) If the appellate court remands a case that remains assigned to the original judge, the parties do not have a renewed right to a

change of judge except in permanency determinations as provided by A.R.S. § 8-865.

Additionally, while the change of judge process may be the prerogative of this Court, the current Juvenile Rule is inconsistent with the criminal and civil rules. Given the passage of this legislation, Petitioner files this petition to bring this matter to the attention of this Court, so it can decide whether to bring the current Juvenile Rule into line with other rule sets.

### **B. Technical Corrections**

Petitioner also proposes a technical amendment to Juvenile Rule 108(c)(4)(B) as set forth in Appendix A to correct a subpart reference.

## **II. Similar Petitions in Last Five Years**

No petitions relating to Juvenile Rule 108 have been filed during the 2025 Rules Cycle, and no similar petitions have been filed in the past five years.

## **III. Preliminary Comments**

This petition has not been sent to the court community for pre-filing comments because of its technical nature and due to the short period of time since the enactment of the new statutory provisions.

## **IV. Request for Expedited Consideration and Emergency Adoption**

HB 2295 will become effective on September 26, 2025. Therefore, as permitted by Supreme Court Rule 28(h), Petitioner respectfully requests that this Court expedite its consideration of this petition for inclusion on the August 2025

Rules Agenda; consider adoption of the proposed amendments as set forth in Appendix A on an emergency basis at that Agenda with an effective date of September 26, 2025 for the amendments to Juvenile Rule 108(c)(4)(A) and an immediate effective date for the amendments to Juvenile Rule 108(c)(4)(B); open the petition for comment; and consider adopting the proposed amendments on a permanent basis at this Court's November 2025 Rules Agenda.

Respectfully submitted this 30<sup>th</sup> day of June, 2025.

By /s/ David K. Byers  
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## APPENDIX A

### Rules of Procedure for the Juvenile Court (new language is underlined, deletions are ~~stricken~~)

#### **Rule 108. Change of Judge**

**(a) and (b) [No change]**

**(c) Without Cause.**

(1) through (3) [No change]

(4) *Remand by Appellate Court.*

(A) If the appellate court remands a case that remains assigned to the original judge, the parties do not have a renewed right to a change of judge except in permanency determinations as provided by A.R.S. § 8-865.

(B) If upon remand the case is assigned a new judge, a party who has not waived a right under subpart ~~(b)~~(3) or who has not previously filed a notice of change of judge of right may file a notice no later than 10 days after notice to the requesting party of the assignment of the case to a new judge.

**(d) [No change]**