

Anna Young, Chair
On behalf of the Committee on Juvenile Courts
Administrative Office of the Courts
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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the matter of:)	
)	
PETITION TO AMEND R. PRO.)	Supreme Court No. R-25-0056
JV. CT. 324)	
)	COMMENT OF THE
)	COMMITTEE ON JUVENILE
)	COURTS
)	
)	
_____)	

Pursuant to Rule 28(c), Rules of the Supreme Court of Arizona and this Court’s order dated January 22, 2026, the Committee on Juvenile Courts (COJC) hereby submits this Comment regarding Rule Petition No. R-25-0056 (“Petition”), a joint petition filed by the Directors of the Maricopa County Indigent Defense Agencies. The Petition proposes amending Rule 324 of the Rules of Procedure for the Juvenile Court concerning the required procedures when there is a change in a child’s placement.

Following discussion of this Petition at the April 23 2026, COJC meeting, a motion was made and seconded that the COJC file this Comment opposing Rule Change Petition No. R-25-0056. The motion passed unanimously. This Comment is

a result of that formal Committee action and is intended to reflect the COJC's discussion and recommendations on the amendments requested in the Petition.

I. Proposed Amendments

The Petition seeks to unnecessarily amend Juvenile Rule 324 by replacing the current notice-based procedure with a mandatory motion-based procedure whenever DCS seeks to change a child's physical placement. The Task Force on the Rules of Procedure for the Juvenile Court, which undertook the 2022 rules restyling, discussed Rule 324 at length and ultimately recommended the current framework for changes in child placement. That framework is working and does not warrant revision.

When DCS is granted legal decision-making authority through a dependency action, it has both the right and responsibility to make placement decisions for the child. One way parents are notified of this is through Form 1 ("notice to parent: dependency action"), which expressly informs them that if the child is adjudicated dependent, DCS will make decisions regarding the child's case and custody. DCS cannot simultaneously be granted placement authority and be required by statewide rule to obtain court approval in every case before exercising that authority. And although parents, children, and their advocates may prefer to be involved in those decisions beforehand, doing so is not always practical, possible, or in the child's best

interest. Moreover, this type of rule could be abused by parties resisting a move for reasons unrelated to the child's welfare.

The existing rule strikes the correct balance by requiring advanced notice when feasible and appropriate. Imposing a motion-based procedure in every non-emergency circumstance could delay necessary placements by 60 to 90 days or longer, as it would invoke Rule 316, requiring DCS to solicit party positions before filing, and potentially result in trials on placement decisions. Such delays are contrary to the child's best interests.

The Petition notes that "the general practice around the State is for parties to file a Motion for a Change in Physical Custody." Petition at page 2. The current rule does not prohibit that practice where it is appropriate. But making it mandatory through adoption of statewide rule imposes rigid requirements unsuitable for many cases. Although the proposed amendments include an "exigent circumstances" exception, that exception would almost certainly swallow the rule and even then, a motion and court order would still be required—an unnecessary formality in urgent situations.

II. Conclusion

The current rule is more flexible, efficient, and aligned with the overarching goal of safeguarding the child's best interests. It allows placement changes to occur without unnecessary delay while still providing for timely oversight when

appropriate. For these reasons and those discussed above, the COJC respectfully opposes the rule amendments proposed by the Petition and requests that this Court decline to adopt them.

Respectfully submitted this 23rd day of April, 2026.

/s/ Anna Young
Anna Young, Chair
On behalf of the Committee on Juvenile Courts