

Anna Young, Chair
On behalf of the Committee on Juvenile Courts
Administrative Office of the Courts
1501 W. Washington, Suite 411
Phoenix, AZ 85007-3327

**IN THE SUPREME COURT
STATE OF ARIZONA**

In the matter of:)	
)	
PETITION TO AMEND R. PRO.)	Supreme Court No. R-25-0057
JV. CT. 335)	
)	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-25-0057 (“Petition”), a joint petition filed by the Directors of the Maricopa County Indigent Defense Agencies. The Petition proposes amending Rule 335 of the Rules of Procedure for the Juvenile Court concerning qualified residential treatment program (QRTP) placements.

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-25-0057. 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. Need for Further Study Before Amending Rule 335

The Petition seeks to “clarify the due process protections for when and how children are placed in QRTP” under the federal Family First Prevention Services Act (FFPSA). Petition at page 2. It asserts that Rule 335 has been ineffective because DCS allegedly does not follow Rule 335’s requirements, decision-makers struggle to understand it, and few placements labeled QRTP’s by DCS meet the federal requirements. Petition at page 3.

However, the proposed amendments do not remedy these concerns. Instead, they introduce additional complexity into an already detailed rule and create a front-end court approval process for QRTP placement, while largely restating obligations already established under federal law. If non-compliance with existing requirements is the problem, adding more text and procedural layers to Rule 335—especially those likely to increase confusion for courts and practitioners—is not the solution.

II. Concerns with Proposed Amendments

A. Definitional Concerns

The Petition proposes amending the definition of “Qualified Residential Treatment Program” in Rule 335(b)(1) by incorporating selected language from 42 U.S.C. § 672(k)(4)(A). But § 672(k)(4) contains multiple interrelated criteria that

collectively define QRTP status. While there are, at times, benefits to having the text of other laws reflected in court rule, selective incorporation risks creating an incomplete or misleading definition if the text is incomplete and may create inconsistencies if the language of the original law changes. In this instance, incorporation may create interpretative gaps instead of adding clarity. Additionally, carrying over text that doesn't create a new or independent requirement can unnecessarily lengthen a rule.

The proposed amendments also create definitional inconsistencies. For example, the Petition proposes amending the definition of “qualified individual” in Rule 335(b)(2) from someone “qualified to conduct a QRTP assessment” to someone “qualified to conduct a QRTP tool.” Although the proposed rule amendments later imply that a “qualified individual” may conduct the assessment (*see* proposed Rule 335(d)(2)(B)(ii)), that authority is obscured because the revised definitions deliberately separate the QRTP tool from the QRTP assessment and the revised definition of “qualified individual” remains silent on the QRTP assessment while explicitly addressing the QRTP tool.

Additionally, the proposed new requirement that a “qualified individual” must have “training and knowledge about what constitutes a QRTP . . . consistent with 42 U.S.C. § 672(k)(4)” lacks clarity. The amendments do not specify how such knowledge is assessed or what level of training is required.

Also, the redefinition of “QRTP Assessment” to “QRTP tool” is imprecise. Although the person may be using a “tool,” the person is conducting an “assessment.” 42 U.S.C. § 675a(c)(2)(A) makes that clear, as does the very text of the Petition’s definition of “QRTP Tool,” referring to it as a “an age-appropriate, evidence-based, validated, functional *assessment tool* as described in 42 U.S.C. § 675a(c)(1)” in both Rule 335(b)(3) and (c)(1) (emphasis added). At best, the term should be “QRTP Assessment Tool,” not “QRTP Tool.”

Finally, the definition of “QRTP Assessment” appears to incorrectly cite 42 U.S.C. § 472(k)(2) instead of 42 U.S.C. § 672(k)(2).

B. Procedural Sequencing and Requirements of Rule 335(d)

The proposed amendments disrupt the procedural structure of Rule 335(d) and is unresolved by the Petition. Specifically, Rule 335(d)(1) requires DCS to notify parties of a placement **after** a QRTP placement has occurred, in the manner prescribed by Rule 324. But Rule 335(d)(2) suggests that DCS must file a motion **before** placement occurs.

Further, Petitioners’ proposed amendments to Rule 324 in petition R-25-0056 create uncertainty about what the notice requirements under Rule 335(d)(1) in this petition would be, since the only notice requirements in Petitioners’ proposed Rule 324 amendments in petition R-25-0056 relate to emergency removals.

III. Conclusion

The examples discussed in Section II of this Comment are not an exhaustive list of the COJC's concerns. Instead, they illustrate why the amendments should not be adopted in their current form. Rule 335 currently reflects the requirements necessary to satisfy the FFPSA and should remain as is or be made less complicated. Adding further constraints, requirements, and limitations would not serve the best interests of children.

For the reasons stated herein, the COJC respectfully requests that this Court deny the Petition or in the alternative, defer making a decision on the Petition and refer the matter to the COJC to form a working group to examine Rule 335 in light of the Petition's stated goals and for recommendations on what rule changes, if any, are appropriate.

Respectfully submitted this 23rd day of April, 2026.

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