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ARIZONA SUPREME COURT

In the Matter of PETITION TO ADOPT
RULE 326.1, RULES OF
PROCEDURE FOR THE JUVENILE
COURT

R-25-0053

COMMENT ON PETITION

The Arizona Attorney General's Office offers its comment under [Rule 28\(e\)](#), Arizona Rules of the Supreme Court, to the proposed new Rule 326.1, Arizona Rules of Procedure for the Juvenile Court. The Department opposes the rule as written, for the reasons set forth below.

I. Introduction.

The directors of various Maricopa County indigent representation offices (IR) ask this Court to adopt [Rule 326.1](#), Arizona Rules of Procedure for the Juvenile Court, addressing Subpoenas. (Petition at 2.) Claiming that reference to the

corresponding civil rule for guidance is inappropriate, and Arizona Rule of Juvenile Procedure Rule 103 prohibits incorporation of Arizona Rule of Civil Procedure Rule 26, Petitioners propose a rule to provide clarity. *Id.* at 2. However, the Ariz. R. Juv. P. Rule 103(d) allows for the applicability of the Arizona Rules of Civil Procedure if incorporated by reference. Creating a rule in the Juvenile Rules can create confusion and inconsistency in practice, because recipients of subpoenas issued in juvenile court cases are providers and experts that provide services outside of the juvenile dependency practice. They may be accustomed to responding to subpoenas in accordance with the civil rules. Rather than create a redundant juvenile rule with slight variations from the civil rules, we recommend simply incorporating by reference Ariz. R. Civ. P. 26.

Respectfully submitted this 27th day of April, 2026.

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/s/ Anndrea Kawamura
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