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ARIZONA SUPREME COURT

In the matter of:)
)
PETITION TO AMEND RULE 2 OF THE) Supreme Court No. 26-_____
RULES OF PROCEDURE FOR THE) (expedited consideration
LOCAL FOSTER CARE REVIEW) requested)
BOARDS)
_____)

Pursuant to Rule 28 of the Rules of the Supreme Court of Arizona, David K. Byers, Administrative Director, Administrative Office of the Courts (AOC), respectfully petitions this Court to amend Rule 2 (“board review”) of the Rules of Procedure for the Local Foster Care Review Boards, as proposed in Appendix A. The proposed amendments would authorize a narrow exception for staff recording during review board meetings for the purpose of increasing efficiency and expediting report preparation, without compromising confidentiality.

Petitioner also seeks expedited consideration such that this Petition be considered at this Court’s August or December 2026 Rules Agenda.

The proposed amendments are more particularly described below.

I. Background and Purpose of Proposed Rule Amendments

When the foster care review boards first began to meet and for years thereafter, all board meetings were tape-recorded by staff without issue, as review board staff are tasked with accurately capturing meeting discussions and preparing the report submitted to the juvenile court reflecting the board's findings and recommendations. When the Rules of Procedure for the Local Foster Care Review Boards underwent amendment in 2020, Rule 2 was amended to prohibit audio or video recording of board meetings. The change was intended to bar attendees from recording the review board meetings to safeguard the confidentiality of the matters discussed. See [R-20-0010 Petition](#) at page 2-3. There is no traceable history to suggest the rule change deliberately intended to discontinue the longstanding practice of staff recording, but the rule contains no exception. As a result, staff currently rely on handwritten or typed notes for this purpose.

To increase efficiency and make use of available technologies, Petitioner proposes amending Rule 2 to create a narrow exception to the recording prohibition for review board or other AOC staff. The exception would allow recording for limited, specified purposes directly related to preparing notes, reports, or other official records. This change would give staff an additional resource beyond handwritten or typed notes and would allow the responsible use of artificial intelligence (AI) tools embedded in virtual meeting platforms—tools that may support notetaking, summary creation, or initial report drafting.

II. Content of the Proposed Rule Amendments

The rule proposal requires recording under this narrow exception be by “a means authorized by the Administrative Director,” to ensure that any virtual meeting platform used to record the meeting does not compromise confidentiality and does not use data from the recording to train its AI systems. The proposed amendments also include several safeguards to ensure that the confidentiality of the meeting’s substance is preserved. In addition, the amendments reorganize certain provisions for greater clarity. The proposed amendments are summarized as follows:

- Rule 2(a)–(c): No changes.
- Rule 2(d): Corrects the statutory citation “8-815.03(2)” to reflect “8-515.03(A)(2)” regarding permissible attendees at review board meetings. Recording-related provisions are moved to new subpart (f), so that subpart (d) addresses only attendance.
- Rule 2(e): No changes.
- Rule 2(f) (new): Establishes that recording a board meeting is prohibited except that review board staff or other AOC staff facilitating the meeting may record for limited purposes, specifically for preparing notes, reports, or other official records. The recording may not be used for any other purpose, helping ensure confidentiality is not compromised. This subpart also requires that the recording method be authorized by the Administrative Director to ensure

appropriate security, confidentiality protections, and that the system used is not using the data from the recording to train its AI systems.

- Rule 2(g) (new): Establishes confidentiality requirements for any recordings and certain documents generated from those recordings. Because board meetings are often conducted using virtual meeting platforms capable of generating meeting summaries and similar materials, these provisions apply to the recording itself and documents that may be generated using the recording, such as summary documents and documents that purport to reflect the words spoken during the meeting. (The term “transcript” was intentionally avoided due to the potential inaccuracy of such documents generated from a virtual platform.) A catchall covers “any similar record” generated from the recording.
 - Rule 2(g)(1): Declares the recording and all documents described in (g) closed and must be maintained as confidential.
 - Rule 2(g)(2): Prohibits duplication of the recording or any document described in (g).
 - Rule 2(g)(3): Prohibits distribution of the recording or any document described in (g), except to review board or other AOC staff directly involved in preparing or reviewing the final report. This ensures

continuity for report preparation if a staff member is unavailable and permits supervisory review of the report for accuracy.

- Rule 2(g)(4): Requires destruction of the recording or documents described in (g) once the final report is transmitted to the juvenile court, ensuring that confidential material is retained only as long as necessary to fulfill the recording's purpose.

III. Preliminary Comments

This petition has not been circulated for pre-filing comment but Petitioner anticipates circulating it to the State Foster Care Review Board at its June 13, 2026 meeting.

IV. Similar Petitions Filed in Previous Five Years

No similar petitions have been filed in the previous five years.

V. Request for Expedited Consideration

The proposed amendments are essential to promoting more efficient board operations while protecting the confidentiality of the information discussed during these meetings. If this Petition is considered in the normal rule cycle, the amendments would not be considered until August 2027, over a year from now. Supreme Court Rule 28(g)(2) provides that any amendments adopted at the August 2027 Rules Agenda would not become effective until January 1, 2028, or approximately 1 ½ years from now, unless the Court orders otherwise.

Therefore, as permitted by Supreme Court Rule 28(h), Petitioner respectfully requests that this Court open this Petition for comment, expedite its consideration of this Petition for inclusion on the August or December 2026 Rules Agenda, and adopt the proposed amendments as set forth in Appendix A.

Respectfully submitted this 10th day of June, 2026.

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APPENDIX A

Rules of Procedure for Local Foster Care Review Boards (deletions shown with ~~strikethrough~~, new language is underlined)

Rule 2. Board Review

(a) through (c) [No change]

(d) Pursuant to applicable statutes, including but not limited to A.R.S. §§ 8-807 and § ~~8-815.03(2)~~8-515.03(A)(2), review board meetings contain confidential information and ~~must not be recorded via audio or visual means~~ only certain persons are permitted to attend. The general public may be excluded from review board meetings and only such persons admitted as have a direct interest in the review. The review board, acting through the Chairperson, may excuse any party from any hearing.

(e) [No change]

(f) Recording board meetings by any means is prohibited, except that review board staff or other Administrative Office of the Courts (AOC) staff facilitating a board meeting may record a meeting by a means authorized by the Administrative Director, for the sole purpose of assisting the staff with preparing notes, reports, or other official records associated with the meeting. The recording must not be used for any other purpose.

(g) Any recording made under (f) and any document generated from that recording which provides a summary of the meeting, purports to reflect the words spoken during the meeting, or any similar unofficial record:

(1) is closed and must be securely maintained as confidential;

(2) must not be duplicated;

(3) must not be distributed except as necessary to prepare the report and in such case, distribution is not permitted to anyone other than review board or other AOC staff directly involved in preparing or reviewing the final report; and

(4) must be destroyed immediately following distribution of the final report to the juvenile court.