

David K. Byers
Administrative Director
Administrative Office of the Courts
1501 W. Washington, Suite 411
Phoenix, AZ 85007-3327
Phone: (602) 452-3301
Projects2@courts.az.gov

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the matter of:	)	
	)	
PETITION TO AMEND RULES 302, 311,	)	Supreme Court No. 26-_____
313, 325, 332, 334, 338, AND 402	)	(expedited consideration
OF THE RULES OF PROCEDURE FOR	)	and emergency adoption
THE JUVENILE COURT	)	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 the Rules of Procedure for the Juvenile Court as proposed in Appendix A. The proposed amendments are prompted by the enactment of [House Bill \(HB\) 2035](#), DCS; Kinship Care Placement; Requirement, during the Second Regular Session of the Fifty-seventh Legislature, as more particularly described below.

HB 2035 has a general effective date and will become effective on September 12, 2026. Accordingly, Petitioner seeks expedited consideration of this petition and emergency adoption of the proposed amendments as set forth in Appendix A.

I. Purpose of Proposed Rule Amendments

HB 2035, DCS; Kinship Care Placement; Requirement (Laws 2026, Ch. 76)

HB 2035 amends several statutes in Title 8 relating to child placement in dependency matters, including expanding eligible caregivers to “extended family members,” a newly defined term in A.R.S. § 8-501(A)(4) meaning “an adult person who has a connection to a child by marriage to a biological family member or adopted family member of the child.”

To align the Juvenile Rules with the statutory changes, Petitioner proposes the following amendments:

1. Rule 302 – Definition of “Extended Family Member”

Petitioner proposes adding a definition of “extended family member” to Rule 302, incorporating the definition of A.R.S. § 8-501, “except as provided in Rule 302(e),” because Rule 302 already contains a separate definition of “extended family member” for cases subject to ICWA. To maintain alphabetical order, renumbering is also necessary, and conforming amendments to Rule 313(a)(2)(E) are included for that purpose. Subsection “(e)” was added to the reference to Rule 302 in Rule 402(b)(1) to specify which definition in Rule 302 applies.

2. Rule 311(a) – DCS Hearing Notice Requirements

HB 2035 amends A.R.S. § 8-514.07 to include extended family members in the Department of Child Safety’s (DCS) required due diligence search for possible placements. Petitioner therefore proposes amending Rule 311(a) to include extended

family members to the list of persons to whom DCS is required to give notice of hearings concerning the child.

3. Rules 325(d)(1)(A) and 332(c)(3) – Preliminary Protective Hearing: Inquiry Relating to DCS Placement Search

HB 2035 amends A.R.S. § 8-824(E)(10) to require the court at the preliminary protective hearing to determine whether DCS is attempting to identify and assess placement with “a relative of the child or an extended family member,” instead of a “grandparent or another member of the child’s extended family.” Rule 325(d)(1)(A) and 332(c)(3) are amended to parallel the changes to A.R.S. § 8-824(E)(10).

4. Rule 332(c)(8) – Right to Be Heard

HB 2035 amends A.R.S. § 8-824(E)(11) to require the court, at the preliminary protective hearing, to inform a foster parent, pre-adoptive parent, “relative of the child or an extended family member” with whom the child has been placed—rather than “a member of the child’s extended family”—of the right to be heard in any court proceeding regarding the child. Rule 332(c)(8) is amended to mirror this change.

5. Rule 332(d) – Written Findings at Preliminary Protective Hearing

HB 2035 creates A.R.S. § 8-824(E)(13), requiring the court to issue written findings of fact and conclusions of law at the preliminary protective hearing. Rule 332(d) (“findings”) is amended to provide that at the conclusion of the hearing, the

court must make findings of fact and conclusions of law in a signed minute entry or order. Rule 332(f) (“copies for the parties”) is also amended to provide that the court must give each appearing party a copy of the court's written “findings of fact and conclusions of law and orders,” rather than the “findings and orders.”

6. Rule 334(e)(1) – Initial Dependency Hearing; Placement Review

HB 2035 amends A.R.S. § 8-842(B)(2) to require the court, at the initial dependency hearing, to determine whether DCS is conducting a due diligence search under A.R.S. § 8-514.07 and attempting to identify and assess placement with an “adult relative of the child, an extended family member, or a person who has a significant relationship with the child,” rather than “a grandparent or another member of the child’s extended family including a person who has a significant relationship with the child.” Rule 334(e)(1) is amended to mirror this change.

7. Rule 334(f) – Written Findings at Initial Dependency Hearing

HB 2035 creates A.R.S. § 8-842(B)(4), requiring the court to issue written findings of fact and conclusions of law at the initial dependency hearing. Rule 334(f) (“findings”) is amended to provide that at the conclusion of the hearing, the court must make findings of fact and conclusions of law in a signed minute entry or order, paralleling the language proposed for Rule 332(d).

8. Rule 334(g)(1) and (11) and Rule 338(b)(2) – Placement Orders and Cross-References

HB 2035 amends A.R.S. § 8-842(B)(2) and adds a new subsection (C) requiring the court, at the initial dependency hearing, to order placement with an adult relative, extended family member, or a person who has a significant relationship with the child, if such placement is available and in the child's best interest. Rule 334(g)(1) is amended to cite to A.R.S. § 8-842 as an authority under which the court must affirm or modify prior placement orders. Rules 334(g)(11) and 338(b)(2) are amended to update the cross-reference to A.R.S. § 8-842(D), rather than subsection (C).

9. No Amendments Proposed to Certain Rules: Explanation

Although Rule 320(b) uses the phrase “another member of the child's extended family” rather than “extended family member,” Petitioner proposes no amendments to this rule because it is based on [A.R.S. § 8-514\(B\)\(3\)](#), a provision unchanged by HB 2035 despite the legislature's newly added definition of “extended family member.”

Similarly, although Rule 325(e)(1) requires the court to determine whether DCS has identified and assessed placement of the child with “a relative or person who has a significant relationship with the child,” Petitioner proposes no amendments to include “extended family member” because Rule 325(e)(1) is based on [A.R.S. § 8-847\(E\)\(1\)](#), a provision unchanged by HB 2035. The same reason exists for not amending Rule 325(e)(2)—it is based on A.R.S. §§ [8-847\(E\)\(2\)](#) and [8-](#)

[842\(B\)\(1\)](#); Rule 325(f)(2), which is based on [A.R.S. § 8-829\(A\)\(4\)](#); Rule 332(e)(6), which is based on [A.R.S. § 8-824\(E\)\(7\)](#); and Rules 334(e)(4) and (g)(7), which are based on [A.R.S. § 8-842\(B\)\(1\)](#). All of these statutory provisions remain unchanged by HB 2035.

II. Preliminary Comments

This petition has not been circulated 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.

III. Similar Petitions Filed in Last Five Years

Petition [R-23-0040](#) was filed on July 13, 2023 to implement [HB 2313](#) (Laws 2023, Ch. 87), the subject matter of which is similar to that in this petition.

IV. Request for Expedited Consideration and Emergency Adoption

HB 2035 becomes effective on September 12, 2026. 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 2026 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 12, 2026, open the petition for comment, and consider adopting the proposed amendments on a permanent basis at this Court's December 2026 Rules Agenda.

Respectfully submitted this 20th day of July, 2026.

By /s/ David K. Byers
David K. Byers, Administrative Director
Administrative Office of the Courts
1501 W. Washington, Suite 411
Phoenix, Arizona 85007
(602) 452-3301
Projects2@courts.az.gov

APPENDIX A

Rules of Procedure for the Juvenile Court

(deletions shown with ~~strikethrough~~, new language is underlined)

Rule 302. Definitions

(a) “Extended Family Member,” except as provided in Rule 302(e), has the meaning in A.R.S. § 8-501.

(a-b) “Parent” as used in Part III includes those defined as such in Rule 102 and, except in termination proceedings, also includes a guardian appointed by the court under Title 8 or Title 14 and an Indian custodian.

(b-c) “Party” means a child, parent, guardian, DCS, any petitioner, and any person, Indian tribe, or entity that the court has allowed to intervene.

(e-d) “Participant” includes any person permitted by the court or authorized by law to participate in the proceedings. Participants must be notified of all applicable proceedings as required by law or court order. A participant is not a party.

(d-e) Definitions Under ICWA.

(1) through (6) [No change]

Rule 311. Participants' Rights

(a) Right to Notice. If DCS is a party, it must provide notice of the date, time, and location of all hearings that will be held concerning the child to:

(1) [No change]

(2) any pre-adoptive placement, or any relative or extended family member identified as a possible placement for a child who is in out-of-home care and under the responsibility of DCS;

(3) and (4) [No change]

(b) through (f) [No change]

Rule 313. Release of Information

(a) [No change in text]

(1) [No change]

(2) [No change in text]

(A) through (D) [No change]

(E) a participant as defined under Rule 302(e-d); and

(F) [No change]

(b) and (c) [No change]

Rule 325. Mandatory Judicial Determinations

(a) through (c) [No change]

(d) At the Preliminary Protective Hearing and Initial Dependency Hearing.

(1) At the preliminary protective hearing and the initial dependency hearing, the court must determine whether DCS is attempting to identify and assess:

(A) placement of the child with ~~the child's grandparent or other member of the child's~~ a relative of the child or extended family member, including a person who has a significant relationship with the child, and

(B) [No change]

(2) [No change]

(e) through (j) [No change]

Rule 332. Preliminary Protective Hearing

(a) and (b) [No change]

(c) **Procedure.** At the preliminary protective hearing, the court must:

(1) and (2) [No change]

(3) if DCS is the petitioner, determine:

(A) whether DCS placed, or is attempting to place, the child with a ~~grandparent relative or another member of the child's~~ extended family member, including a person who has a significant relationship with the child;

(B) through (E) [No change]

(4) through (7) [No change]

(8) inform a foster parent, pre-adoptive parent, a relative or extended family member of the child's extended family with whom the child has been placed, or a relative or extended family member identified as a possible placement, of the right to be heard in any court proceeding regarding the child; and

(9) [No change]

(d) **Findings.** At the conclusion of the hearing, the court must make findings ~~that of~~ fact and conclusions of law, which must be in a signed minute entry or order. Required findings include the following:

(1) through (8) [No change]

(e) [No change]

(f) **Copies for the Parties.** At the conclusion of the hearing, the court must provide a copy of the court's written findings of fact and conclusions of law and orders to each party who has appeared at the hearing.

Rule 334. Initial Dependency Hearing

(a) through (d) [No change]

(e) **Determination.** If DCS is the petitioner, the court should determine:

(1) whether DCS placed, or is conducting a due diligence search under A.R.S. § 8-514.07 and attempting to place, the child with a ~~grandparent or another member of the child's~~ an adult relative, extended family member, including or a person who has a significant relationship with the child;

(2) through (4) [No change]

(f) Findings. ~~All findings must be contained in a signed minute entry or order.~~ At the conclusion of the hearing the court must make findings that of fact and conclusions of law, which must be in a signed minute entry or order. Required findings include:

(1) through (8) [No change]

(g) Orders. At the conclusion of the hearing, the court must enter orders:

(1) returning the child to the parent, or if the child is not returned to the parent, affirming or modifying the prior orders regarding the placement of the child pending the determination of the dependency petition and visitation/parenting time, if any, pursuant to A.R.S. §§ 8-824(J), 8-825(C), 8-842, and Rule 333;

(2) through (10) [No change]

(11) that may stay the proceedings, and order an in-home intervention if appropriate and as provided by A.R.S. §§ 8-842(~~C~~D) and 8-843(F) and Rule 330;

(12) and (13) [No change]

(h) [No change]

Rule 338. Dependency Adjudication Hearing

(a) [No change]

(b) Time.

(1) [No change]

(2) *Continuance.*

(A) Generally. The court may continue a dependency adjudication hearing beyond the time prescribed by A.R.S. § 8-842(~~C~~D) for 30 days if it is necessary for the full, fair, and proper presentation of evidence and the child's best interests would not be adversely affected.

(B) through (D) [No change]

(c) through (h) [No change]

Rule 402. Meaning of Terms

(a) [No change]

(b) ICWA Definitions and Placement Preferences.

(1) *Definitions.* In cases subject to ICWA, the terms “parent,” “Indian child,” “Indian child's tribe,” “Indian custodian,” “Indian tribe,” and “extended family member” have the meanings shown in Rule 302(e).

(2) and (3) [No change]