

Honorable Colleen McNally  
Presiding Juvenile Court Judge  
Maricopa County Juvenile Court  
Chair, Committee on Juvenile Courts  
C/O Caroline Laultt-Owens  
Administrative Office of the Courts  
1501 W. Washington, Suite 128  
Phoenix, Arizona 85007  
602-452-3408

**ARIZONA SUPREME COURT**

In the matter of: )  
 ) Supreme Court No.  
PETITION TO ADD RULE 40.2, )  
DUTIES AND RESPONSIBILITIES OF )  
APPOINTED COUNSEL FOR PARENT )  
REPRESENTATION )  
\_\_\_\_\_ )

**I. Background and Purpose of the Proposed Rule Amendments and New Rules.**

The Arizona Supreme Court established Juvenile Rules of Procedure Rule 40.1, effective January 1, 2012, which provides Duties and Responsibilities of Appointed Counsel and Guardians Ad Litem to promote higher quality representation for children in care and to bar the appointment of untrained or poorly trained court-appointed representatives for children.

The Duties and Responsibilities of Appointed Counsel and Guardians Ad Litem are the result of several workgroups that began the work dating back to 2002. In 2009 and 2010, focus turned to drafting standards that would eventually be implemented through Administrative Order and Court Rule, rather than simply best practice standards. Through direction of the Committee on Juvenile Courts (COJC), the Court Improvement Advisory Workgroup was ultimately tasked with developing the standards. Rule 40.1

Duties and Responsibilities of Appointed Counsel and Guardians ad Litem was adopted on September 1, 2011, with an effective date of January 1, 2012. While discussions took place during that time regarding establishing standards for parent representation in dependency cases as well, the COJC agreed to move forward with standards for child representation and to address standards for parent representation once the child representation standards were adopted and implemented.

On September 26, 2013, the Dependent Children's Services Division, through the Court Improvement Advisory Workgroup, hosted a multidisciplinary summit entitled: *Hearing Their Voices: A Discussion about Parent Representation*. The results from the summit discussion were then used as a foundation for discussion by the Ad Hoc committee of the Court Improvement Advisory Workgroup, which was later assembled and tasked with developing standards for parent representation.

The Ad Hoc committee first met on January 25, 2014 and was composed of The Honorable Brenda Oldham, Chair (Juvenile Court Judge, Pinal County and now the Presiding Juvenile Court Judge in Pinal County), The Honorable Richard Weiss (Juvenile Court Judge, Mohave County), Ruel Barrus (Public Defender's Office, Mohave County), Eileen Bond (Private Practice, Yavapai County and Pro Tem Judge, Yavapai County), Brooke Gaunt (Office of the Legal Defender, Maricopa County), Laura Giaquinto (Attorney General's Office and now a Commissioner in Maricopa County), John Gilmore (Private Practice, Pima County), Maria Hoffman (Arizona Senate CPS Constituent Services Consultant and now Arizona Senate DCS Constituent Services Consultant), Joanne McDonnell (Deputy Ombudsman, Arizona Ombudsman Citizens' Aide), Bill Owsley (Office of the Legal Advocate, Maricopa County), John Phelps (Chief Executive

Officer and Executive Director, Arizona State Bar), and Joseph Ramiro-Shanahan (Private Practice, Maricopa County).

The Ad Hoc committee's work continued until a draft set of standards was ready to present to the Committee on Juvenile Courts (COJC) which occurred on May 22, 2014. On May 22, 2014 the COJC unanimously approved "sending the parent representation standards draft out for comment and move on to AJC for further action". The comment period was opened from June 16, 2014 – July 31, 2014.

After seeking and reviewing comments on the standards, the Ad Hoc Work Group reconvened and modified the draft standards. The standards were then presented again to the COJC on February 12, 2015 at which time they were adopted to be used in attorney training and were forwarded to the Arizona Judicial Council to consider supporting their implementation as Standards through an Administrative Order and supporting the filing of a rule petition to have them implemented through Court Rule. The standards were also vetted through the Superior Court Presiding Judges and then presented to the Arizona Judicial Council (AJC) on March 26, 2015. The AJC approved the attorney standards for parent representation supported their implementation through Administrative Order and eventually Court Rule. The standards became effective through Administrative Order on July 1, 2015.

## **II. Pre-Petition Distribution and Comment.**

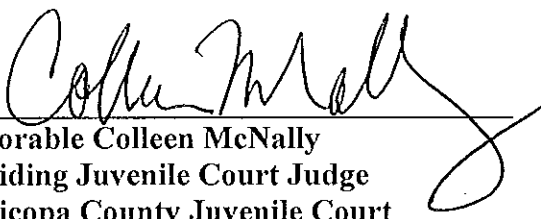
The proposed standards were widely distributed for comment from June 16, 2014 through July 31, 2014. (Please see Appendix A for distribution list.)

**III. Contents of the Proposed Rule Amendments and New Rules.**

The proposed new rule establishes Duties and Responsibilities for attorneys representing parents in Dependency cases. (Please see Appendix B for complete text of the proposed rule.)

**The proposed rule is attached as Appendix B.**

**RESPECTFULLY SUBMITTED** this 24 day of Nov 2015.

By   
Honorable Colleen McNally  
Presiding Juvenile Court Judge  
Maricopa County Juvenile Court  
Chair, Committee on Juvenile Courts