

Juanita Mann, President
Arizona Association of Superior Court Clerks
P.O. Box 668
Holbrook, AZ 86025
928-524-4176
nasha@COSC.maricopa.gov

IN THE ARIZONA SUPREME COURT

In the matter of)	Supreme Court R- 06-0036
)	
PETITION TO AMEND RULES OF)	COMMENT TO PROPOSED RULE
PROCEDURE FOR THE JUVENILE)	RELATED TO PROVIDING FOR
COURT PROVIDING FOR NOTICE)	NOTICE OF PROCEEDINGS IN
OF PROCEEDINGS)	JUVENILE COURT
_____)	

The Arizona Association of Superior Court Clerks (AASCC) submits the following comments on the petition to provide for notice of proceedings in juvenile court:

In drafting the proposed rule change, it was discussed that the Department of Economic Security, through its counsel, the Attorney General, could provide the required notice because they have the most accurate information. The AASCC recommends that proposed juvenile rule 41(I) be modified to clarify that the entity with the most reliable access to current addresses will provide notice of proceedings to foster parents, pre-adoptive parents, and relative caregivers of a child in foster care under the responsibility of the State (abbreviated as “caretakers” for reference in this comment). The maintenance and availability of contact information can be challenging for a Clerk’s office, particularly as the caretakers identified in the proposed rule change are not necessarily parties to the case, and therefore are not generally maintained on a court’s docket system.

A copy of this comment has been mailed or delivered this 18th day of May, 2007, to:

The Honorable Robert Brutinel, Presiding Judge
Superior Court in Yavapai County
Chair Committee on Juvenile Courts
c/o Legal Services Office
1501 W. Washington, Suite 414
Phoenix, Arizona 85007-3231
Via electronic filing of comment

Supreme Court R- 06-0036

APPENDIX A

Rule § 41 (I)

In any case subject to the requirements of Public Law 109-239 (July 3, 2006), the petitioner shall notify the foster parents, pre-adoptive parents or relative caregivers of a child in foster care, under the responsibility of the State, of the date, time and location of ~~the first proceeding~~ ALL PROCEEDINGS to be held with respect to the child. FOSTER PARENTS, PRE-ADOPTIVE PARENTS OR RELATIVE CAREGIVERS OF A CHILD IN FOSTER CARE, UNDER THE RESPONSIBILITY OF THE STATE, SHALL HAVE A CONTINUING DUTY TO PROVIDE THE DEPARTMENT OF ECONOMIC SECURITY WITH A CURRENT AND CORRECT MAILING ADDRESS, INCLUDING ADDRESSES IDENTIFIED AS PROTECTED BY COURT ORDER, WHERE THE PERSON CAN BE SERVED.

~~Thereafter, at each proceeding, the Court shall enter appropriate orders to ensure that foster parents, pre-adoptive parents or relative caregivers are notified of any future proceeding with respect to the child.~~

The foster parents, pre-adoptive parents or relative caregivers shall be afforded the right to be heard in any proceeding to be held with respect to the child. This right shall not be construed to require that any foster parents, pre-adoptive parents or relative caregivers be made a party to such proceeding solely on the basis of such notice and a right to be heard.

Nothing in this rule shall be construed to limit the periodic review hearing notice requirements of A.R.S. §8-847(B).