

1 Judge Crane McClennen
2 3131 West Durango Street
3 Phoenix, AZ 85009-6292
4 602-506-3901
5 State Bar Number 003080

ARIZONA SUPREME COURT

6 IN THE MATTER OF PETITION TO AMEND
7 RULE 45 OF THE RULES OF PROCEDURE
8 FOR THE JUVENILE COURT

SUPREME COURT NO. R-_____

PETITION TO AMEND RULE 45, R.P. JUV. CT.
AND REQUEST FOR EXPEDITED ADOPTION

9 Petitioner requests that this Court amend Rule 45 of the Rules of Procedure for the
10 Juvenile Court so that the periodic reports required in juvenile court have at the beginning of
11 the report the name and date of birth of each child subject to that report, and the names and
12 dates of birth for any other siblings who are not subject to the report. Further, Petitioner
13 requests that this Court adopt this change on an expedited basis. The reasons for this request
14 are set forth below.

15 DATED this 19th day of December 2007.

16
17
18 _____
19 CRANE MCCLENNEN
20 JUDGE OF THE SUPERIOR COURT
21 JUVENILE DIVISION

22 I. SUMMARY OF PROPOSED CHANGES

23 The purpose of the proposed amendment to Rule 45 is to require the Arizona Department
24 of Economic Security (AzDES) to include on the first page of the report the name and date of
25 birth of each child who is the subject of the report, and names and dates of birth of any other
26 children who are wards of the court in the pending dependency action but not included in the
27 report.

28 II. TEXT OF PROPOSED CHANGE

See ATTACHMENT A

1 III. REASONS FOR PROPOSED CHANGES

2 Rule 58(B), R.P. Juv. Ct., requires AzDES to provide a report to the Court and to the
3 parties before each Review Hearing, which must be held at least once every 6 months. Rule
4 45 provides what must be set forth in the report, but does not require the listing of the names
5 and dates of birth for the children who are the subject of the report. AzDES lists at the top of
6 the report only the name of the mother of the children. The problem with this approach is (1)
7 the reader does not know which children the report covers, and (2) often the child or children
8 have different last names than the mother, and thus, because the cases are listed on the court's
9 daily calendar by the name of the child or children, the name on the report (the mother's
10 name) may not match the name on the calendar (the child's name). Further, there are often
11 cases when several children are subject to the dependency proceedings, but certain children
12 are being handled by different divisions within AzDES. Because each division submits a
13 separate report covering only the children handled by that division, and because the report
14 does not list the name of the children covered at the top of the report, the reader needs to turn
15 to the end of the report to see which children the report covers.

16 An example of this is Attachment B, which was taken from an actual report, but has the
17 number and last names changed to protect the confidentiality of the children. The first
18 problem is that the report does not list the last names of the children (McVann and Sossell),
19 so the name on the report (mother's last name, Martinger), does not correspond to the names
20 on the court's daily calendar. The second problem is that the report does not give the birth
21 dates of the children, so the person reading the report does not know whether the children are
22 toddlers or teenagers. The final problem is that the report does not indicate it only covers
23 Giorgio McVann. The reason for the separate reports is that Giorgio McVann is being super-
24 vised by the unit for the out-of-home placements, while Vincent Sossell is being supervised
25 by the unit for the developmentally disabled.

26 If the Arizona Supreme Court were to adopt the proposed change, the report would
27 appear as in Attachment C. That would inform the reader that the children's last names are
28 different from the mother's last name, and those names would correspond to the names of the

1 court's daily calendar. It would further inform the reader that the children are 6½ and 2½
2 years old. Finally, it would inform the reader that, although the report begins by discussing
3 both Vincent and Giorgio, the report only covers only Giorgio.

4 This change would not impose increased work on the AzDES caseworkers because the
5 additional information is already contained in other parts of their case files. Thus, once
6 AzDES modifies the template and fields for the report form, all that would be needed is to
7 add the additional information the first time the caseworker prepares a report under that case
8 number.

9 Finally, because this change is essentially administrative and would result in reports that
10 would be much more helpful to the trial courts and attorneys who do dependency litigation,
11 Petitioner requests that this Court adopt the proposed change in an expedited basis. In that
12 way, the courts and the attorneys would have this helpful information as soon as possible.

13 **IV. CONCLUSION**

14 Because the paramount concern of the juvenile court is the welfare of the children, it
15 would seem logical to have the names and dates of birth for the children at the beginning of
16 the report. This rule change would accomplish that objective.

17 DATED this 19th day of December 2007.

18
19 _____
20 CRANE McCLENNEN
21 JUDGE OF THE SUPERIOR COURT
22 JUVENILE DIVISION
23
24
25
26
27
28