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ARIZONA SUPREME COURT

In the matter of:)
)
PETITION TO AMEND RULES) Supreme Court No. _____
41, 48.1, AND 49, RULES OF) (Emergency or Expedited
PROCEDURE FOR THE JUVENILE) Adoption Requested)
COURT)
_____)

Pursuant to Arizona Supreme Court Rule 28, David K. Byers, Director, Administrative Office of the Courts, Arizona Supreme Court, respectfully petitions this court to adopt the attached proposed rule amendment to the Rules of Procedure for the Juvenile Court.

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

The AOC was recently alerted that rule changes are needed to correct statutory citations in response to statutory changes.

II. Contents of the proposed Rule Amendments and New Rules

The content of the changes correct citations for statutory references as follows:

Rule 41(A):

Change reference from A.R.S. § 8-807(F)(2) to A.R.S. § 8-807.01.

Rule 48.1(C)(2)(a):

Change (a) The child has not been removed pursuant to article 2, chapter 10, title 8 of the Arizona revised statutes to read: (a) The child has not been removed pursuant to article 9, chapter 4, title 8 of the Arizona revised statutes.

Rule 49: COMMITTEE COMMENT:

The Committee Comment references A.R.S. § 8-809. That statute was repealed by Laws 2015, Ch. 257, §15. The Committee Comment should be deleted.

III. Pre-Petition Distribution and Comment

The petition was not circulated for pre-petition comments.

IV. Effective Date of the Proposed New Rules

Petitioner respectfully requests that the proposed new rules be adopted on an expedited basis pursuant to Rule 28(G) effective immediately to conform rule citations to statutes.

Respectfully submitted this 9th day of January, 2017.

By /S/
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Appendix A

Rule 41. Attendance at Hearing

A. Except as otherwise provided pursuant to statute or court rule, court proceedings relating to dependent children, permanent guardianships and termination of parental rights are open to the public. A court proceeding relating to child abuse, abandonment or neglect that has resulted in a fatality or near fatality is open to the public, subject to the requirements of (E) of this rule and A.R.S. § 8-807(F)(2).01.

Rule 48.1. In-Home Intervention Hearing

a. The child has not been removed pursuant to article 2 9, chapter 10 4, title 8 of the Arizona revised statutes.

Rule 49. Pre-Hearing Conference

~~COMMITTEE COMMENT~~

~~Nothing in this rule precludes the appointment of a facilitator or mediator who is part of the child welfare mediation program established within the office of the attorney general pursuant to A.R.S. 8-809.~~