

Ken Deibert  
Deputy Director  
Division of Children, Youth and Families  
For The Arizona Department of Economic Security  
1789 West Jefferson Street  
Phoenix, AZ 85007  
Telephone: 602-542-3598  
Facsimile: (602) 542-3330  
E-mail: KDeibert@azdes.gov

**IN THE ARIZONA SUPREME COURT**

In the Matter of PETITION TO  
AMEND RULE 45 OF THE RULES  
OF PROCEDURE FOR THE  
JUVENILE COURT

R-07-0026

Arizona Department of Economic Security  
Comment Opposing Petition

The Arizona Department of Economic Security (“ADES” or “the Department”), opposes the proposed amendment to Rule 45, Arizona Rules of Procedure for the Juvenile Court because it is an unnecessary formatting change, it places an undue burden on the Department, and discourages collaboration between ADES and the courts.

**I. Introduction.**

The proposed amendment to Rule 45 is a formatting change to the periodic reports that ADES submits to the juvenile court in dependency actions.

Specifically, the amendment would require ADES to change its report format so that information already contained in the report such as the first and last names and dates of birth of the children who are subject to the dependency action and who are the subjects of the report, as well as any siblings not included in the report are listed at the outset. (Petition at 1.) The rationale for the amendment is to alert the reader of the report to the identity of the child or children covered by the report, to ensure that the name on the report matches the name used by the court's calendaring system, and to instruct the reader regarding the ages of the children. (Petition at 2.)

**II. The Proposed Rule Change Is Unnecessary, Would Place an Undue Burden on ADES, and Discourages Collaboration.**

Title 8 of the Arizona Revised Statutes mandates that the Department shall “[e]xercise supervision over all child welfare agencies.” A.R.S. § 8-503(A). To that end, the Department has charged Child Protective Services (CPS) with preparing reports to the juvenile court in conformity with Rule 45(B), Arizona Rules of Procedure for the Juvenile Court. It is the Department’s policy to “provide the court with accurate, thorough and timely reports.” (See CPS Policy Manual, Chapter 20, Section 6, at [https://www.azdes.gov/dcyf/cmdps/cps/policy/chapter\\_20/chapter\\_20\\_section\\_6\\_preparing\\_court\\_reports\\_for\\_CPS\\_cases.htm](https://www.azdes.gov/dcyf/cmdps/cps/policy/chapter_20/chapter_20_section_6_preparing_court_reports_for_CPS_cases.htm).)

To ensure consistency in CPS's reporting and statewide access to information, the Department has developed a template for preparing the required reports, which is contained in a system called "CHILDS." The development, implementation, and maintenance of CHILDS is solely the Department's responsibility.

Under Rule 45(B), the Department has an obligation to provide a written report to the juvenile court setting forth information under several broad categories (e.g., the reason for the child's removal, services provided to effectuate a case plan goal, and compliance with case plan goals). Other statutes and rules prescribe alternate or additional information to be included in court reports. (*See* A.R.S. § 8-824(G), A.R.S. § 8-516(E), Ariz. R.P. Juv. Ct. 58(B).) The format in which ADES provides its reports is not, and should not be, prescribed by the Arizona Supreme Court.

Before this Petition was filed, the Department had already undertaken steps to implement the changes that this Petition proposes. Unfortunately, these changes require case management system re-programming that requires many months to accomplish as the system is highly technical and requires expertise to complete. The new report format became effective April 1, 2008. The format applies to addendum reports, preliminary protective hearing reports, progress reports, permanency hearing reports, and adjudication / disposition hearing reports. The

top of each report displays the court case number, the date of the report, the case name, the name and date of birth for each child subject to that case number, and the names of the child or children subject to that report. Because ADES has implemented the changes that the Petition proposes, the Rule change is unnecessary.<sup>1</sup> A rule change is particularly unnecessary here because the information that the amendment requests is already contained in all CPS reports or the original dependency petition.

Any change to the report format or content places a burden on ADES to expend time and money to modify the CHILDS system and retrain CPS caseworkers regarding the changes. Given the demands that these changes place on ADES, it is critical that the Court avoid dictating the format of the report by rule. Although a change may aid some within the judiciary, implementing the change places a burden on ADES. Mandates in Court rules regarding details of the report format place unnecessary burdens on ADES, which also must respond to

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1. The format change that ADES has implemented differs from the proposal in one respect. The Petition would require the name and birth date “of each sibling not included in th[e] report.” (Petition, Attachment A.) Theoretically that would require information regarding siblings who are not dependent (children placed with another custodial parent, for example) or even adult siblings who are not parties to the dependency. Including that information might add confusion, rather than alleviate it, so it is not included in the current ADES report format.

policy directives from the Legislature while meeting the day-to-demands of overseeing the State's child welfare system.

The proposed rule change sets a bad precedent by suggesting rule changes to accomplish mere formatting changes instead of working with ADES to address issues or concerns. The Department understands that dependency actions are collaborations that bring together the judiciary, the state, families in need of assistance, attorneys, and service providers. To that end, the Department believes that interested parties can and should work together to ensure that the parties have the information they need to protect children and strengthen families. Here, ADES agreed to undertake the suggested formatting changes to its reports, only to later learn that a petition to force the change had been filed.

### **III. Conclusion.**

The proposed amendment should be rejected because it can be—and has been—accomplished without a rule change. Moreover, approving the change would set a bad precedent that discourages collaboration between the courts and ADES and shows little regard for the role and responsibilities of ADES.

DATED this \_\_\_\_\_ day of May, 2008.

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Ken Deibert  
Deputy Director,  
Division of Children, Youth and Families  
For The Arizona Department of  
Economic Security

Original and six (6) copies of the foregoing  
and a CD filed this \_\_\_ day of May, 2008, with:

Supreme Court of Arizona  
1501 West Washington  
Phoenix, Arizona 85007

A copy of this comment has been mailed  
this \_\_\_\_\_ day of May, 2008, to:

Hon. Crane McClennen  
3131 West Durango St.  
Phoenix, AZ 85009-6292  
Petitioner

By \_\_\_\_\_  
Sue Perrin

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