

Justice Rebecca Berch (ret.), Chair
Task Force on the Rules of Procedure for the
Juvenile Court
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SUPREME COURT OF ARIZONA

PETITION TO AMEND THE) Supreme Court No. R-20-____
ARIZONA RULES OF PROCEDURE)
FOR THE JUVENILE COURT) Motion to Permit Additional Time
) for Filing a Rule Petition
)
) Expedited Consideration
) Requested
_____)

Undersigned Chair of the Task Force on the Arizona Rules of Procedure for the Juvenile Court, which this Court established by Administrative Order No. 2019-74, requests approval of a later date for filing a rule petition. A.O. No. 2019-74 provides,

The Task Force shall seek input from various interested persons and entities with the goal of submitting a rule petition by January 10, 2021, with respect to any proposed rule changes.

The Order directed the Task Force not only to restyle the juvenile rules, but also to recommend revisions in response to the many changes in this area of law that have occurred since the Court's adoption of the current rules in 2001.

The Task Force first met on September 27, 2019. It has met 11 times since then and it has its thirteenth meeting set for December 18, 2020. At the first Task Force meeting, the Chair established four workgroups and assigned each workgroup specific rules to review, revise, and present to the full Task Force. To date, there have been 80 workgroup meetings, and another half-dozen workgroup meetings are scheduled before the December 18th Task Force meeting. The Chair also established an Editorial Group; the Editorial Group proofreads and edits rules that the Task Force considered, makes organizational changes that improve readability, and assures that the rules are harmonious and use terminology consistently. The Editorial Group has already met 12 times. In the aggregate, then, there have already been more than 100—very well-attended—Task Force and group meetings since the Task Force began its work, and more meetings are pending. Members have been diligent and dedicated to this project.

However, the task is challenging. There are currently 116 juvenile rules. As a consequence of adding new rules and bifurcating several of the current rules, the Task Force intends to propose a set of about 130 juvenile rules. Some of these rules are complex. Many of the rules have been significantly reorganized. Despite its best efforts to complete its work by January 10, 2021, the Task Force will be unable to do so.

The Task Force therefore requests additional time to file its rule petition. Additional time would allow the Task Force to submit a better and more cohesive work product. Additional time also would permit the Task Force to obtain input from interested stakeholders, as A.O. No. 2019-74 directs, before filing a rule petition. Pre-petition vetting of the draft rules might eliminate the need for a bifurcated comment period and the filing of an amended petition midway through the comment process. A shortened comment period could still allow the Court to consider the juvenile rules petition at its August 2021 Rules Agenda.

The Task Force asks the Court to extend the time for filing its rule petition until March 31, 2021. Undersigned suggests that the comment period for this petition remain open for just over six weeks, until May 17, 2021, and that the Task Force file its reply to the comments by June 30, 2021.

RESPECTFULLY SUBMITTED this 3rd day of December 2020.

By /s/ Justice Rebecca Berch
Justice Rebecca Berch (ret.), Chair