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ARIZONA SUPREME COURT

In the matter of:)	
)	
PETITION TO AMEND RULES)	Supreme Court No. R-21_____
94 AND 102 OF THE RULES)	(expedited consideration
OF PROCEDURE OF THE)	and emergency adoption
JUVENILE COURT)	requested)
_____)	

Pursuant to Rule 28 of the Rules of the Supreme Court, David K. Byers, Administrative Director, Administrative Office of the Courts, respectfully petitions this Court to amend the rules specified above as proposed in Appendix A. The proposed amendments implement 2021 legislative enactments in SB1332, Ch. 144 affecting the juvenile emancipation rules as described below. Therefore, they require emergency adoption to be effective prior to the effective date of this new legislation.

I. Statutory Change and Proposed Rule Amendment.

- a. Statute change: Deletion of A.R.S. §12-2451(A)(5) that disqualified a minor who was a ward of the court or in the care, custody, or control of a state agency from filing a petition for emancipation.

Rule change: Deletion of this disqualification from Rule 94(A)(5) and Rule 102(B)(1)(e).

- b. Statute change: Addition of A.R.S. § 12-2451(B)(3)(h) providing for consideration of an offer of employment as demonstration of financial capability.

Rule change: Added to Rule 94(B)(3)(a) that specifies the contents of an emancipation petition and Rule 102(A)(4) that addresses findings regarding the petitioner's financial resources.

II. Preliminary Comments.

This petition has not been sent to the court community for pre-filing comments because of its technical nature and due to the short period of time since the enactment of the new statutory provisions.

III. Request for Emergency Adoption.

The legislation identified in this petition will become effective on the general effective date, which is likely to be in late September, 2021. Therefore, as permitted by Supreme Court Rule 28(H), petitioner requests expedited consideration and

emergency adoption of the proposed rule amendments at the court's August rules agenda with a comment period to follow.

Respectfully submitted this ____ day of June, 2021.

By /S/
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APPENDIX A

Arizona Rules of Procedure for the Juvenile Court (deletions shown with ~~strike through~~, new language is underlined)

Rule 94 Petition, Filing, Content and Documentation Requirements.

A. Filing of Petition. A minor seeking emancipation may file a petition for emancipation with the clerk of the court in the county in which the minor resides if all of the following apply:

1. The minor is at least sixteen years of age.
2. The minor is a resident of this state.
3. The minor is financially self-sufficient.
4. The minor acknowledges in writing that the minor has read and understands the information that is provided by the court which explains the rights and obligations of an emancipated minor and the potential risks and consequences of emancipation.
5. ~~The minor is not a ward of the court and is not in the care, custody and control of a state agency.~~

B. Content of petition. A petition for emancipation shall be made in writing, under oath, captioned: "In the Matter of Emancipation of ____, a minor." It shall set forth:

1. The petitioner's name, mailing address, social security number (last four digits only) and date of birth.
2. The name and mailing address of the petitioner's parent or legal guardian if known. The petitioner shall state the efforts taken to obtain the address.
3. Specific facts and documentation to support the petition, including:
 - (a) The petitioner's demonstrated ability to manage the petitioner's financial affairs including proof of employment, an offer of employment, or other means of support.
 - (b) The petitioner's demonstrated ability to manage the petitioner's personal and social affairs, including proof of housing.
 - (c) The petitioner's demonstrated ability to live wholly independent of the petitioner's parent(s) or guardian.
 - (d) The petitioner's demonstrated ability and commitment to obtain or maintain education, vocational training or employment.
 - (e) How the petitioner will obtain or maintain health care.
 - (f) Any other information considered necessary to support the petition.

C. Supporting Documentation. At least one of the following shall be provided to support the petition:

1. Documentation that the petitioner has been living on petitioner's own for at least three consecutive months.
2. A statement explaining why the petitioner believes the home of the petitioner's parent or guardian is not a healthy or safe environment.
3. A notarized statement that contains written consent to the emancipation and an explanation by the petitioner's parent or guardian.

D. Lack of Documentation or Proper form.

1. A petition that fails to include the required information may be dismissed without prejudice or the court may require the petitioner to file supplemental information.
2. If the court requires supplemental information, such notice shall be in writing to the petitioner and shall provide a date certain for the filing of the required supplement.
3. The petition for emancipation shall be dismissed without prejudice if the petitioner fails to respond by the date certain granted by the court.

Rule 102. Findings, Order of Emancipation.

A. The court shall determine emancipation based on the best interests of the petitioner and shall consider the following:

1. The potential risks and consequences of emancipation and to what degree the petitioner understands these risks and consequences.
2. The wishes of the petitioner.
3. The opinions and recommendations of the petitioner's parent(s) or guardian.
4. The financial resources of the petitioner, including any employment history or offer of employment.
5. The petitioner's ability to be financially self-sufficient.
6. The petitioner's educational level and success in school.
7. Whether the petitioner has any criminal record.
8. Any other factor deemed relevant by the court.

B. If the court finds emancipation is in the best interests of the petitioner, the court shall:

1. Make the following findings as a matter of record:
 - (a) The petitioner is at least sixteen years of age.
 - (b) The petitioner is a resident of this state.
 - (c) The petitioner is financially self-sufficient
 - (d) The petitioner has acknowledged in writing that the petitioner has read and understands the information that is provided by the court that explains the rights and obligations of an emancipated minor and the potential risks and consequences of emancipation.
 - ~~(e) The petitioner is not a ward of the court and is not in the care, custody and control of a state agency.~~
2. File an order of emancipation with the clerk of the court.
3. Issue a copy of the order to the petitioner and any party entitled to notice of the proceeding.
4. Issue a copy of the order to the department of economic security, Department of Child Safety, or the department's agent, if the petitioner is a child in a title IV-D case.

C. Appeals shall be pursuant to Part VI of the Rules of Procedures for Juvenile Court.