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**ARIZONA SUPREME COURT**

In the matter of: ) Supreme Court No. R-  
)  
PETITION TO AMEND RULE 83, ) (expedited consideration  
RULES OF PROCEDURE FOR 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 Rule 83, Rules of Procedure for the Juvenile Court, as proposed in the Appendix. The proposed amendment to the juvenile rules implements a legislative enactment from the 2021 legislative session as more particularly described below.

**I. Purpose of the Proposed Rule Amendment. (SB1831, Laws 2021)**

This legislation will go into effect on the general effective date. The bill is a comprehensive package of changes to the laws that govern Arizona-born adoptees' access to information about their birth parents. While the bill makes significant revisions to existing law, only one current rule of procedure in the juvenile court is implicated.

This petition proposes an amendment to Rule 83(A) of the Arizona Rules of Procedure for the Juvenile Court. This rule lists the documents that, if applicable, must be provided to the court at least ten days prior to a final adoption hearing. According to current Rule 83(A)(8), the court must be provided with notarized statements from any birth parent granting or denying permission for the adoptee to have future access to identifying information about the birth parent. In SB 1831, the Legislature replaced the “consent to disclosure” language with a birth parent’s notarized statement acknowledging that when the adopted child reaches the age of eighteen, the child may obtain a copy of the child’s original birth certificate. The legislation also establishes a method for a birth parent to provide a contact preference form to facilitate contact after the adoptee reaches the age of eighteen. <sup>1</sup>

## **II. Rule 83 (Documentation Required to Adopt)**

To alleviate the need for separate requirements for adoption petitions filed before and after the effective date of the legislation, the proposed amendment to Rule 83(A)(8) refers the reader to the statutes that govern the notarized statement acknowledging the adoptee’s right to obtain the original birth certificate (A.R.S. § 8-106) and the contact preference form (A.R.S. § 36-340).

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<sup>1</sup> When the contact preference form is filed with the court, the legislation requires it to be transmitted to the state registrar along with the adoption certificate.



## Appendix

### Rule 83. Documentation Required to Adopt

**A.** Within ten (10) days prior to the finalization of an adoption, the petitioner shall provide to the court the following documents, if applicable:

1. A certified copy of the birth certificate of the child to be adopted;
2. A notarized affidavit signed by the birth mother identifying all potential fathers of the child as provided by law;
3. An affidavit that a search of paternity filings was conducted;
4. A certificate from the department of health services signed by the state registrar of vital statistics stating that a diligent search has been made of the registry of notices of claims of paternity from potential fathers and the results of the search;
5. Affidavit of service of process upon all potential fathers as provided by law;
6. An affidavit of compliance from an attorney or agency as provided by law;
7. A verified accounting, unless the prospective adoptive parent is the child's step-parent;
8. ~~Notarized statements from any birth parent granting or denying permission for the child being adopted to obtain identifying information about the child and the consenting parent upon the child reaching twenty one (21) years of age and granting or denying permission to be informed of the death of the child, as provided by law~~ Any birth parent's notarized statement as described in A.R.S. § 8-106, and contact preference form as described in A.R.S. § 36-340;
9. The original agreement entered into by the birth parent and prospective adoptive parent regarding future communications among the parties, as provided by law; and
10. The social study, as required by law or ordered by the court.

**B.** The following documents may be provided to the court prior to or at the time of the hearing:

1. The certificate of adoption;
2. The order of adoption; and
3. All original consents as provided by law.