

Arizona Supreme Court

Rule 28 Petition

R-24-0051

RULES 349 & 354, RULES OF PROCEDURE JUVENILE COURT

Appellate Case Information

Case Filed: 19-Jul-2024

Case Closed:

Dept/Composition

Side 1. RULES 349 AND 354, RULES OF PROCEDURE JUVENILE COURT, Other

(Litigant Group) PETITIONER: DAVID K. BYERS

- David K Byers, Administrative Office of the Courts, Petitioner

CASE STATUS

Aug 22, 2024....Continued

Jul 22, 2024.....Circulating (until 10/1/24)

Jul 19, 2024.....Pending

4 PROCEEDING ENTRIES

- 1. 19-Jul-2024 FILED: Petition to Amend Rule 349 and Adopt Rule 354, Rules of Procedure for the Juvenile Court; Appendix B (Expedited Consideration and Emergency Adoption Requested Pursuant to Rule 28) (Petitioner David K. Byers, Administrative Office of the Courts, Administrative Director)
2. 22-Jul-2024 On July 19, 2024, David K. Byers, Administrative Director of the Administrative Office of the Courts, filed a rule petition to adopt a new Rule 354 of the Rules of Procedure for the Juvenile Court and to make a technical amendment to Rule 349 of those same rules. Proposed Rule 354 is intended to implement a statute that was adopted in the last legislative session setting forth the circumstances in which a terminated parent-child relationship can be restored and the procedures that must be followed to do so.

To ensure that the Court considers and acts on the proposed amendment before the statute goes into effect on September 14, 2024, Petitioner further requests that the petition be given expedited consideration under Rule 28(h)(1), Rules of the Supreme Court of Arizona, and that the proposed rule amendment be adopted on an emergency basis under Rule 28(h)(2) of the same rules.

Upon consideration,

IT IS ORDERED granting the request to consider this petition on an expedited basis.

IT IS FURTHER ORDERED that during its August 2024 Rules Agenda, the Court will consider whether to adopt on an emergency basis the proposed new Rule 354 and the technical amendment to Rule 349. If it does, the Court will consider whether to adopt the rule and the rule amendment on a permanent basis during its December 2024 Rules Agenda. If it decides not to adopt the proposed rule and rule amendment on an emergency basis, the Court will decide whether to adopt them on a non-emergency basis during its December 2024 Rules Agenda.

IT IS FURTHER ORDERED that this petition is opened for public comment under Rule 28(c), Rules of the Supreme Court of Arizona, with all comments due no later than October 1, 2024, and any reply due no later than October 15, 2024.

The petition may be viewed by going to: http://www.azcourts.gov/Rules-Forum. This opens the "Welcome" page. Petitions are posted under the appropriate body of rules (such as the "Rules of Procedure for the Juvenile Court"), which can be found by scrolling down the page.

For instructions on how to post comments electronically, click on https://www.azcourts.gov/rules/Forum-FAQ at the top of the "Forum FAQ" page and then "How do I file a comment on a Rule 28 petition?"

Alternatively, commenters may submit comments by filing an original and one paper copy of the comment and one electronic copy of the written comments and supporting documents in Microsoft Word format on a CD or other compatible electronic medium with the Clerk of the Supreme Court, 1501 West Washington St., Room 402, Phoenix, AZ 85007 in an envelope marked "Rule Comment."

Any person filing a comment must send a copy of the comment to the Petitioner electronically or by ordinary mail. (Hon. Ann A. Scott Timmer)

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3. 20-Aug-2024 WOULD ADOPT A NEW RULE 354 TO THE RULES OF PROCEDURE FOR THE JUVENILE COURT TO IMPLEMENT A RECENT STATUTE REGARDING THE RESTORATION OF PARENTAL RIGHTS, WOULD CORRESPONDINGLY AMEND THE TITLE OF SECTION 5 OF PART III OF THE SAME RULES, AND WOULD MAKE A TECHNICAL CORRECTION TO RULE 349 OF THE SAME RULES
- ORDERED: Petition to Amend Rule 349 and Adopt Rule 354, Rules of Procedure for the Juvenile Court = ADOPTED as modified on an emergency basis, effective September 14, 2024.
- FURTHER ORDERED: The Court will decide whether to adopt the rule amendments on a permanent basis during its December 2024 Rules Agenda.
4. 22-Aug-2024 On July 19, 2024, David K. Byers, on behalf of the Administrative Office of the Courts, filed a rule petition proposing to adopt a new Rule 354 of the Rules of Procedure for the Juvenile Court and to make a technical amendment to Rule 349 of those same rules. Petitioner further requests that the proposed rule amendments be adopted on an emergency basis under Rule 28(h)(2) of the Rules of the Supreme Court of Arizona. Having considered the petition,
- IT IS ORDERED, pursuant to Rule 28(h)(2) of the Rules of the Supreme Court of Arizona, that Rule 349 and the title of Section 5 of Part III of the Rules of Procedure for the Juvenile Court are amended on an emergency basis in accordance with the attachment to this order, effective September 14, 2024.
- IT IS FURTHER ORDERED, pursuant to Rule 28(h)(2) of the Rules of the Supreme Court of Arizona, that proposed Rule 354 of the Rules of Procedure for the Juvenile Court is adopted on an emergency basis in accordance with the attachment to this order, effective September 14, 2024.
- IT IS FURTHER ORDERED, consistent with the Court's July 22, 2024 order, that the Court will consider whether to adopt the rule amendments on a permanent basis during its December 2024 Rules Agenda. (Hon. Ann A. Scott Timmer)