

## 2009 Rule Impacts Report

Arizona Supreme Court  
Administrative Office of the Courts

This document summarizes Rules of Procedure that were adopted by the Arizona Supreme Court in 2009. Potential impacts that a rule change might have on judges, court administrators, court clerks, or probation officers have been included in this summary.

A reference to the *rule petition number* associated with each new or amended rule (e.g., R-09-0000) is provided with each rule summary. Please visit the **Supreme Court's Rules Forum** at <http://www.supreme.state.az.us/rules/> for the complete content of recent rule changes. The Rules Forum site is organized by rule petition numbers.

Rules regarding the practice of law or that concern the performance of judicial officers have not been included in this summary. Please refer to the Rules Forum site above for further information concerning new and amended rules on these topics.

Unless otherwise noted, the effective date of these rules is January 1, 2010. Rules that were adopted on an emergency basis have public comment periods that follow the emergency adoption date, as indicated in this summary.

These summaries and impacts have been prepared by the Administrative Office of the Courts. Each summary has an [e-mail link](#) to an individual at the A.O.C. that you can contact for further information.

If you have other questions concerning this document, please contact:

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RULE	WILL AFFECT	SUMMARY AND IMPACT
<p><b>Rule 123</b></p> <p><a href="#">R-08-0039</a></p> <p><a href="#">R-08-0039</a> <a href="#">Corrective Order</a></p> <p>Contact: <a href="#">Melinda Hardman</a></p>	<p>All courts</p> <p>Judges Clerks of the Court Court Administrators</p>	<p>Rule 123 concerns public access to case records. The amendments:</p> <ul style="list-style-type: none"> <li>• Define or modify definitions for the terms “Bulk Data,” “Case Record,” “Custodian of Bulk Data,” “Dissemination Contract and Disclaimer,” “Public,” “Public Purpose Organization,” “Remote Electronic Access,” and “Remote Electronic Access User Records.”</li> <li>• Clarify the procedure for review of a denial of access to records, bulk data, or compiled data.</li> <li>• Broaden the categories of case records available via the Internet beyond case management system data elements by including digital images or electronically filed pleadings, rulings, and minute entries in certain case types.</li> <li>• Authorize remote electronic access to case records based on the category of user. User categories include 1) parties, attorneys, and arbitrators; 2) federal, state, tribal, and local government entities; 3) registered members of the general public; and 4) non-registered members of the general public.</li> <li>• Require a government agency or public purpose organization to enter into a memorandum of understanding (records access agreement) prior to a custodian permitting remote electronic access to court records.</li> <li>• Identify personal identifying information that may be displayed to the general public online, including city, state and zip code (but not the street number) of a party’s address; and the month and year (but not the day) of birth.</li> <li>• Provide for fees to be established for Internet access to records.</li> <li>• Establish an administrative process for correcting data errors or omissions. (Initially, an application to correct</li> </ul>

		<p>a data error or omission in an electronic record must be submitted to the clerk of the court, or to the justice of the peace or municipal court judge.</p> <ul style="list-style-type: none"> <li>• Add to the list of administrative records that are closed to the public, including (a) information that a remote user has accessed a particular court record; and (b) records generated by participants in judicial education programs, such as assessments and test scores.</li> <li>• Authorize a custodian to contract with a private company or public organization to provide specialized bulk or compiled data reports to those who request them.</li> <li>• Require a custodian to enter into a data dissemination contract prior to releasing bulk or compiled data to the public.</li> <li>• For bulk data, authorize the release, other than for a petitioner seeking an order of protection, of a complete date of birth (instead of month and year of birth only) and last four digits of a social security number.</li> </ul> <p><b>Impact</b></p> <ul style="list-style-type: none"> <li>• <b>Arizona judicial officers, clerks, administrators, and staff</b> have such access to records as needed to carry out their assigned duties and as directed by their supervisor.</li> <li>• The amendments make no change to the public's right of access to paper or electronic records at an individual court facility.</li> <li>• <b>Clerks in those courts providing remote electronic access to records</b> may have to make modifications to the information presented. For example, any case that is publically available online must prominently display current charge dispositions.</li> <li>• <b>The Clerk will need to assure</b> that a dissemination agreement and disclaimer has been executed for bulk data requests; and that a memorandum of understanding (records access agreement) has been</li> </ul>
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		<p>executed for governmental entities and public purpose organizations to have remote electronic access.</p> <ul style="list-style-type: none"> <li>• <b>Court administrators should note</b> that records of judicial participants in education programs are now closed.</li> <li>• On a request for review of a denial of access to records, <b>the presiding judge may have a designee</b> issue a decision.</li> <li>• Additional sections of the Arizona Code of Judicial Administration (§§1-604, 1-605, and 1-606) may be adopted in late December 2009 or January 2010 concerning these amendments to Rule 123.</li> </ul> <p>See also <a href="#">Civil Rule 5(f)</a> and <a href="#">Criminal Rule 2.3(b)</a> <i>infra</i>.</p>
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Arizona Rules of Civil Procedure	<a href="#">TOC</a>
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RULE	WILL AFFECT	SUMMARY AND IMPACT
<p><b>Rule 5(f)</b></p> <p><a href="#">R-08-0039</a></p> <p><a href="#">R-08-0039</a> Corrective Order</p> <p>Contact: <a href="#">Melinda Hardman</a></p>	<p>Superior Courts Justice Courts Municipal Courts</p> <p>Judges Clerks Court Administrators</p>	<p>This new section was adopted in conjunction with amendments to <a href="#">Supreme Court Rule 123</a>.</p> <p>Rule 5(f) concerns civil filings containing sensitive data.</p> <p>Filers must refrain from including social security numbers and financial account numbers in documents (including exhibits) that are filed with the court.</p> <p>This rule applies to both electronic as well as paper filings.</p> <p><b>Impact:</b></p> <p><b>The clerk is not required</b> to review documents for compliance with this rule.</p> <p><b>The court may impose sanctions</b> for violations against counsel or parties to ensure compliance in the future.</p> <p>Any party or their attorney may request, <b>or the court on its own initiative may order</b>, that a document subject to availability by remote electronic access be sealed or replaced with an identical document with the sensitive data removed.</p>
<p><b>Rule 50</b></p> <p><a href="#">R-08-0015</a></p> <p>Contact: <a href="#">Mark Meltzer</a></p>	<p>Superior Courts</p> <p>Judges</p>	<p>Rule 50 has been amended to conform to the correlative federal rule of civil procedure.</p> <p><b>Impact:</b></p> <p>A motion for judgment as a matter of law that is made during a</p>

		trial does not need to be made again at the close of the evidence as a condition for post-trial review.
<b>Rules 6(e) and 35(c)</b>  <a href="#">R-09-0025</a>	Superior Courts Justice Courts  Judges Clerks	The amendments correct erroneous cross-references in these rules. These are “housekeeping amendments”.  <b>Impact:</b> None.
<b>Rules of Civil Procedure Previously Adopted on an Emergency Basis</b>		
<b>Rules 57.1 and 57.2</b>  <a href="#">R-08-0027</a>  Contact: <a href="#">Mark Meltzer</a>	Superior Courts  Judges Clerks	Rules 57.1 (petitions for a determination of factual innocence) and 57.2 (petitions for a determination of improper party status) concern identity theft. These rules were adopted on an emergency basis on September 26, 2008.  The rules have now been adopted on a permanent basis, with certain modifications, including the following.  <b>Impact:</b> <ul style="list-style-type: none"> <li>• Under either rule, a person may request, and <b>the court may order</b>, that a filing containing potentially sensitive identifying information such as the person’s birth date, social security number, or financial account numbers, be filed or retained in redacted form or under seal.</li> <li>• Rule 26.1 disclosures have been added to discovery as being required only upon stipulation of the parties <b>or by court order</b>.</li> <li>• Both rules clarify that <b>orders may be entered</b> upon submission of proof by affidavit.</li> </ul>
<b>Arizona Rules of Criminal Procedure</b>		
<b>RULE</b>	<b>WILL AFFECT</b>	<b>SUMMARY AND IMPACT</b>
<b>Rule 1.6</b>  <a href="#">R-06-0016</a>  Contact: <a href="#">Mark Meltzer</a>	Superior Courts Justice Courts Municipal Courts  Judges Clerks Court Administrators Probation Officers	Rule 1.6 governs a defendant’s appearance in a criminal proceeding through an “interactive audiovisual system”, i.e., by video-conferencing.  The 2009 amendments to Rule 1.6 create three categories of proceedings for the appearance of a defendant by video-conferencing: <ol style="list-style-type: none"> <li>1. Proceedings where the defendant’s appearance by video-conference is <u>not allowed</u> (trials, contested probation violation hearings, and a sentencing or probation disposition hearing in a felony case.) An</li> </ol>

		<p>exception may be made only <b><i>upon the court's finding of extraordinary circumstances</i></b>, and with consent of the parties by written stipulation or upon the record.</p> <p>2. Proceedings where the defendant's appearance by video-conference is <u>in the sole discretion of the judicial officer</u> (initial appearances, not-guilty arraignments, guilty arraignments for misdemeanors, hearings on motions to continue that do not involve waivers of time, hearings on uncontested motions, pretrial conferences, changes of plea in misdemeanor cases, and informal conferences in PCR matters.)</p> <p>3. Proceedings where the parties <u>may stipulate that the defendant can appear</u> by video-conference (this applies to any proceeding not specifically excluded or included above.) The stipulation is <b><i>subject to court approval</i></b>.</p> <p>If a hearing where the defendant appears by video-conference expands beyond what was anticipated, <b><i>the court may continue the hearing</i></b> to allow the defendant's personal appearance in the courtroom.</p> <p>A new provision concerning interpreters requires the interpreter to be present with the remote defendant (i.e., at the jail) absent "compelling circumstances".</p> <p><b>Impact:</b></p> <ul style="list-style-type: none"> <li>• <b><i>The court has discretion</i></b> to conduct certain proceedings where the defendant appears by video-conference. See Rule 1.6(d).</li> <li>• A simple <b><i>court form</i></b> that provides a stipulation between parties that a defendant can appear by video-conference might prove useful. See Rule 1.6(e).</li> <li>• The order adopting the amendments to Rule 1.6 requires <b><i>operational standards</i></b> for video-conferencing. A new ACJA section containing operational standards is anticipated in late December 2009 or January 2010.</li> <li>• The proposed section of the ACJA would require that <b><i>judicial officers and staff be trained</i></b> on the operation and optimal use of the interactive audiovisual system.</li> </ul> <p>See further Rule 10 of the Rules of Procedure for Civil Traffic Violation Cases, <i>infra</i>.</p>
<b>Rule 2.3(b)</b>	Superior Courts Justice Courts	This new provision was adopted in conjunction with the amendments to <a href="#">Rule 123</a> of the Rules of the Supreme Court.

<p><a href="#">R-08-0039</a></p> <p><a href="#">R-08-0039</a> <a href="#">Corrective Order</a></p> <p>Contact: <a href="#">Melinda Hardman</a></p>	<p>Municipal Courts</p> <p>Judges Clerks Court Administrators</p>	<p>When a charging document is filed in a criminal case in which a juvenile is alleged to be the victim of any offense listed in A.R.S. Title 13, chapter 14 (sexual offenses) or chapter 35.1 (offenses concerning sexual exploitation of children), the prosecutor must advise the clerk that the case is subject to the provisions of Supreme Court Rule 123(g)(1)(C)(ii)(h). Under this provision of Rule 123, the charging document will not be accessible by remote electronic access.</p> <p><b>Impact:</b></p> <p><b>Record custodians will need to ensure</b> that EDMS and CMS systems correctly flag these records so they are not viewable by unauthorized users.</p>
<p><b>Rules 3.2, 4.2, 7.5, 14.3, 26.10, and Form 3(a)</b></p> <p><a href="#">R-09-0029</a></p> <p><i>Adopted on a emergency basis, effective January 1, 2010 Public comments due May 20, 2010</i></p> <p>Contact: <a href="#">Patrick Scott</a></p>	<p>Superior Courts Justice Courts Municipal Courts</p> <p>Judges Clerks Court Administrators Probation Officers</p>	<p>These amendments deal with procedures for obtaining fingerprints in criminal proceedings.</p> <p>Existing <a href="#">Rule 3.2</a> requires that a defendant who is summoned to court on a felony or a specified misdemeanor must be fingerprinted by the appropriate law enforcement agency. The amendment to this rule requires that the summoned defendant provide “ten-print fingerprints” to the law enforcement agency.</p> <p><b>Impact:</b></p> <p>At an initial appearance pursuant to <a href="#">Rule 4.2(a)</a>, if the defendant does not present a completed mandatory fingerprint compliance form, or if the court has not received the process control number, <b>the court shall</b> order that the defendant within twenty days be ten-print fingerprinted at a designated time and place by the appropriate law enforcement agency. A parallel process is set forth in the amendments to <a href="#">Rule 14.3(h)</a> for defendants who are summoned to appear at an arraignment.</p> <p>Under the amendments to <a href="#">Rule 7.5(e)</a>, if a defendant fails to timely present a completed fingerprint compliance form, or if the court has not received the process control number, <b>the court on its own motion may remand</b> the defendant into custody for ten-print fingerprinting. If otherwise eligible for release, the defendant must be released from custody after being ten-print fingerprinted.</p> <p>At the time of pronouncement of sentence under <a href="#">Rule 26.10(b)</a> on any felony offense or for a theft or DUI offense, <b>the court shall permanently affix</b> the defendant’s right index fingerprint to the sentencing document <u>and</u> to the final disposition report.</p> <p>Amendments to the summons, <a href="#">Rule 41, Form 3(a)</a> were made by an Order entered in R-08-0019 regarding DNA testing. In R-09-0029, additional non-conflicting amendments have been made to the <u>summons form</u> concerning the requirement for ten-print fingerprints.</p>

		See further <a href="#">Exhibit A to the Arizona Traffic Ticket and Complaint</a> , Rules of Procedure for Traffic Cases and Boating Cases, <i>infra</i> .
<p><b>Rule 6.3</b></p> <p><a href="#">R-08-0041</a></p> <p>Contact: <a href="#">Mark Meltzer</a></p>	<p>Superior Courts</p> <p>Judges</p>	<p>Rule 6.3 concerns the duties of defense counsel in a criminal case. The amendments to Rule 6.3 added two new paragraphs regarding defense counsel in a capital case.</p> <p>New Rule 6.3(d) requires that defense counsel maintain records in a capital case “in a manner that will inform successor counsel of all significant developments relevant to the litigation” and that the complete record and file, as well as information “regarding every aspect of the representation” be provided to successor counsel.</p> <p>New Rule 6.3(e) requires successor counsel to obtain the complete file of the previous counsel “immediately upon undertaking representation”. This provision also requires that successor counsel continue to preserve the file in a manner that complies with section 6.3(d).</p> <p><b>Impact:</b></p> <p>The rule provides for defense counsels’ efficient and timely transfer of the defendant’s complete file in a capital case, and it should improve capital case processing.</p>
<p><b>Rules 11.5 and 11.6</b></p> <p><a href="#">R-09-0028</a></p> <p><i>Emergency effective date of September 30, 2009 Public comments due May 20, 2010</i></p> <p>Contact: <a href="#">Mark Meltzer</a></p>	<p>Superior Courts</p> <p>Judges</p> <p>Clerks</p> <p>Court</p> <p>Administrators</p> <p>Probation Officers</p>	<p><a href="#">A.R.S. § 13-4515(A)</a> provides that “an order or combination of orders” issued pursuant to A.R.S. §§ 13-4512 and 13-4514 and that direct a defendant who has been found incompetent to a restoration to competency program, shall not be in effect for more than twenty-one months or the maximum possible sentence a defendant could have received, whichever is less.</p> <p>A new subsection (B) was added in 2009 to A.R.S. § 13-4515. This new subsection provides that “the Court shall only consider the time a defendant actually spends in a restoration to competency program when calculating the time requirements pursuant to subsection A of this section.”</p> <p><b>Impact:</b></p> <p>New Rule 11.5(e) requires that <b><i>the court calculate the time period</i></b> in a manner consistent with the statutory amendment, i.e., by considering only the time a defendant actually spends in a restoration to competency program.</p> <p>The changes to Rule 11.6 are technical and conforming corrections and will have no impact.</p>
<p><b>Rules 32.7</b></p> <p><a href="#">R-08-0042</a></p> <p>Contact: <a href="#">Mark</a></p>	<p>Superior Courts</p> <p>Judges</p> <p>Clerks</p> <p>Court</p>	<p>Rule 32.7 pertains to informal conferences on petitions for post-conviction relief in a criminal case.</p> <p><b>Impact:</b></p>

<a href="#">Meltzer</a>	Administrators	The amendment to Rule 32.7 applies only to capital cases. The amendment makes the informal conference on a first notice of a petition for post-conviction relief in a capital case mandatory rather than discretionary. <b>The court must hold, and the clerk must calendar, an informal conference</b> within ninety days from the appointment of counsel.
<p><b>Rules 39</b></p> <p><a href="#">R-08-0037</a></p> <p>Contact: <a href="#">Carol Mitchell</a></p>	<p>Superior Courts Justice Courts Municipal Courts</p> <p>Judges Clerks Court Administrators Probation Officers</p>	<p>Rule 39 provides for rights of crime victims. The amendment to Rule 39(a) amends the definition of “victim” to conform to <a href="#">A.R.S § 13-4401</a>.</p> <p><b>Impact:</b></p> <p>In circumstances where a person has been killed or incapacitated as a result of an alleged criminal offense, that person’s grandparent, sibling, or any other person related to the person by consanguinity or affinity to the second degree (e.g., uncle, aunt, first cousin, niece, in-law) or any other lawful representative of the person are now included within the definition of “victim”. <b>The court must afford to these individuals</b> the rights provided to victims.</p>
<p><b>Rules 1.3</b></p> <p><a href="#">R-09-0025</a></p>	<p>Superior Courts Justice Courts</p> <p>Judges Clerks</p>	<p>The amendment corrects an erroneous cross-reference in this rule. This is a “housekeeping amendment”.</p> <p><b>Impact:</b> None.</p>
<b>Rules of Criminal Procedure Previously Adopted on an Emergency Basis</b>		
<p><b>Rules 7.3 and 7.5</b></p> <p><b>Rules 2.7, 4.1, 4.2, and Rule 41 (Form 3a)</b></p> <p><a href="#">R-08-0019</a></p> <p>Contact: <a href="#">Patrick Scott</a></p>	<p>Superior Courts Justice Courts Municipal Courts</p> <p>Judges Clerks Court Administrators Probation Officers</p>	<p>Amendments to these rules regarding samples for DNA testing were adopted on an emergency basis on September 26, 2008. These rules are now permanently adopted, with certain modifications.</p> <p><b>Impact:</b></p> <p><u>Rule 7.3(a)</u>: A mandatory condition of release for a person charged with an offense listed in A.R.S. § 13-610(O)(3) requires that <b>the court order the person</b> to provide a sample of buccal cells or substances to a law enforcement agency within five days of release, and to provide the court with proof of compliance at the next court hearing.</p> <p><b>The judicial officer “shall” (rather than “may”) advise the person</b> that a willful failure to comply with this order “shall” result in revocation of the person’s release.</p> <p><u>Rule 7.5(d)</u>: A prosecutor may file a motion (rather than a verified petition) stating facts or circumstances that the defendant has failed to comply with the court’s order to submit a sample and to provide proof of compliance. <b>The court shall proceed</b> at the defendant’s next court appearance in accordance with the requirements of this rule and A.R.S. § 13-3967(F)(4) [“ If a person does not comply with an order issued pursuant to this subsection, the court shall revoke the person’s</p>

		<p>release.”]</p> <p><b>The Order adopting these revised rules also adopted the following additional modifications to the Rules of Criminal Procedure:</b></p> <p><u>Rule 2.7:</u> Upon petition by an arresting authority or a custodial agency stating that a person who is in custody for an offense listed in A.R.S. § 13-610(O)(3) has failed (refused) to provide a sample for DNA testing, <b>the court shall order that the person appear</b> at a designated time and place to permit the taking of a sample for DNA testing. The arresting authority or custodial agency is required to provide the person with a copy of the court order.</p> <p><u>Rule 4.1(e):</u> If an arresting authority is required to secure a sample for DNA testing, <b>proof of compliance shall be provided to the court</b> prior to the initial appearance.</p> <p><u>Rule 4.2(a)(9):</u> At the initial appearance of an in-custody defendant who was arrested for an offense listed in A.R.S. §13-610(O)(3), if the court has not received proof of compliance that a sample has been provided, <b>the court shall order</b> the arresting agency to secure a sample for DNA testing.</p> <p><u>Rule 41, Form 3(a):</u> The form of summons has been modified. The modified summons includes an order that the person appear at a specified law enforcement agency prior to the court appearance date and provide a sample for DNA testing. The defendant is directed to bring the summons to the law enforcement agency. The modified summons has a space for the law enforcement agency to place an inked stamp to confirm that the defendant has provided a DNA sample. The summons directs the defendant to bring the summons, with the law enforcement stamp, to the court appearance to prove that a sample has been provided as required by the summons.</p> <p>See further <a href="#">Rules 23 and 28</a> of the Juvenile Court Rules, <i>infra</i>.</p>
<p><b>Rule 27.4</b> <a href="#">R-08-0024</a></p> <p>Contact: <a href="#">JL Doyle</a></p>	<p>Superior Courts Justice Courts Municipal Courts</p> <p>Judges Clerks Court Administrators Probation Officers</p>	<p>This amendment was adopted on an emergency basis effective December 31, 2008. It provides that <b>the court may reduce</b> the term of supervised probation for earned time credit, as provided by law.</p> <p><b>Impact:</b></p> <p>None or minimal. The court will consider petitions to award earned time credit and reduce terms of probation as is done currently for early termination petitions.</p>
<p><b>Rule 28.2</b> <a href="#">R-08-0026</a></p>	<p>Superior Courts Justice Courts Municipal Courts</p>	<p>This amendment was adopted on an emergency basis effective January 1, 2009. The rule amendment was prompted by the addition of A.R.S. § 13-4221 in 2008.</p>

<p>Contact: <a href="#">Mark Meltzer</a></p>	<p>Judges Clerks Court Administrators</p>	<p><b>Impact:</b></p> <p>Pursuant to <a href="#">A.R.S. § 13-4221</a>, <b>governmental entities are required to retain biological evidence</b> that is obtained in connection with a felony sexual offense or a homicide for prescribed lengths of time. For persons convicted of these offenses, the time period is while the person remains incarcerated, or until the completion of the person’s supervised release. For a “cold case”, the time period is fifty-five years, or until a person who is convicted of the crime remains incarcerated or is under supervised release for the offense. The biological evidence must be retained so it can be made available for DNA testing. See further A.R.S. §13-4240: <b>the court may order</b> DNA testing of this evidence. The addition of the words “unless the law establishes evidentiary retention requirements” to Rule 28.2(b) is intended to address the statutory requirement of preserving biological evidence.</p>
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**Rules of Evidence**

RULE	WILL AFFECT	SUMMARY AND IMPACT
<p><b>Rule 408</b></p> <p><a href="#">R-08-0035</a></p> <p>Contact: <a href="#">Mark Meltzer</a></p>	<p>Superior Courts Justice Courts Municipal Courts</p> <p>Judges</p>	<p>Rule 408 concerns evidence of compromise and offers to compromise.</p> <p>This amendment supersedes this Court’s ruling in <i>Hernandez v. State</i>, 203 Ariz. 196, 52 P.3d 765 (2002). Under the amendments, evidence of an offer or acceptance of a compromise, or evidence of conduct or statements made during compromise negotiations, is inadmissible on behalf of any party to prove liability for, the invalidity of, or the amount of a claim, or to impeach through a prior inconsistent statement or contradiction.</p> <p>The amendment does not require exclusion of this evidence if it is offered for a permissible purpose, such as proving bias of a witness, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation.</p> <p><b>Impact:</b></p> <p>The amended rule could impact <b>a judge’s rulings on objections</b> to evidence.</p>
<p><b>Rule 502</b></p> <p><a href="#">R-09-0004</a></p> <p>Contact: <a href="#">Mark Meltzer</a></p>	<p>Superior Courts Justice Courts Municipal Courts</p> <p>Judges</p>	<p>This is a new rule of evidence. It is modeled after Rule 502 of the Federal Rules of Evidence, and it is designed to resolve disputes concerning inadvertent and voluntary disclosures.</p> <p>Rule 502 applies to disclosures of communication or information covered by the attorney-client privilege or work product protection. The rule among other things:</p> <ul style="list-style-type: none"> <li>• Describes the scope of a waiver made in an Arizona proceeding;</li> <li>• Describes the effect of an inadvertent disclosure;</li> </ul>

		<ul style="list-style-type: none"> <li>• Describes the effect of a disclosure made in a proceeding in federal court or in another state.</li> </ul> <p><b>Impact:</b></p> <p>This rule should reduce the number of discovery issues that require court intervention, and <b>assist the court in deciding discovery disputes</b> that are presented to the court. This rule may have particular application to disclosure of electronic information which may be produced in large volumes, including e-mail communications and electronically managed documents.</p>
<p><b>Rule 703 and 705</b></p> <p><a href="#">R-08-0036</a></p> <p>Contact: <a href="#">Mark Meltzer</a></p>	<p>Superior Courts Justice Courts Municipal Courts</p> <p>Judges</p>	<p>These rules concern expert opinion.</p> <ul style="list-style-type: none"> <li>• Facts or data upon which the expert has relied that are otherwise inadmissible shall not be disclosed to the jury unless the court determines that its probative value in assisting the jury substantially outweighs its prejudicial effect.</li> <li>• An expert may give testimony in terms of opinions and inferences without first testifying to the underlying facts or data, unless the court requires otherwise.</li> </ul> <p><b>Impact:</b></p> <p><b>A judge may receive</b> objections to the factual basis of an expert's opinion, and whether the opinion is based on inadmissible evidence.</p>
<p><b>Rule 804(b)(6)</b></p> <p><a href="#">R-09-0009</a></p> <p>Contact: <a href="#">Mark Meltzer</a></p>	<p>Superior Courts Justice Courts Municipal Courts</p> <p>Judges</p>	<p>A new hearsay exception has been added to Rule 804(b), which allows the admission of evidence when the declarant is unavailable as a witness.</p> <p>This new exception is sub-titled "forfeiture by wrongdoing", i.e., the defendant has forfeited the right to confront the witness by the defendant's own wrongdoing.</p> <p><b>Impact:</b></p> <p><b>A judge is not required</b> to exclude a statement when it is offered against a party who has engaged or acquiesced in wrongdoing that was intended to and did procure the unavailability of the declarant as a witness.</p>
<b>Rules of Probate Procedure</b>		
RULE	WILL AFFECT	SUMMARY AND IMPACT
<p><b>Rule 7</b></p> <p><a href="#">R-08-0032</a></p> <p>Contact:</p>	<p>Superior Courts</p> <p>Judges Clerks of the Court Court Administrators</p>	<p>Rule 7 of the probate rules deals with confidential documents and information.</p> <p>The amended Rule 7:</p> <ul style="list-style-type: none"> <li>• Includes debit cards within the meaning of a "financial</li> </ul>

<a href="#">Lori Braddock</a>		<p>account.”</p> <ul style="list-style-type: none"> <li>• States that a confidential document shall not be maintained as part of the public record in a probate case. Confidential documents must be designated by a party by placing them in a sealed envelope with language on the envelope as required by this rule. The process of a party placing confidential documents in an envelope applies only to paper documents.</li> <li>• In those counties in which the clerk maintains an authorized electronic court record, the amendment allows for a probate information form, which is a confidential document, to be processed electronically “in a manner consistent with the processing of confidential documents in other case types.”</li> <li>• Expands the list of persons to whom the clerk may disclose confidential documents, including court administrative staff and other court personnel whose official duties necessitate access.</li> </ul> <p>Text in the comment to this rule has been amended by noting that the rule’s stated purpose of protecting against identity theft and financial exploitation is no longer limited to vulnerable adults; and that any unredacted financial statement, and not just those from a brokerage house, are considered to be confidential.</p> <p><b>Impact:</b></p> <p>Until probate cases are filed electronically, the change concerning processing the probate information form in a manner consistent with confidential documents in other case types should not require a process change. The expansion of access to confidential information to court administrative staff and other court personnel for processing and managing probate cases should enhance court efficiency.</p>
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**Rules of Family Law Procedure**

RULE	WILL AFFECT	SUMMARY AND IMPACT
<p><b>Rules 74, 76, 79, and 97 (Forms 2, 4, 5, 7, 8, and 16)</b></p> <p><a href="#">R-08-0031</a></p> <p>Contact: <a href="#">Kathy Sekardi</a></p>	<p>Superior Courts</p> <p>Judges Clerks of the Court Court Administrators</p>	<p>Rules 74, 76, and 79 concern, respectively, parenting coordinators, pretrial procedures, and summary judgment. Rule 97 deals with family law forms.</p> <p><b>Impact:</b></p> <p>Former rule 74(J) [“court action”] required a party to object to the recommendation of a parenting coordinator within ten days from the date the report and recommendations were submitted to the court. Under the amended rule, a party may object to the recommendations or request a hearing not later than ten days after the filing of the court’s order concerning the recommendations of the parenting coordinator. <b><i>The court and clerk may receive</i></b> objections during this time period.</p> <p>Note that the 2009 amendment of paragraph J does not preclude a party from filing an objection to the recommendation of the</p>

		<p>parenting coordinator prior to the court acting on the recommendation.</p> <p>An amendment to Rule 76 allows the parties to comply with the requirements of Rule 76(C) by using the new form of pretrial statement provided in Form 16.</p> <p>Under the amendments to Rule 79, a party opposing a motion for summary judgment has thirty days after service to file a response (rather than fifteen days), and a moving party has fifteen days (rather than five) to file a reply. <b>The clerk should calendar</b> time periods for hearings on the motion accordingly.</p> <p>Rule 97, Forms 2, 4, 5, 7, and 8, provide new text concerning health insurance and cash medical support pursuant to <a href="#">A.R.S. § 25-320(K)</a>. Form 16 is a new form of pretrial statement.</p>
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**Rules of Procedure for the Juvenile Court**

RULE	WILL AFFECT	SUMMARY AND IMPACT
<p><b>Rules 41, 47, 47.1, 50, 52, 58, and 68</b></p> <p><a href="#">R-09-0027</a></p> <p>Emergency effective date of September 30, 2009 Public comments due May 20, 2010</p> <p>Contact: <a href="#">Caroline Lutt-Owens</a></p>	<p>Superior Courts</p> <p>Judges Clerks of the Court Court Administrators</p>	<p>Amendments to the juvenile rules have been promulgated to conform to statutory changes concerning dependency, guardianship, and termination of parental rights proceedings.</p> <p><b>Impact:</b></p> <p>Rule 41: Attendance at hearings.</p> <ul style="list-style-type: none"> <li>When determining whether a dependency, permanent guardianship, or termination of parental rights proceeding should be closed to the public, the court must consider if an open proceeding could cause “specific material harm” to a criminal investigation. A court proceeding relating to child abuse, abandonment, or neglect that has resulted in a fatality or near fatality is open to the public, subject to this consideration and other factors enumerated in subsection (E) of this rule and the requirements of <a href="#">A.R.S. § 8-807(F)(2)</a>.</li> <li>A child in foster care has a right to attend the child’s court hearing and <b>speak to the judge</b>. At the first hearing in a dependency, permanent guardianship, or termination proceeding, <b>the court must determine</b> that the child has been informed of and understands these rights.</li> </ul> <p><u>Rule 47: Release of Information.</u> The amendments provide factors for <b>the court to consider</b> when a request is made to inspect court records in a case involving child abuse, abandonment, or neglect that has resulted in a fatality or near fatality.</p> <ul style="list-style-type: none"> <li>If records are released, <b>the court must redact information</b> pursuant to the requirements of <a href="#">A.R.S. §§ 8-</a></li> </ul>

[525\(B\) and \(6\)](#) and [8-807\(F\)\(2\)](#).

Rule 47.1: Mandatory judicial determinations. The amendments to this rule **require the court to determine** at the initial dependency hearing whether the Department is attempting to identify and assess placement of the child with a grandparent, another member of the child's extended family, or a person who has a significant relationship with the child. At periodic review hearings, **the court must determine**

- Whether the Department of Economic Security has identified and assessed placement of a child with a grandparent, another member of the child's extended family, or a person who has a significant relationship with the child;
- Whether the parent or guardian has provided the court with the names and other available information necessary to locate persons related to the child or who have a significant relationship with the child, or whether they have informed the court that there is insufficient information available to locate a relative or person with a significant relationship with the child; and
- Whether the parent or guardian informed the department immediately if they became aware of new information related to the existence or location of a relative or person who has a significant relationship with the child.

Rule 50: Preliminary protective hearing; and Rule 52: Initial dependency hearing. The amendment to these rules **requires the court to order** the parent or guardian to provide names, the types of relationships and all available information necessary to locate persons related to the child or who have a significant relationship with the child at the preliminary protective hearing (Rule 50) and at the initial dependency hearing (Rule 52).

Rule 58: Review hearing. The amendments to this rule address the statutory changes reducing the number of days (from thirty days to ten days within the last six months) a child has resided with foster parents in a foster home or in a shelter care facility or receiving foster home, that would entitle the foster parents, shelter care facility, or receiving foster home **to get notice of court proceedings and the right to participate.**

Rule 68: Definitions. The amendment to this rule requires, as part of the Investigative Report, a valid fingerprint clearance card of the prospective adoptive parent(s) and a valid fingerprint clearance card for each other adult member of the household, as required by law. The prospective parent and each other adult member of the household must certify on notarized forms whether that person is awaiting trial or has ever been convicted of any designated criminal offense.

<p><b>Rule 41(H)</b></p> <p><a href="#">R-08-0040</a></p> <p>Contact: <a href="#">Caroline Lutt-Owens</a></p>	<p>Superior Courts</p> <p>Judges Clerks of the Court Court Administrators</p>	<p>This rule amendment concerns the notice requirement for dependency, guardianship, and termination of parental rights proceedings.</p> <p><b>Impact:</b></p> <p>This amendment <i>deletes the requirement that the court must ensure that notice of proceedings has been provided</i> to foster parents, pre-adoptive parents, and relative caregivers in cases where the DES is not a petitioning party. However, the DES is required to provide notice to these parties when the Department is a party (and not only when it is a petitioner) in a case.</p>
<p><b>Rules 48.1, 50, 52-62, and 65 Forms 1, 2, 3, and 1A</b></p> <p><a href="#">R-09-0013</a></p> <p>Contact: <a href="#">Caroline Lutt-Owens</a></p>	<p>Superior Courts</p> <p>Judges Clerks of the Court Court Administrators</p>	<p>Rules 48.1, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 62, and 65 have been amended by adding a provision that, <i>in addition to providing the verbal admonitions required by the Rules, the juvenile court may provide the parent, guardian, or Indian custodian with the appropriate form, request that it be signed and returned, and note on the record that the form was provided.</i></p> <p><b>Impact:</b></p> <p><u>General amendments to Forms:</u></p> <ul style="list-style-type: none"> <li>• A provision was added informing the parent that hearings are open to the public unless the juvenile court, for good cause, orders them closed.</li> </ul> <p><u>Form 1A (in-home intervention action):</u> A new form 1A has been adopted that:</p> <ul style="list-style-type: none"> <li>• Advises the parent, guardian, or Indian custodian of his or her responsibilities concerning an in-home intervention, and the possible consequences of a failure to fulfill those responsibilities.</li> </ul> <p><u>Form 1 (dependency action):</u> This form has been modified:</p> <ul style="list-style-type: none"> <li>• To reflect that if the parent cannot be reunited within the legal time frames, the court may terminate parental rights, or the court may appoint a permanent guardian for the child.</li> <li>• By adding language advising the parent that substantially neglecting or willfully refusing to participate in reunification services is grounds for terminating parental rights.</li> <li>• By adding language that there will be additional court hearings, and if the parent cannot attend, he or she must prove to the court that they had good cause for not attending. If the parent fails to attend the pretrial conference, settlement conference, or dependency adjudication hearing without good cause, the court may</li> </ul>

		<p>determine that the parent waived legal rights and admitted the allegations in the dependency petition, and that the court may go forward with the dependency adjudication hearing in the parent’s absence.</p> <p><u>Form 2 (guardianship action):</u> This form has been modified:</p> <ul style="list-style-type: none"> <li>To reflect that a failure of a party to attend the initial guardianship hearing, pretrial conference, settlement conference, or guardianship adjudication hearing without good cause may be a waiver of legal rights and an admission of allegations; and that the court may go forward with the guardianship adjudication hearing in the parent’s absence and establish a guardianship for the child.</li> </ul> <p><u>Form 3 (termination action):</u> This form has been modified:</p> <ul style="list-style-type: none"> <li>To advise the parent that if the court determines that termination of parental rights would be in the child’s best interests, it may terminate parental rights.</li> <li>To reflect that a parent’s absence at an initial termination hearing, termination pretrial conference, status conference, or termination adjudication hearing without good cause may be a waiver of legal rights and an admission of allegations, and the court may go forward with a termination adjudication hearing in the parent’s absence.</li> </ul>
<p><b>Rules 55 and 66</b></p> <p><a href="#">R-09-0015</a></p> <p>Contact: <a href="#">Caroline Lautt-Owens</a></p>	<p>Superior Courts</p> <p>Judges Clerks of the Court Court Administrators</p>	<p>These rule amendments deal with the <b><i>burden of proof that the court must consider.</i></b></p> <p><b>Impact:</b></p> <p>Rule 55(C) is amended to conform to A.R.S. § 8-844(c)(1) and the holding in Valerie M. v. ADES by reflecting the proper burdens of proof for state-law and Indian Child Welfare Act findings.</p> <p>Rule 66(C) is amended to conform to A.R.S. §§ 8-537(B) and 8-863(B) and the holdings in Valerie M. and Kent K. v. Bobby M. by reflecting the separate burdens of proof required for the termination grounds (clear and convincing evidence) and the best-interests finding (preponderance of the evidence.)</p> <p>Rule 66(C) is also amended to conform to the ICWA by reflecting that the moving party or petitioner “satisfy the court” that active but unsuccessful efforts were made to prevent the breakup of the Indian family.</p>

**Rules of Procedure for Juvenile Court Previously Adopted on an Emergency Basis**

<p><b>Rules 23 and 28 Rule 26(A)(5)</b></p> <p><a href="#">R-08-0019</a></p> <p>Contact: <a href="#">Patrick Scott</a></p>	<p>Superior Courts</p> <p>Judges Clerks of the Court Court Administrators Probation Officers</p>	<p>Amendments to these rules regarding samples for DNA testing were adopted on an emergency basis on September 26, 2008. These rules are now permanently adopted, with certain modifications, including the following.</p> <p><b>Impact:</b></p> <ul style="list-style-type: none"> <li>• Upon admission of a juvenile to a detention facility for an offense listed in <a href="#">A.R.S. § 13-610(O)(3)</a>, <b>the authorized juvenile court officer shall obtain</b> from the arresting agency proof of compliance with A.R.S. § 13-610(K), that is, that a sample of bodily substances for DNA testing has been obtained from the juvenile and has been transmitted to the department of public safety.</li> <li>• A revocation of release of a juvenile who has failed to comply with an order to submit to DNA testing may be initiated by a supervising juvenile probation officer or by a prosecutor by <b>filing a written request with the court</b> (rather than a verified petition.)</li> <li>• A petition may be filed by an arresting authority or custodial agency <b>requesting a court order</b> that the juvenile submit a sample for DNA testing if the juvenile has previously refused to provide a sample.</li> </ul> <p><b>The Order adopting these revised rules also adopted the following addition to the Rules of Juvenile Procedure:</b></p> <p><u>Rule 26(A)(5)</u>: A notice compelling the appearance of a juvenile in court for an offense listed in A.R.S. § 13-610(O)(3) shall advise the juvenile to appear at a designated time and place to provide a sample for DNA testing, and to <b>provide proof of compliance to the court</b> at the proceeding to which the juvenile has been summoned.</p> <p>See further <a href="#">Rules 7.3 and 7.5</a> of the Rules of Criminal Procedure, <i>supra</i>.</p>
<p><b>Rules 41, 47.1, 50, 56, 58, 60, 61, 63, 79, 61.1 [63.1], and 62.1 [63.2]</b></p> <p><a href="#">R-08-0020</a></p> <p>Contact: <a href="#">Caroline Lutt-Owens</a></p>	<p>Superior Courts</p> <p>Judges Clerks of the Court Court Administrators</p>	<p>The amendments to Rules 41, 47.1, 50, 56, 58, 60-61, 63 and 79 that were adopted on September 16, 2008 have been adopted on a permanent basis.</p> <p><b>Impact:</b></p> <p>These rules expedite permanency for children less than three years of age; and <b>require the court, at the preliminary protective hearing</b>, to inform a foster parent, pre-adoptive parent, or a member of the child's extended family with whom the Department has placed the child of the right to be heard in any proceeding that will be held with respect to the child.</p> <p>These rules also mandate that <b>court proceedings</b> regarding</p>

		<p>dependent children, permanent guardianship, and termination of parental rights are open to the public.</p> <p>Rules 61.1 and 62.1 have been re-numbered as Rules 63.1 and 63.2 and were further amended. These rules establish <b>procedures for the court to appoint</b> a successor permanent guardian when a current permanent guardian is unable or unwilling to continue to serve as a permanent guardian.</p>
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<b>Rules of Protective Order Procedure</b>		
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RULE	WILL AFFECT	SUMMARY AND IMPACT
<p><b>Rule 6(C)</b></p> <p><a href="#">R-09-0026</a></p> <p><i>Emergency effective date of September 30, 2009</i> <i>Public comments due May 20, 2010</i></p> <p>Contact: <a href="#">Kay Radwanski</a></p>	<p>Superior Courts Justice Courts Municipal Courts</p> <p>Judges Clerks Court Administrators</p>	<p>To conform to a change to <a href="#">A.R.S. §13-3601(A)(6)</a>, Rule 6 has been amended to include a “victim and defendant who currently share or previously shared a romantic or sexual relationship” within the list of statutory relationships that may give rise to the issuance of an order of protection from the court.</p> <p>A person in a dating relationship that does not qualify as romantic or sexual is still eligible for an injunction against harassment. Criteria for whether a romantic or sexual relationship exists (or existed) are now set out in Rule 6.</p> <p><b>Impact:</b></p> <p>The Petition, Plaintiff’s Guide Sheet, and Defendant’s Guide Sheet must be modified. Modified forms can be found in Appendix A of an administrative directive available at <a href="http://www.supreme.state.az.us/orders/admindir/pdfs/2009pdf/2009-26.pdf">http://www.supreme.state.az.us/orders/admindir/pdfs/2009pdf/2009-26.pdf</a></p> <p>The AZTEC domestic violence module will be modified to add the new relationship code, and the current “dating but never lived together” code will be renamed in both AZTEC and AJACS. The Defendant’s Guide Sheet prints directly from AZTEC and will be updated in the system; however, courts must update the Petition and Plaintiff’s Guide Sheet as these forms are not generated from AZTEC. Non-AZTEC courts must take all necessary steps to comply with the administrative directive and A.R.S. §13-3601(A). All courts (AZTEC or non-AZTEC) must ensure that all forms are in compliance effective September 30, 2009. Modified versions of the Petition, Plaintiff’s Guide Sheet, and Defendant’s Guide Sheet are posted on the AJIN self-serve forms web page at <a href="http://supreme22/selfserv/forms.htm">http://supreme22/selfserv/forms.htm</a> in MS Word and PDF formats.</p>

<b>Rules of Protective Order Procedure Previously Adopted on an Emergency Basis</b>		
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<p><b>Rules 6(c) and 6(e)</b></p> <p><a href="#">R-08-0017</a></p> <p>Contact: <a href="#">Kay Radwanski</a></p>	<p>Superior Courts Justice Courts Municipal Courts</p> <p>Judges Clerks Court Administrators</p>	<p>These rule amendments, which are now permanent, were adopted on an emergency basis effective September 26, 2008. Rule 6(c) governs the consideration of petitions for the issuance of orders of protection. Rule 6(e) governs the consideration of petitions for the issuance of injunctions against harassment.</p> <p><b>Impact:</b></p>
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		The amendments to these rules insert the additional language “including evidence of harassment by electronic contact or communication” that <b>must be considered by the court</b> , as required by state law.
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**Rules of Procedure for Traffic Cases and Boating Cases**

<b>RULE</b>	<b>WILL AFFECT</b>	<b>SUMMARY AND IMPACT</b>
<b>Exhibit A, ATTC Form</b>  <a href="#">R-09-0029</a>  <i>Emergency effective date of January 1, 2010</i> <i>Public comments due May 20, 2010</i>  Contact: <a href="#">Patrick Scott</a>	Justice Courts Municipal Courts  Judges Clerks of the Court Court Administrators	<p>R-09-0029 concerns fingerprinting procedures. Several of the rule amendments arising from this petition are described in the <a href="#">Rules of Criminal Procedure</a> section above.</p> <p>R-09-0029 amended the form used for the Arizona Traffic Ticket and Complaint. The amended form provides a space in the lower right quadrant for the arresting officer to indicate with a “yes” or “no” check box whether ten-print fingerprinting has already been completed.</p> <p><b>Impact:</b></p> <p>If ten-print fingerprinting has been completed, the “yes” box should be marked, and a process control number should be available on the final disposition report. If the “no” box is checked and the defendant has not presented the court with a completed mandatory fingerprint compliance form, <b>the court will need to order</b> that the defendant be ten-print fingerprinted at a designated time and place.</p>

**Rules of Procedure for Civil Traffic Violation Cases**

<b>RULE</b>	<b>WILL AFFECT</b>	<b>SUMMARY AND IMPACT</b>
<b>Rule 10</b>  <a href="#">R-09-0002</a>  Contact: <a href="#">Patrick Scott</a>	Justice Courts Municipal Courts  Judges Clerks of the Court Court Administrators	<p>Rule 10.1 has been added. The rule is designed to enhance services for citizens, reduce downtime for law enforcement officers, and increase court efficiency. This new rule permits the appearance of <b>a party, an attorney, or a witness</b> in a civil traffic case <b>by an interactive audiovisual means</b>.</p> <p><b>Impact:</b></p> <p>The requirements for an interactive audiovisual appearance include:</p> <ul style="list-style-type: none"> <li>• All parties, attorneys, and witnesses must be able to be seen and heard at the same time.</li> <li>• The audio portion must be captured accurately on the record.</li> <li>• A facsimile, email, or other suitable means <b>must be available to allow the court to transmit</b> copies of exhibits during the hearing, and, if necessary, a “Notice of Right to Appeal” to the defendant.</li> <li>• <b>The court may require</b> any person requesting to appear under this rule to be responsible for the cost. This cost cannot be awarded as a recoverable cost of a prevailing party.</li> </ul>

		<ul style="list-style-type: none"> <li>• <b>The court shall provide instructions</b> to the participants as to how the remote appearance will be initiated.</li> <li>• A party allowing a subpoenaed witness to appear by remote means must pay the cost of that witness' appearance, and no witness fee is required or allowed for such an appearance.</li> </ul> <p>Note that <b>a new document may be filed</b>: A party, attorney, or witness may appear under this rule by filing a "Notice of Rule 10.1 Appearance" at least 14 calendar days prior to a hearing, unless a different time limit is allowed by the court,. The Notice must set forth the requestor's name, mailing address, and daytime phone number.</p> <p><b>The court may condition the appearance</b> of a defendant under this rule on the posting of a deposit in an amount not to exceed the total possible sanction amount of all violations at issue based on the court's sanction schedule.</p> <p><b>The court may set forth instructions</b> as to pre-hearing deadlines for filing exhibits and limitation on exhibit sizes and numbers. The hearing itself shall proceed as otherwise set forth in the rules governing civil traffic and civil boating cases.</p> <p>Rule 10.1 also permits the appearance of <b>a defendant by telephone</b>, provided:</p> <ul style="list-style-type: none"> <li>• The defendant must make a <b>written request</b> at least 14 calendar days before the hearing date to appear telephonically. The request must include defendant's telephone number, mailing address, and a copy of a valid driver's license or identification card acceptable to the court.</li> <li>• Unless otherwise permitted by the court, a defendant appearing telephonically shall be deemed to waive any defense based on a failure by the state to establish an in-court identification of defendant as the cited violator. <b>Identity shall be sufficiently established</b> if at the hearing the state offers proof of the name of the driver as listed on a driver's license, state or government identification card, or other acceptable means of identification matching the violator to defendant.</li> <li>• <b>The court may condition a telephonic appearance</b> upon the posting of a deposit in an amount not to exceed the total possible sanction amount of all violations at issue based on the court's sanction schedule.</li> </ul> <p>See further <a href="#">Rule 1.6</a> of the Rules of Criminal Procedure, <i>supra</i>.</p>
<b>Rules of Procedure in Civil Traffic Violation Cases Previously Adopted on an Emergency Basis</b>		
<b>Rules 1, 2, 22, and 38-</b>	Justice Courts Municipal Courts	These rules, adopted with an emergency effective date of September 26, 2008, implement procedures for processing state photo

<p><b>46</b></p> <p><a href="#">R-08-0021</a></p> <p>Contact: <a href="#">Patrick Scott</a></p>	<p>Judges Clerks of the Court Court Administrators</p>	<p>enforcement cases.</p> <p><b>Impact:</b></p> <p>In addition to adopting these rules on a permanent basis, Rule 42 of these rules has been amended (a notice of violation is void if its delivery is not initiated within ten days of the date of violation.)</p>
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**Rule Petitions Not Granted**  
The following rule petitions were rejected at the August 31, 2009 rules agenda:

<b>PETITION NUMBER:</b>	<b>CONCERNING RULE:</b>	<b>REQUEST OF RULE PETITION:</b>
<b>R-09-0001</b>	Rule 31.6, Rules of Criminal Procedure	Would have required disbursement of restitution payments collected by the court pending an appeal unless the defendant could demonstrate to the court sufficient grounds for a stay.
<b>R-09-0005</b>	Rule 4.1(b), Rules of Criminal Procedure	Would have imposed a uniform and equitable time limit of 48 hours from the initial appearance within which the State must have filed a complaint.
<b>R-09-0006</b>	Rule 1.4, Rules of Criminal Procedure	Would have amended the definition of presiding judge to include a justice of the peace.
<b>R-09-0012</b>	Rule 92(a)(1), Rules of the Supreme Court	Would have required the presiding judge in each county to create a random case assignment system within each judicial division for all cases in which a judge had not previously been involved.
<b>R-08-0029</b>	Rule 41, Rules of Procedure for the Juvenile Court	Would have required the presence of children who were the subject of a dependency proceeding at all hearings except for good cause shown, and would have required a court determination that the child's counsel had meaningful contact with the child before any substantive hearing.