

IN THE SUPREME COURT OF THE STATE OF ARIZONA

Supreme Court No. R-06-0036

**ORDER AMENDING
RULES 41, 47.1, and 60, RULES OF PROCEDURE
FOR THE JUVENILE COURT**

IT IS ORDERED that Rules 41, 47.1, and 60, Rules of Procedure for the Juvenile Court, be amended on an emergency basis pursuant to Rule 28(G), Rules of the Supreme Court, in accordance with the attachment hereto,* effective as of June 15, 2007.

IT IS FURTHER ORDERED that this matter shall be open for comment in accordance with Rule 28(D), Rules of the Supreme Court, until August 1, 2007.

DATED in the City of Phoenix, Arizona at the Arizona Courts Building, this 30th day of May, 2007.

For the Court:



RUTH V. MCGREGOR
Chief Justice

* Changes or additions in text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

RULES OF PROCEDURE FOR THE JUVENILE COURT

Rule 41. Attendance at hearings.

A.-H. [No change in text.]

I. The petitioner shall notify the foster parents, pre-adoptive parents or relative caregivers of a child in foster care, under the responsibility of the State, of the date, time and location of the first proceeding to be held with respect to the child.

Thereafter, at each proceeding, the Court shall enter appropriate orders to ensure that foster parents, pre-adoptive parents or relative caregivers are notified of any future proceeding with respect to the child.

The foster parents, pre-adoptive parents or relative caregivers shall be afforded the right to be heard in any proceeding to be held with respect to the child. This right shall not be construed to require that any foster parents, pre-adoptive parents or relative caregivers be made a party to such proceeding solely on the basis of such notice and a right to be heard.

Nothing in this rule shall be construed to limit the periodic review hearing notice requirements of A.R.S. §8-847(B).

* * *

Rule 47.1. Mandatory Judicial Determinations

A.-B. [No change in text.]

C. Within twelve months after the child is removed from the child's home, and once every twelve months thereafter, whether reasonable efforts have been made to finalize the existing permanency plan, including consideration of both in-state and out-of-state placements.

* * *

Rule 60. Permanency hearing.

A.-C. [No change in text.]

D. Procedure. At the permanency hearing the court shall consider evidence from the parties, in the form of testimony or documents admitted into evidence, which may include hearsay, in whole or in part, and age-appropriate consultation with the child, in order to determine what permanent legal status is appropriate for the child. The court shall consider the final plan prepared by the Department of Economic Security, pursuant to prior order of the court.

E. Findings and Orders. All findings and orders shall be in the form of a signed order or contained in a minute entry. The court shall make findings based upon the evidence presented and shall:

1.-5. [No change in text.]

6. If a child is in an out-of-state placement the court shall make a finding as to whether the placement continues to be appropriate and in the child's best interest.

Z. Make findings and enter any other orders as may be appropriate or required by law.