



Supreme Court

STATE OF ARIZONA

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CLERK OF THE COURT

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KATHLEEN E. KEMPLEY
CHIEF DEPUTY CLERK

September 6, 2007

RE: RULE 102, RULES OF THE SUPREME COURT
Arizona Supreme Court No. R-06-0014

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on August 27, 2007, in regard to the above-referenced cause:

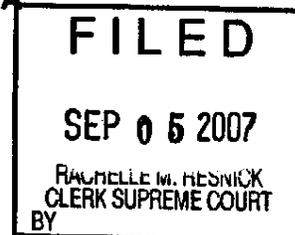
ORDERED: [Sua Sponte Petition to Amend Rule 102, Rules of the Supreme Court] = ADOPTED as modified, effective January 1, 2008.

Rachelle M Resnick, Clerk

TO:
Final Rule Distribution List
cf

IN THE SUPREME COURT OF THE STATE OF ARIZONA

Supreme Court No. R-06-0014

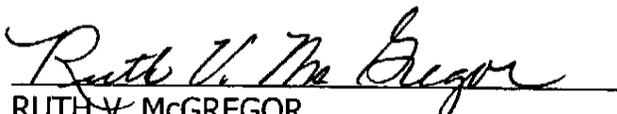


**ORDER AMENDING
RULE 102, RULES OF THE SUPREME COURT**

IT IS ORDERED that Rule 102, Rules of the Supreme Court, be amended in accordance with the attachment hereto,* to be effective as of January 1, 2008.

DATED in the City of Phoenix, Arizona at the Arizona Courts Building, this 5th day of September, 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 THE SUPREME COURT

Rule 102. Appellate Review of Orders Under A.R.S. § 36-2153 (Parental Consent Waiver Proceedings)

(a) Review of orders under A.R.S. § ~~36-2153-2152~~ shall be sought by filing a notice of appeal with the clerk of the superior court within ~~twenty-four hours~~ fourteen days from the date the order is issued; for the purposes of this Rule ~~102~~, the order is deemed to be issued when the minor or the minor's attorney has received actual notice of the order, including the written findings, conclusions, and directions required by A.R.S. § ~~36-2153(A)-2152(B)~~. Simultaneously with such filing, a copy of the notice of appeal shall be mailed, faxed or e-mailed by the appellant to the clerk of the appellate court. The fee for the notice of appeal may be waived by the superior court upon a showing of indigency pursuant to A.R.S. § 12-3062. The fee or affidavit of indigency should be filed together with the notice of appeal, but the clerk of the superior court shall not refuse to file a notice of appeal which ~~that~~ is not accompanied by the appropriate fee or affidavit of indigency.

(b) The clerk of the superior court shall transmit the record in the case to the appellate court forthwith upon the filing of the notice of appeal. The record in the case shall be as defined in Rule 11(a)(1) of the Arizona Rules of Civil Appellate Procedure, except that it shall ~~be required to also~~ include a certified transcript of the proceedings in the superior court.

(c) The presiding judge of the superior court shall appoint an attorney for a minor seeking review of an order under A.R.S. § ~~36-2153-2152~~, and the charge ~~therefore~~ therefor shall be treated as a state charge, ~~to be paid payable~~ by the state treasurer.

(d) The record and any hearing or other court proceeding in the appeal of an order issued under A.R.S. § ~~36-2153-2152~~ shall be confidential, and the minor's right to anonymity shall be ensured in connection with all proceedings. The name of the minor shall not appear in the caption of the notice of appeal, in any other pleading, or anywhere in the record on appeal, or in any decisions or order of the superior court or an appellate court, and the minor may proceed by any designated initials or by an appropriate pseudonym.

(e) An appeal from an order issued under A.R.S. § ~~36-2153-2152~~ shall be heard and decided by the appellate court within ~~five days~~ forty-eight hours, excluding weekends and holidays, after the filing of the notice of appeal, and shall take precedence over all other actions. Following a decision of the court of appeals, further review of the matter may be sought by petition for review filed within ~~five~~ fourteen days after the decision of the court of appeals. Such further appellate review, if any, shall be heard and decided within ~~five days~~ forty-eight hours, excluding weekends and holidays, after the filing of the petition for review.

(f) In order to permit expedited appellate review of orders issued under A.R.S. § ~~36-2153-2152~~, notice of the order of the superior court and of any decision of an appellate court shall be issued in a manner which is designed to give prompt actual notice of the order or decision to the minor or to the minor's attorney, consistent with the confidentiality of the proceedings and with the minor's right to anonymity.

(g) [No change in text.]

(h) Except for the time periods specified for decision by an appellate court after the filing of a notice of appeal or petition for review ~~allowed for filing the notice of appeal~~, the time periods provided under this Rule 102 shall be calculated without regard to intervening weekends or holidays, and no additional days shall be allowed for mailing.

(i) The Arizona Supreme Court may issue Guidelines, Forms and Instructions, which shall be posted on the Court's website, in order to implement the provisions of this rule.