

1 The Honorable Robert Brutinel
2 Presiding Judge
3 Superior Court in Yavapai County
4 Chair Committee on Juvenile Courts
5 c/o Legal Services Office
6 1501 W. Washington, Suite 414
7 Phoenix, Arizona 85007-3231
8 602-452-3283

9 **IN THE SUPREME COURT OF THE STATE OF ARIZONA**

10 In the Matter of:)
11)
12 PETITION TO AMEND RULES OF) Supreme Court No. R-_____
13 PROCEDURE FOR THE JUVENILE COURT)
14 PROVIDING FOR NOTICE OF PROCEEDINGS) PETITION FOR AMENDMENT
15) PURSUANT TO RULE 28,
16) RULES OF THE SUPREME
17) COURT
18) **(EMERGENCY OR EXPEDITED**
19) **ADOPTION REQUESTED)**

20 Pursuant to Rule 28, Rules of the Supreme Court, Petitioner asks the Court to consider
21 the following amendment to the Rules of Procedure for the Juvenile Court providing for notice
22 of proceedings. The proposed amendments are attached. Petitioner respectfully requests
23 emergency or expedited adoption pursuant to Rule 28(G).

24 **I. INTRODUCTION**

25 On July 3, 2006, HR 5403 the "Safe and Timely Interstate Placement of Foster Children
Act of 2006" was signed into law as Public Law 109-239. The provisions have an effective date
of October 1, 2006 and will affect the funding cycle that commences after that date. That act
amends the Social Security Act (42 U.S.C. 638(b)) and requires: "In order to be eligible to
receive a grant under this section, a highest State court shall have in effect a rule requiring State
courts to ensure that foster parents, pre-adoptive parents, and relative caregivers of a child in
foster care under the responsibility of the State are notified of any proceeding to be held with
respect to the child." This provision directly impacts court improvement funding beginning with
the fiscal year commencing October 1, 2007.

1 The concept and issues surrounding this Rule Petition were addressed at the September
2 22, 2006 meeting of the Committee on Juvenile Courts. A workgroup composed of the
3 following individuals: Judge Eileen Willett, Judge Patricia Escher, Beth Rosenberg, Chis
4 Swanson-Smith, Jakki Hillis, Janice Mickens, Steve Sparks, Nina Preston, John Barrett, Bob
5 Lynch, Jim Warner, Connie Neeley Greg Pulcifer, Pat Trebesch, Eileen Bond, Melody Tinsley,
6 Caroline Lantt-Owens and Rob Shelley was established to propose draft language for
7 consideration at the next COJC Meeting. Due to the fact that the next COJC Meeting is
8 scheduled for November 17, 2006 and the deadline for filing Rule Petitions is November 1,
9 2006, it is necessary to file this petition before the final input is obtained from the Committee on
10 Juvenile Courts. The Committee on Juvenile Courts will provide any additional input to this Rule
11 Petition via Comment.

12 **II. SUMMARY OF MAJOR PROPOSED AMENDMENTS**

13 The proposed amendments add provision 41(I) and require notice to foster parents, pre-
14 adoptive parents and relative caregivers of a child in foster care under the responsibility of the
15 state for any proceeding regarding a child.

16 **III. CONCLUSION**

17 Petitioner respectfully requests that the Supreme Court adopt the proposed amendment,
18 attached as Appendix A, prior to circulation for public comment as the requested changes require
19 emergency adoption and implementation.

20 Respectfully submitted this 1st day of November, 2006.

21 

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APPENDIX “A”

1 **Rule § 41 (I)**

2 In any case subject to the requirements of Public Law 109-239 (July 3, 2006), the
3 petitioner shall notify the foster parents, pre-adoptive parents or relative caregivers of a child in
4 foster care, under the responsibility of the State, of the date, time and location of the first
5 proceeding to be held with respect to the child.

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

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

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