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IN THE SUPREME COURT  
STATE OF ARIZONA

In the Matter of )  
 )  
PETITION TO AMEND RULE 2 )  
OF THE ARIZONA RULES OF ) Supreme Court No. R-17-\_\_\_\_\_ )  
PROCEDURE FOR ENFORCEMENT ) (expedited adoption requested)  
OF TRIBAL COURT INVOLUNTARY )  
COMMITMENT ORDERS )  
\_\_\_\_\_ )

Pursuant to Rule 28 of the Arizona Supreme Court, David K. Byers, Administrative Director, Administrative Office of the Courts respectfully petitions this Court to amend Rule 2 of the Rules of Procedure for Enforcement of Tribal Court Involuntary Commitment Orders.

**I. Background and Purpose of the Proposed Rule Amendments.**

In the First Regular Session of the Fifty-third Legislature (2017), the Legislature enacted House Bill 2084 as Laws 2017, Chapter 89. The legislation has a regular effective date of August 9, 2017. This legislation amends A.R.S. § 12-136 concerning recognition of tribal court involuntary commitment orders to add a next business day filing requirement with which the proponent of the tribal order would

have difficulty complying through regular paper filing of the tribal court order and associated materials.

**II. Contents of the Proposed Rule Amendments and New Rules.**

The proposed rule would provide for the Clerk of the Superior Court to accept filing of the tribal court order and associated materials by electronic means.

**III. Pre-Petition Discussion.**

This proposed rule provision was requested by representatives of tribes during the legislative process, discussed by the Arizona State, Tribal, and Federal Court Forum, and requested by Arizona’s Clerks of Court to clearly authorize electronic filing in these particular matters. Earlier this week, the Superior Court Clerks Association reviewed and approved the filing of this petition.

**IV. Effective Date of the Proposed New Rule.**

Petitioner respectfully requests that the amendment to Rule 2 of the Rules of Procedure for Enforcement of Tribal Court Involuntary Commitment Orders as proposed in Appendix A be adopted on an expedited basis, with comment period to follow, pursuant to Rule 28(G) effective August 9, 2017, consistent with the effective date of Laws 2017, Chapter 89.

RESPECTFULLY SUBMITTED this 16th day of June, 2017.

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By /s/  
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## **APPENDIX A**

(language to be removed is shown in ~~striketrough~~, new language is underlined)

### **RULES OF PROCEDURE FOR ENFORCEMENT OF TRIBAL COURT INVOLUNTARY COMMITMENT ORDERS**

#### **Rule 2. Filing Procedure and Fees**

**a-c. [no changes]**

**(d) Electronic Transmission.** The clerk of the superior court shall accept a filing of a tribal court order and associated documents as provided by subsection (a) of this rule by telefacsimile or other electronic means that provides reasonable protection of the confidentiality of the documents.