



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STEPHENS V. STATE ET AL
CV-25-0070-PR**

PARTIES:

Petitioner: State of Arizona (“State”) *et al.*
Respondent: Stephanie Stephens (“Mother”).

FACTS:

Mother has two minor children. She was involved in a family court custody battle with her ex-husband (“Father”) in which the children claimed that Mother’s boyfriend abused them. The family court judge subsequently interviewed each child and did not find that their statements of abuse were credible. On February 14, 2020, the family court, on its own motion, entered temporary orders because it was concerned that Father was manipulating the children to alienate the children from Mother and that his actions created a risk to the children’s mental and emotional wellbeing. On March 30, 2020, the family court awarded physical custody of the children to Mother.

In April 2020, the Department of Child Safety (“DCS”) filed a request to obtain custody of Mother’s children in separate proceedings. The juvenile court granted the DCS request on April 9, 2020. On April 14, 2020, DCS filed a dependency petition. The juvenile court held an evidentiary hearing on July 9, 2020. On October 29, 2020, the juvenile court issued an order making specific dependency findings. Mother appealed the dependency determination. The court of appeals affirmed the dependency on April 22, 2021, finding reasonable evidence supported the dependency adjudication. *Stephanie S. v. Dep’t of Child Safety*, 2021 WL 1578158 at *3 ¶ 16 (Ariz. App. Apr. 22, 2021) (memo. decision).

On March 10, 2021, DCS informed the juvenile court that the children had recently disclosed that Father coached them to make up the abuse allegations and that the allegations were not true. At a hearing on March 12, 2021, the juvenile court found that it was harmful for Father to have contact with the children and it suspended his visitation with the children. In April 2021, the children were returned to Mother’s custody. The juvenile court terminated the dependency effective June 2022, and the juvenile court vacated the reasons for the findings of dependency on July 15, 2021.

Mother filed a complaint against the State and the DCS employees involved in the juvenile court proceeding asserting a wrongful institution of civil proceedings (“WICP”) claim. The superior court granted the State’s motion to dismiss. The court of appeals found that the superior court erred by dismissing the complaint at the pleading stage, reversed the dismissal and remanded the case for further proceedings.

ISSUE: Did the court of appeals erroneously hold that Mother can maintain her WICP claim based on her eventual victory in the underlying juvenile proceedings, even though probable cause to pursue those proceedings had already been conclusively established?

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