

Task Force on the Rules of Procedure for the Juvenile Court

Meeting Agenda

Friday, September 27, 2019

10:00 a.m. to 3:00 p.m.

State Courts Building * 1501 West Washington * Conference Room 119 * Phoenix, AZ

Item no. 1	Call to Order Welcome from the Chief Justice Introductions	<i>Hon. Rebecca Berch</i> <i>Hon. Robert Brutinel</i> <i>All</i>
Item no. 2	Review of Administrative Order No. 2019-74 Approval of Task Force Rules for Conducting Business	<i>Justice Berch</i>
Item no. 3	Rule restyling conventions	<i>Mr. John Rogers</i>
Item no. 4	SharePoint Overview	<i>Ms. Angela Pennington</i>
Item no. 5	Workgroups: workgroup members, rule assignments, process	<i>Justice Berch</i>
Item no. 6	Discussion of topics concerning the juvenile rules <ul style="list-style-type: none">• Whether the civil and criminal portions of the current rules should be standalone rule sets• Relationship between the juvenile rules and other rules• Anticipated users of the juvenile rules• Substantive versus restyling changes• Impact of recent federal and state legislation• Recent juvenile rules amendments (R-19-0037)• Other issues or concerns	<i>All</i> <i>Hon. Maurice Portley</i> <i>Ms. Nina Preston</i>
Item no. 7	Roadmap <ul style="list-style-type: none">• Discussion of meeting dates	<i>Justice Berch</i>
Item no. 8	Call to the Public Adjourn	<i>Justice Berch</i>

The Chair may call items on this Agenda, including the Call to the Public, out of the indicated order.

Please contact Mark Meltzer at (602) 452-3242 with any questions concerning this Agenda.

Persons with a disability may request reasonable accommodations by contacting Angela Pennington at (602) 452-3547. Please make requests as early as possible to allow time to arrange accommodations.

Generally

Administrative Orders

Task Force Rules for Conducting Business

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
ESTABLISHMENT OF THE TASK) Administrative Order
FORCE ON THE ARIZONA RULES) No. 2019 - 74
OF PROCEDURE FOR THE JUVENILE)
COURT AND APPOINTMENT OF)
MEMBERS)
)

The Arizona Judiciary Strategic Agenda, *Justice for the Future, Planning for Excellence*, includes several initiatives on improving the efficiency of juvenile court case processing and management. Among these new initiatives is a review of the Arizona Rules of Procedure for the Juvenile Court to identify ways in which court procedures can be restyled, clarified, and improved.

The current set of the Arizona Rules of Procedure for the Juvenile Court were adopted with an effective date of January 1, 2001. Although they have been amended at various times since their adoption, a comprehensive review of those rules would now be beneficial.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that:

1. **ESTABLISHMENT:** The Task Force on the Arizona Rules of Procedure for the Juvenile Court is established.
2. **PURPOSE:** The Task Force shall review the Arizona Rules of Procedure for the Juvenile Court and identify possible changes that would conform these rules to modern usage, simplify the language, clarify and improve current procedures, reorganize the rules to enhance their usability, and account for recent Arizona and federal legislation, including the Family First Prevention Services Act.

The Task Force shall also consider whether there should be separate sets of procedural rules for delinquency and dependency cases in the juvenile court.

The Task Force shall seek input from various interested persons and entities with the goal of submitting a rule petition by January 10, 2021, with respect to any proposed rule changes.

3. **MEMBERSHIP:** The individuals listed in Appendix A are appointed as members of the Task Force for a term beginning immediately and ending December 31, 2021. The Chief Justice may appoint additional members as may be necessary.
4. **MEETINGS:** Task Force meetings shall be scheduled at the discretion of the Chair. All meetings shall comply with the Arizona Code of Judicial Administration § 1-202: Public Meetings.
5. **STAFF:** The Administrative Office of the Courts shall provide staff for the Task Force and shall assist the Task Force in developing recommendations and preparing any necessary reports and petitions.

Dated this 1st day of July, 2019.

ROBERT M. BRUTINEL
Chief Justice

Membership List

Task Force on Rules of Procedure for the Juvenile Court

Chair

Rebecca White Berch (Justice, ret.)

Members

Professor Barbara Atwood
Rogers College of Law

Beth Capin Beckmann
Court of Appeals, Division Two

Beth Beringhouse
Maricopa County Attorney's Office

Dale Cardy
Pima County Attorney's Office

Kathleen "Kasey" Coughlin
Office of the Pima County Public Defender

John C. Gilmore
Law Office of John C. Gilmore, Jr., PC

Magdalena Jorquez
Department of Child Safety

Hon. Joseph Kreamer
Superior Court in Maricopa County

Tina Mattison
Superior Court in Pima County

Donna McQuality
Clerk of the Superior Court, Yavapai County

Eric Meaux
Maricopa County Juvenile Probation Department

Bill Owsley
Office of the Maricopa Legal Advocate

Chris Phillis
Maricopa Office of Public Defense Services

Hon. Maurice Portley (ret.)
Court of Appeals, Division One

Hon. Kathleen Quigley
Superior Court in Pima County

Beth Rosenberg
Children's Action Alliance

Denise Smith
Pinal County Juvenile Probation Department

Denise Avila Taylor
Law Office of Denise Avila Taylor

Hon. Patricia Trebesch
Superior Court in Yavapai County

Ed Truman
Office of the Arizona Attorney General

Kent Volkmer
Pinal County Attorney

Hon. Rick Williams
Superior Court in Mohave County

Hon. Anna Young
Superior Court in Yavapai County

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
 APPOINTMENT OF A MEMBER TO) Administrative Order
 THE TASK FORCE ON THE ARIZONA) No. 2019 - 84
 RULES OF PROCEDURE FOR THE)
 JUVENILE COURT)
)

Administrative Order No. 2019-74 established the Task Force on the Arizona Rules of Procedure for the Juvenile Court and appointed its members. The Order provides that the Chief Justice may appoint additional members as may be necessary. Therefore,

IT IS ORDERED that the following individual is appointed to the Task Force on the Arizona Rules of Procedure for the Juvenile Court for a term beginning upon entry of this Order and ending December 31, 2021:

Maria Cristina Fuentes, Director
Governor's Office of Youth, Faith and Family

Dated this 10th day of July, 2019.

ROBERT M. BRUTINEL
Chief Justice

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
 APPOINTMENT OF A MEMBER TO) Administrative Order
 THE TASK FORCE ON THE ARIZONA) No. 2019 - 88
 RULES OF PROCEDURE FOR THE)
 JUVENILE COURT)
)

Administrative Order No. 2019-74 established the Task Force on the Arizona Rules of Procedure for the Juvenile Court and appointed its members. The Order provides that the Chief Justice may appoint additional members as may be necessary. Therefore,

IT IS ORDERED that the following individual is appointed to the Task Force on the Arizona Rules of Procedure for the Juvenile Court for a term beginning upon entry of this Order and ending December 31, 2021:

Mark Armstrong
Retired Judicial Officer

Dated this 24th day of July, 2019.

ROBERT BRUTINEL
Chief Justice

Probate Rules Task Force
Rules for Conducting Task Force Business

1. Quorum

The minimum number of members to conduct business and act on any item is fourteen (50% of the members + 1).

2. Decision-Making

Task Force decisions will be formally considered upon a motion that is properly seconded and following discussion on the motion. Task Force decisions will be made by majority vote of the members attending the meeting. A numerical vote will be recorded unless the decision is unanimous. The Chair will vote only to break a tie.

3. Responsibility of Members and Proxy Policy

Task Force members are selected for their expertise and they are encouraged to actively participate in Task Force meetings. However, a member may send a proxy to meetings if necessary. A member who intends to send a proxy should notify Task Force staff by email at least twenty-four hours before the meeting. To advise staff of the proxy's address, the member should copy the proxy on the email.

- A proxy has all the responsibilities of a member, including voting power. A proxy must review the agenda issues, be prepared for a meeting, and brief the member on the meeting within a reasonable time thereafter.
- Another Task Force member may not serve as a proxy.
- A proxy is included in the count of members present to determine a quorum.
- A member may not use a proxy for more than three meetings without approval of the Task Force Chair.

4. Call to the Public

As provided in A.C.J.A. § 1-202, every meeting agenda will include a "Call to the Public" before the meeting is adjourned. The Chair will announce the opportunity for public comment regardless of whether a member of the public is attending the meeting or has expressed any desire to comment. The Chair may impose reasonable time, place, and manner limitations upon members of the public who respond to the call, including setting time limits, banning repetition, and prohibiting profanity and disruptive behavior.

Data

AOC data, FY 2019: statewide filings

AZ Judiciary Annual Report: FY 2018

Maricopa County Annual Report: FY 2018

ADJC demographic data

DCS news snip: 08.06.2019

Superior Court

Case Activity by Fiscal Year

ARIZONA STATEWIDE TOTAL

		<i>FILINGS</i>	<i>TERMINATIONS</i>
		<i>Fiscal Year</i>	<i>Fiscal Year</i>
		<i>2018</i>	<i>2018</i>
<i>Case Category</i>	<i>Section</i>		
<i>1 Criminal</i>	<i>1 Felony</i>	49,858	48,108
	<i>2 Misdemeanor</i>	51	78
<i>2 Civil</i>	<i>1 Tort</i>	10,379	10,471
	<i>2 Contract</i>	17,399	18,364
	<i>3 Real Property</i>	1,646	1,530
	<i>4 Probate/Estate</i>	21,255	20,517
	<i>5 Mental Health</i>	11,136	8,981
	<i>6 Civil Appeals</i>	261	248
	<i>7 Miscellaneous</i>	228	184
	<i>8 Other Civil</i>	13,266	14,452
<i>3 Domestic Relations</i>	<i>1 Marriage-Domestic Relations</i>	28,832	29,024
	<i>2 Paternity</i>	3,857	3,880
	<i>3 Custody/Parenting Time</i>	3,564	3,594
	<i>4 Support</i>	4,469	4,505
	<i>5 Visitation</i>	149	163
	<i>6 Emancipation of a Minor</i>	25	21
	<i>7 Children Adoption</i>	3,351	3,433
	<i>8 Domestic Violence/Harassment</i>	16,806	16,657
	<i>9 Other Domestic Relations</i>	5,193	5,090
<i>4 Juvenile</i>	<i>1 Juvenile</i>	13,268	13,621
<i>Group Total</i>		204,993	202,921

For more details please see additional data report for each county below.

Superior Court Case Activity by Fiscal Year

RURAL COUNTIES

		<i>FILINGS</i>	<i>TERMINATIONS</i>
		<i>Fiscal Year</i>	<i>Fiscal Year</i>
		<i>2018</i>	<i>2018</i>
<i>Case Category</i>	<i>Section</i>		
<i>1 Criminal</i>	<i>1 Felony</i>	13,700	13,975
	<i>2 Misdemeanor</i>	50	58
<i>2 Civil</i>	<i>1 Tort</i>	1,075	1,072
	<i>2 Contract</i>	2,914	2,684
	<i>3 Real Property</i>	1,514	1,417
	<i>4 Probate/Estate</i>	4,731	4,371
	<i>5 Mental Health</i>	1,211	1,198
	<i>6 Civil Appeals</i>	65	52
	<i>7 Miscellaneous</i>	142	107
	<i>8 Other Civil</i>	2,934	2,891
<i>3 Domestic Relations</i>	<i>1 Marriage-Domestic Relations</i>	6,261	6,294
	<i>2 Paternity</i>	581	555
	<i>3 Custody/Parenting Time</i>	881	851
	<i>4 Support</i>	1,232	1,301
	<i>5 Visitation</i>	27	29
	<i>6 Emancipation of a Minor</i>	11	8
	<i>7 Children Adoption</i>	97	91
	<i>8 Domestic Violence/Harassment</i>	2,490	2,470
	<i>9 Other Domestic Relations</i>	81	70
<i>4 Juvenile</i>	<i>1 Juvenile</i>	4,311	4,094
<i>Group Total</i>		44,308	43,588

Rural Counties include all counties other than Maricopa and Pima Counties.

For more details please see additional data report for each county below.

Superior Court Case Activity by Fiscal Year

URBAN COUNTIES

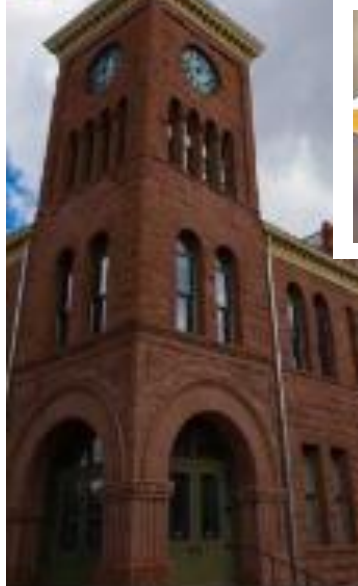
		<i>FILINGS</i>	<i>TERMINATIONS</i>
		<i>Fiscal Year</i>	<i>Fiscal Year</i>
		<i>2018</i>	<i>2018</i>
<i>Case Category</i>	<i>Section</i>		
<i>1 Criminal</i>	<i>1 Felony</i>	36,158	34,133
	<i>2 Misdemeanor</i>	1	20
<i>2 Civil</i>	<i>1 Tort</i>	9,304	9,399
	<i>2 Contract</i>	14,485	15,680
	<i>3 Real Property</i>	132	113
	<i>4 Probate/Estate</i>	16,524	16,146
	<i>5 Mental Health</i>	9,925	7,783
	<i>6 Civil Appeals</i>	196	196
	<i>7 Miscellaneous</i>	86	77
	<i>8 Other Civil</i>	10,332	11,561
<i>3 Domestic Relations</i>	<i>1 Marriage-Domestic Relations</i>	22,571	22,730
	<i>2 Paternity</i>	3,276	3,325
	<i>3 Custody/Parenting Time</i>	2,683	2,743
	<i>4 Support</i>	3,237	3,204
	<i>5 Visitation</i>	122	134
	<i>6 Emancipation of a Minor</i>	14	13
	<i>7 Children Adoption</i>	3,254	3,342
	<i>8 Domestic Violence/Harassment</i>	14,316	14,187
	<i>9 Other Domestic Relations</i>	5,112	5,020
<i>4 Juvenile</i>	<i>1 Juvenile</i>	8,957	9,527
<i>Group Total</i>		160,685	159,333

Urban Counties include Maricopa and Pima Counties

For more details please see additional data report for each county below.



Arizona Judiciary Annual Report Fiscal Year 2018

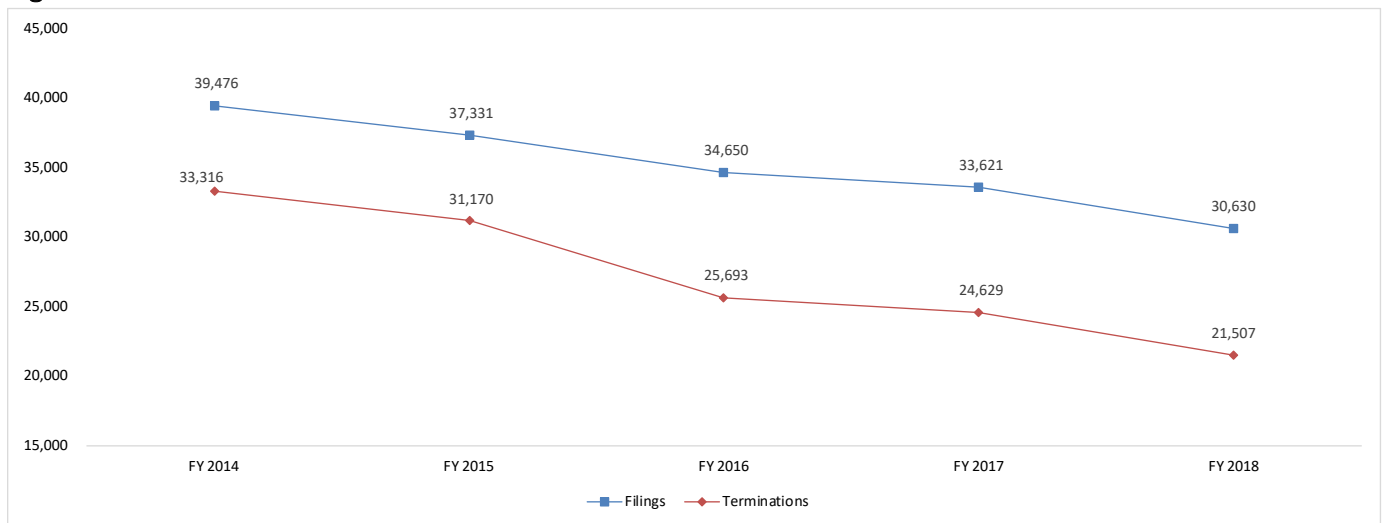


Adult Probation Services

The number of individuals under the jurisdiction of the Arizona's adult probation departments at the end of fiscal year 2018 decreased 0.75% from 86,524 on July 1, 2017 to 85,879 on June 30, 2018. Of the 85,879 under the jurisdiction of adult probation, 48,141 were on standard probation (41,728 were under direct supervision in the state and 6,413 were under indirect supervision as they were out going interstate compact or in long term residential treatment), 2,529 on intensive probation (2,362 were direct supervision and 167 were on indirect supervision), and 35,209 were on administrative supervision (unsupervised, report only, deported, etc.).

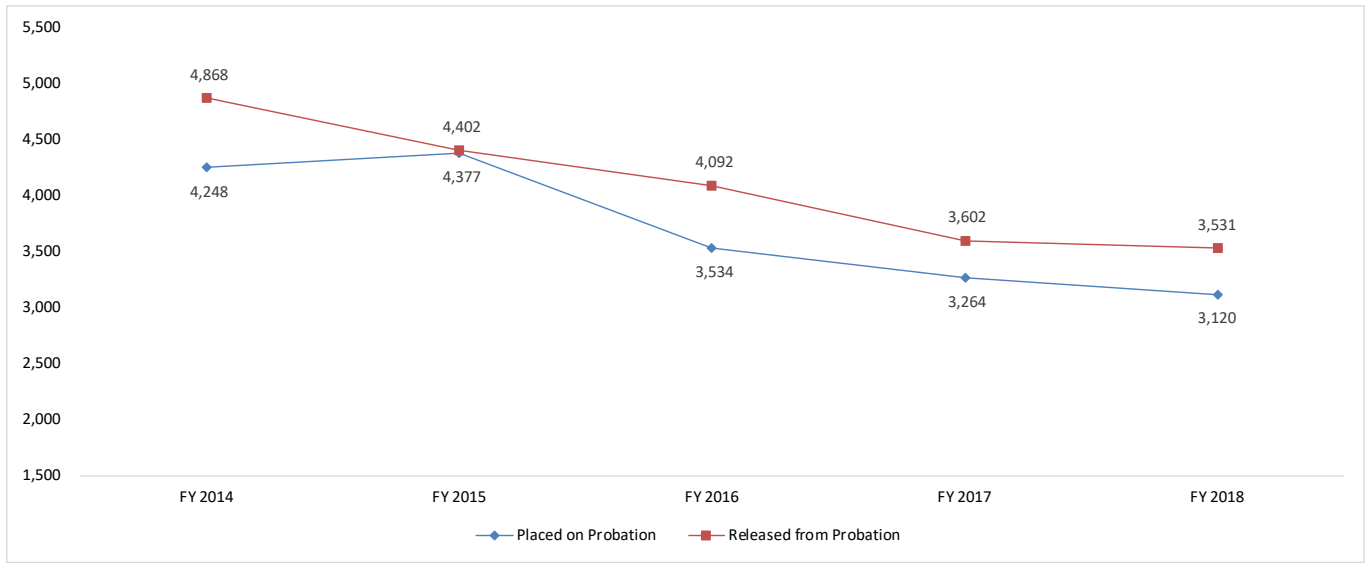
Juvenile Justice

Figure 17. Juvenile Court Referrals FY2014-FY2018



- 30,630 referrals were filed into juvenile court in FY 2018, an 8.9% decrease compared to 33,621 in FY 2017.
- 21,507 referrals were terminated in FY 2018, a 12.7% decrease compared to the 24,629 referrals terminated in FY 2017.
- A total of 12,810 petitions were filed in FY 2018, a 5.1% decrease from the 13,501 petitions filed in FY 2017.
- A total of 11,826 petitions were terminated in FY 2018, a 4.6% decrease from the 12,390 terminated in FY 2017.

Figure 18. Juvenile Probation FY2014-FY2018



- A total of 3,120 adjudicated juveniles were placed on probation in FY 2018, a 4.4% decrease from the 3,264 youths placed on probation in FY 2017.
- 3,531 juveniles were released from probation, a decrease of 2.0% from the 3,602 terminated from probation supervision last year.
- 203 juveniles were committed to the Arizona Department of Juvenile Corrections during FY 2018, an increase of 2.9% from the 209 committed in FY 2017.

JUDICIAL BRANCH OF ARIZONA IN AND FOR MARICOPA COUNTY



FY 2018 Annual Report

July 1, 2017 through June 30, 2018



Appendix E

Juvenile Department

	Filings	Terminations	Clearance Rate	Ending Pending as of 6/30/2018	FY17-FY18 Filings % Change
Juvenile - Petitions and Citations					
Petitions	15,727	16,158	103%	11,789	-7%
Delinquency	4,269	3,986	93%	1,914	-1%
Delinquency -Citations	131	99	76%	33	-18%
Delinquency-Violations of Probation	1,096	1,030	94%	291	-6%
Dependency	3,390	4,013	118%	6,006	-10%
Guardianship	2,651	2,980	112%	1,116	-2%
Adoption	2,504	2,584	103%	655	-17%
Adoption Certifications	497	355	71%	966	-22%
Severance	1,093	1,025	94%	776	.4%
Emancipation	14	13	93%	7	-33%
Injunctions Against Harassment	72	66	92%	15	95%
Relinquishments	4	4	100%	3	100%
ICWA Relinquishments	6	3	50%	7	-14%
Juvenile - Children Counts	17,921	18,112	101%	14,769	-8%
Delinquency	3,817	3,087	81%	1,554	-5%
Delinquency-Citations	129	95	74%	32	-18%
Delinquency-Violations of Probation	1,079	923	86%	277	-4%
Dependency	5,416	5,816	107%	9,733	-11%
Guardianship	2,681	3,287	123%	1,303	1%
Adoption	3,320	3,486	105%	884	-19%
Adoption Certifications	-	-	-	-	-
Severance	1,385	1,339	97%	952	2%
Emancipation	14	13	93%	4	-33%
Injunctions Against Harassment	65	59	91%	15	81%
Relinquishments	4	4	100%	3	100%
ICWA Relinquishments	11	3	27%	12	22%
Existing Guardianships	-	-	-	15,104	-

DEMOGRAPHIC DATA FOR ALL COMMITMENTS

GENDER	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Male	315 (89.5%)	270 (92.5%)	147 (92.5%)	189 (94.5%)	175 (92.6%)
Female	37 (10.5%)	22 (7.5%)	12 (7.5%)	11 (5.5%)	14 (7.4%)
TOTALS	352 (100%)	292 (100%)	159 (100%)	200 (100%)	189 (100%)

RACE/ETHNICITY	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Hispanic	166 (47.2%)	111 (38.0%)	65 (40.9%)	94 (47.0%)	82 (43.4%)
Caucasian	90 (25.6%)	86 (29.5%)	50 (31.4%)	46 (23.0%)	36 (19.0%)
African American	24 (6.8%)	31 (10.6%)	8 (5.0%)	26 (13.0%)	31 (16.4%)
American Indian	25 (7.1%)	11 (3.8%)	9 (5.7%)	5 (2.5%)	5 (2.6%)
Mexican National	16 (4.5%)	18 (6.2%)	4 (2.5%)	14 (7.0%)	10 (5.3%)
Bi- Racial	29 (8.2%)	34 (11.6%)	22 (13.8%)	14 (7.0%)	23 (12.2%)
Asian	1 (0.3%)	1 (0.3%)	1 (0.6%)	1 (0.5%)	2 (1.1%)
Other	1 (0.3%)	-	-	-	-
TOTALS	352 (100%)	292 (100%)	159 (100%)	200 (100%)	189 (100%)

AGE	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
13 years old or younger	4 (1.1%)	6 (2.0%)	-	-	-
14 years old	25 (7.1%)	21 (7.2%)	6 (3.8%)	15 (7.5%)	20 (10.6%)
15 years old	72 (20.5%)	49 (16.8%)	30 (18.9%)	33 (16.5%)	41 (21.7%)
16 years old	116 (33.0%)	94 (32.2%)	57 (35.8%)	67 (33.5%)	52 (27.5%)
17 years old < 6 months	95 (27.0%)	78 (26.7%)	44 (27.7%)	44 (22.0%)	37 (19.6%)
17 years old > 6 months	40 (11.4%)	44 (15.1%)	22 (13.8%)	41 (20.5%)	39 (20.6%)
TOTALS	352 (100%)	292 (100%)	159 (100%)	200 (100%)	189 (100%)

COUNTY	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Maricopa	172 (48.9%)	150 (51.4%)	86 (54.1%)	103 (51.5%)	110 (58.2%)
Pima	28 (8.0%)	20 (6.8%)	9 (5.7%)	12 (6.0%)	7 (3.7%)
Pinal	19 (5.4%)	16 (5.5%)	9 (5.7%)	4 (2.0%)	8 (4.2%)
Yuma	22 (6.2%)	20 (6.8%)	15 (9.4%)	22 (11.0%)	14 (7.4%)
Mohave	20 (5.7%)	20 (6.8%)	8 (5.0%)	8 (4.0%)	12 (6.3%)
Cochise	28 (8.0%)	12 (4.1%)	3 (1.9%)	21 (10.5%)	15 (7.9%)
Yavapai	12 (3.4%)	12 (4.1%)	8 (5.0%)	13 (6.5%)	4 (2.1%)
Navajo	5 (1.4%)	4 (1.4%)	4 (2.5%)	1 (0.5%)	2 (1.1%)
Santa Cruz	8 (2.3%)	15 (5.1%)	2 (1.3%)	5 (2.5%)	3 (1.6%)
Gila	10 (2.8%)	8 (2.7%)	8 (5.0%)	2 (1.0%)	6 (3.2%)
Coconino	17 (4.8%)	7 (2.4%)	4 (2.5%)	2 (1.0%)	5 (2.6%)
Graham	8 (2.3%)	1 (0.3%)	1 (0.6%)	4 (2.0%)	3 (1.6%)
Greenlee	2 (0.6%)	1 (0.3%)	-	2 (1.0%)	-
Apache	-	3 (1.0%)	-	1 (0.5%)	-
La Paz	1 (0.1%)	3 (1.0%)	2 (1.3%)	-	-
TOTALS	352 (100%)	292 (100%)	159 (100%)	200 (100%)	189 (100%)

DELINQUENCY DATA FOR ALL COMMITMENTS

Number of Adjudications	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
1 adjudication	25 (7.1%)	29 (9.9%)	9 (5.7%)	30 (15.0%)	24 (12.7%)
2-3 adjudications	118 (33.5%)	113 (38.7%)	57 (35.8%)	55 (27.5%)	56 (29.6%)
4-5 adjudications	112 (31.8%)	90 (30.8%)	54 (34.0%)	67 (33.5%)	61 (32.3%)
6-7 adjudications	70 (19.9%)	44 (15.1%)	26 (16.4%)	33 (16.5%)	36 (19.0%)
8 or more	27 (7.7%)	16 (5.5%)	13 (8.2%)	15 (7.5%)	12 (6.3%)
TOTALS	352 (100%)	292 (100%)	159 (100%)	200 (100%)	189 (100%)

Number of Referrals	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
1 referral	12 (3.4%)	17 (5.8%)	3 (1.9%)	19 (9.5%)	13 (6.9%)
2 referrals	13 (3.7%)	16 (5.5%)	6 (3.8%)	9 (4.5%)	6 (3.2%)
3-5 referrals	54 (15.3%)	43 (14.7%)	30 (18.9%)	39 (19.5%)	25 (13.2%)
6-10 referrals	114 (32.4%)	103 (35.3%)	49 (30.8%)	46 (23.0%)	58 (30.7%)
11 to 15 referrals	98 (27.8%)	71 (24.3%)	36 (22.6%)	48 (24.0%)	40 (21.2%)
16 & more	61 (17.3%)	42 (14.4%)	35 (22.0%)	39 (19.5%)	47 (24.9%)
TOTALS	352 (100%)	292 (100%)	159 (100%)	200 (100%)	189 (100%)

Felony Class Level	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Class 1 Felony	-	-	-	-	-
Class 2 Felony	14 (4.0%)	16 (5.5%)	9 (5.7%)	11 (5.5%)	20 (10.6%)
Class 3 Felony	55 (15.6%)	56 (19.2%)	38 (23.9%)	51 (25.5%)	34 (18.0%)
Class 4 Felony	41 (11.6%)	34 (11.6%)	18 (11.3%)	32 (16.0%)	26 (13.8%)
Class 5 Felony	20 (5.7%)	21 (7.2%)	13 (8.2%)	25 (12.5%)	12 (6.3%)
Class 6 Felony	127 (36.1%)	93 (31.8%)	66 (41.5%)	65 (32.5%)	79 (41.8%)
Misdemeanor w/Prior Felonies	37(11.0%)	22 (7.6%)	14 (8.8%)	15 (7.5%)	16 (8.5%)
Misdemeanor Only*	58 (16.7%)	49 (16.9%)	1 (0.6%)	1 (0.5%)	2 (1.0%)
TOTALS	352 (100%)	292 (100%)	159 (100%)	200 (100%)	189 (100%)

MOST SERIOUS COMMITTING OFFENSE	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Property Offenses	134 (38.1%)	113 (38.7%)	66 (41.5%)	72 (36.0%)	79 (41.8%)
Crimes Against Persons	85 (24.1%)	72 (24.7%)	49 (30.8%)	61 (30.5%)	54 (28.6%)
Drug Offenses	78 (22.2%)	54 (18.5%)	20 (12.6%)	39 (19.5%)	33 (17.5%)
Public Order Offenses	37 (10.5%)	34 (11.6%)	16 (10.1%)	18 (9.0%)	11 (5.8%)
Weapons Offenses	7 (2.0%)	8 (2.7%)	6 (3.8%)	5 (2.5%)	9 (4.8%)
All Other Offenses	11 (3.1%)	11 (3.8%)	2 (1.3%)	5 (2.5%)	3 (1.6%)
TOTALS	352 (100%)	292 (100%)	159 (100%)	200 (100%)	189 (100%)

*FY 2016 Criminal Justice Budget Reconciliation Bill (Laws 2015, Chapter 17) altered the requirements for admission to DJC facilities. The requirement that juveniles who are admitted must have committed a felony in the past, and the allowance for those that are adjudicated as mentally ill to be allowed admission if they have only committed a misdemeanor.

CRIMINOGENIC NEEDS FOR ALL COMMITMENTS

	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Substance Problems	261 (74.1%)	226 (77.4%)	132 (83.0%)	156 (78.0%)	165 (87.3%)
Manipulation – uses lies or threats to meet needs	236 (67.0%)	190 (65.1%)	101 (63.5%)	131 (65.5%)	153 (80.9%)
Three or more suspensions from school	138 (39.2%)	114 (39.0%)	82 (51.6%)	156 (78.0%)	152 (80.4%)
Expelled from school at least once	135 (38.4%)	123 (42.1%)	63 (39.6%)	83 (41.5%)	86 (45.5%)
Family uses intimidation or violence to manage conflict.	189 (53.7%)	158 (54.1%)	106 (66.7%)	119 (59.5%)	126 (66.7%)
One or more parents with incarceration histories	145 (41.2%)	129 (44.2%)	64 (40.3%)	92 (46.0%)	85 (45.0%)
One or more parents who used illegal drugs	130 (36.9%)	125 (42.8%)	66 (41.5%)	85 (42.5%)	84 (44.4%)
History of possession or use of a firearm	108 (30.7%)	92 (31.5%)	71 (44.7%)	78 (39.0%)	80 (42.3%)
Gang involved	161 (45.7%)	120 (41.1%)	71 (44.6%)	81 (40.5%)	70 (37.0%)
Destroys Property/Steals	248 (70.5%)	222 (76.0%)	127 (79.9%)	148 (74.0%)	147 (77.7%)
Risk (AZYas)					
Low	54 (15.4%)	43 (14.7%)	24 (15.1%)	41 (20.5%)	24 (12.8%)
Moderate	148 (42.0%)	112 (38.4%)	66 (41.5%)	87 (43.5%)	96 (51.3%)
High	150 (42.6%)	137 (46.9%)	69 (43.4%)	72 (36.0%)	67 (35.8%)
N=	352	292	159	200	189

OTHER IMPORTANT NEW COMMITMENT INFORMATION

	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Serious Mental Illness	111 (31.5%)	118 (40.4%)	80 (50.3%)	96 (48.0%)	106 (56.1%)
Special Education	73 (21.0%)	70 (24.1%)	43 (27.0%)	60 (30.0%)	47 (24.9%)
Dually Adjudicated	61 (17.6%)	58 (20.0%)	29 (18.3%)	34 (17.0%)	51 (27.0%)

Total Number of Juveniles in ADJC Custody

Total Number of Juveniles in ADJC Secure Care Custody*					
POPULATION	As of 6/30/2014	As of 6/30/2015	As of 6/30/2016	As of 6/30/2017	As of 6/30/2018
Adobe Mountain School	336	283	184	182	176
Black Canyon School	-	-	-	-	-
TOTALS	336	283	184	182	176

*Includes new commitments, re-commitments, parole revoked, and pending revocation juveniles.

Total Number of Juveniles on Parole					
POPULATION	As of 6/30/2014	As of 6/30/2015	As of 6/30/2016	As of 6/30/2017	As of 6/30/2018
Home	112	90	47	26	30
Abscond	19	11	17	7	4
Residential Treatment Center	14	20	14	8	5
TOTALS	145	121	78	41	39

Total Number of Interstate-In					
POPULATION	As of 6/30/2014	As of 6/30/2015	As of 6/30/2016	As of 6/30/2017	As of 6/30/2018
Males	97	89	90	80	61
Females	28	16	16	22	16
TOTALS	125	105	106	102	77

Length of Stay Served

Although most juveniles committed to the Arizona Department of Juvenile Corrections (ADJC) are given a court-ordered minimum length of stay by a juvenile court judge, the department has the discretion of keeping a juvenile until they have completed their appropriate program. The table below indicates the average length of stay a juvenile stayed in a secure facility within each status.

AVERAGE LENGTH OF STAY SERVED BY STATUS IN MONTHS

	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
New Commitment (secure care)	7.4	8.5	10.7	8.3	7.7
Parole Revoked (secure care)	5.0	5.2	5.3	4.8	5.3
Parole (community)	4.5	4.3	4.5	3.5	3.2

MEDIAN LENGTH OF STAY SERVED BY STATUS IN MONTHS

	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
New Commitment (secure care)	6.7	7.2	8.6	6.4	6.5
Parole Revoked (secure care)	4.0	4.4	4.6	3.9	4.6
Parole (community)	2.9	3.1	3.2	2.8	2.3

Secure Care – New Commitment					
	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
30 Days or less	0	0	0	7 (3.7%)	2 (1.0%)
31-90 days	14 (4.0%)	11 (3.6%)	6 (2.3%)	11 (5.9%)	13 (6.8%)
91-150 days	96 (27.3%)	71 (23.3%)	40 (15.6%)	36 (19.1%)	34 (17.7%)
151-210 days	89 (25.3%)	58 (19.0%)	40 (15.6%)	53 (28.2%)	61 (31.8%)
211-270 days	67 (19.0%)	69 (22.6%)	49 (19.1%)	23 (12.2%)	32 (16.7%)
271-365 days	51 (14.5%)	40 (13.1%)	51 (19.8%)	21 (11.2%)	25 (13.0%)
Over 365 days	35 (9.9%)	56 (18.4%)	71 (27.6%)	37 (19.7%)	25 (13.0%)

Secure Care – Parole Revoked					
	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
30 Days or less	17 (6.7%)	12 (6.6%)	12 (7.8%)	16 (11.4%)	8 (9.2%)
31-90 days	46 (18.3%)	31 (17.0%)	23 (15.0%)	24 (17.1%)	13 (14.9%)
91-150 days	103 (40.9%)	64 (35.2%)	51 (33.3%)	54 (38.6%)	27 (31.0%)
151-210 days	39 (15.5%)	30 (16.5%)	32 (20.9%)	21 (15.0%)	19 (21.8%)
211-270 days	21 (8.3%)	21 (11.5%)	17 (11.1%)	7 (5.0%)	11 (12.6%)
271-365 days	13 (5.2%)	14 (7.7%)	11 (7.2%)	12 (8.6%)	3 (3.4%)
Over 365 days	13 (5.2%)	10 (5.5%)	7 (4.6%)	6 (4.3%)	6 (6.9%)

DISCHARGES

A discharge is when a juvenile is released from ADJC custody. This may occur for different reasons. A juvenile may become an adult, be transferred to the adult court jurisdiction, or may have earned an absolute discharge.

DISCHARGES	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Turned 18	357 (80.2%)	287 (76.9%)	231 (77.0%)	169 (69.8%)	150 (76.1%)
Absolute Discharge	45 (10.1%)	43 (11.5%)	34 (11.3%)	43 (17.8%)	14 (7.1%)
Transferred to Adult Jurisdiction	27 (6.1%)	22 (5.9%)	25 (8.3%)	17 (7.0%)	15 (7.6%)
ICE Discharge	16 (3.6%)	20 (5.4%)	9 (3.0%)	10 (4.1%)	16 (8.1%)
Other	-	1 (0.3%)	1 (0.3%)	3 (1.2%)	2 (1.0%)
Total	445 (100%)	373 (100%)	300 (100%)	242 (100%)	197 (100%)

Faust currently serves as Deputy Director of Support Services at DCS, where he has led the department's strategic planning and management system innovations that have transformed DCS into a national model for results-based improvements. These efforts have earned the department repeated [national recognition](#).

These results include:

- Safely reducing the number of children in out-of-home care by 25 percent, from a high of 19,044 children in 2016 to under 14,214 in May 2019.
- Eliminating the backlog of inactive cases, those exceeding the 60-day closure deadline, which peaked at a high of over 16,000 in January 2015 and has been reduced to 200 today.
- Reducing Arizona's Child Abuse Hotline on-hold times from 12 minutes in February 2014 to less than one minute today.
- Reducing investigative caseloads of DCS caseworkers by approximately 70 percent, resulting in an average caseload of 13 cases today.
- Reducing the number of DCS open reports from a high of 33,245 in April 2015 to 5,914 today.
- Expanding Arizona's kinship care stipend, resulting in 1,900 more families and loved ones caring for children in uncertain circumstances, an increase of 270 percent.

FFPSA

National Conference of State Legislatures summary

National Center for State Courts overview

TITLE VII—Family First Prevention Services Act | Subtitle A—Investing in Prevention and Supporting Families

SEC. 50702. PURPOSE:

“The purpose of this subtitle is to enable States to use Federal funds available under parts B and E of title IV of the Social Security Act to provide enhanced support to children and families and prevent foster care placements through the provision of mental health and substance abuse prevention and treatment services, in-home parent skill-based programs, and kinship navigator services.”

Overview

President Donald Trump signed the Bipartisan Budget Act of 2018 (H.R. 1892) on Feb. 9, 2018. Included in the act is the Family First Prevention Services Act, which has the potential to dramatically change child welfare systems across the country.

One of the major areas this legislation seeks to change is the way Title IV-E funds can be spent by states. Title IV-E funds previously could be used only to help with the costs of foster care maintenance for eligible children; administrative expenses to manage the program; and training for staff, foster parents, and certain private agency staff; adoption assistance; and kinship guardianship assistance.

With the Family First Prevention Services Act states, territories, and tribes with an approved Title IV-E plan have the option to use these funds for prevention services that would allow “candidates for foster care” to stay with their parents or relatives. States will be reimbursed for prevention services for up to 12 months. A written, trauma-informed prevention plan must be created, and services will need to be evidence-based. The U.S. Department of Health and Human Services (HHS) expects to release guidance on service eligibility before Oct. 1, 2018.

The Family First Prevention Services Act also seeks to curtail the use of congregate or group care for children and instead places a new emphasis on family foster homes. With limited exceptions, the federal government will not reimburse states for children placed in group care settings for more than two weeks. Approved settings, known as qualified residential treatment programs, must use a trauma-informed treatment model and employ registered or licensed nursing staff and other licensed clinical staff. The child must be formally assessed within 30 days of placement to determine if his or her needs can be met by family members, in a family foster home or another approved setting.

Certain institutions are exempt from the two-week limitation, but even they are generally limited to 12-month placements. Additionally, to be eligible for federal reimbursement, the act generally limits the number of children allowed in a foster home to six. Although the new programs are optional, state officials will need to review their policies and develop state plans that are in line with the latest federal guidelines.

Family First Prevention Services Act

The Family First and Prevention Services Act (FFPSA) was included as a provision in the [Bipartisan Budget Package/Continuing Resolution \(Public Law 115-123\)](#), which was approved by Congress and signed by the President on February 9, 2018. FFPSA included two major provisions to reform the child welfare system and a number of other important provisions, such as, extending full funding for the three CIP grants through FY 2021. Unless otherwise specified, the implementation date for the reforms is October 1, 2019. Courts will play a critical role in the effective implementation of the reforms and should be aware of the details of the FFPSA. The specifics of FFPSA are outlined below.

First, FFPSA provides states with the option to use Title IV-E funding for time-limited prevention services for children at risk of placement in foster care, for the children's parents and kinship caregivers, and pregnant and parenting youth. The vast majority of children entering foster care do so as a result of neglect. Previously, Title IV-E funding could only be used for services for children and their families if the child was in the foster care system. Beginning on October 1, 2019, prevention services can be provided for up to 12 months for a child and the child's family to address the issue that is putting the child at risk of entering foster care, if the child welfare agency determines that the child can remain safely at home. Prevention services eligible for federal reimbursement are mental health services, substance abuse prevention services, and in-home parenting skills. To be eligible for federal reimbursement, the services must be evidence-based and trauma-informed. *(See Part I below for more details)*

The second major provision of FFPSA is to focus on placing the vast majority of children in the foster care system with relatives or in foster family homes. Children who need special services and treatment can be placed in Qualified Residential Treatment Programs (QRTPs) for the time necessary to provide the needed services and treatment for the child. FFPSA specifies a number of requirements that these QRTP facilities must meet to qualify for federal reimbursement. Effective October 1, 2019, Title IV-E funding will only be available for children placed in a QRTP if an assessment of the child's needs has been conducted and a court has approved the QRTP placement. States are given the option to delay implementation of this provision until October 1, 2021. If a state chooses to delay implementation of this provision, the state must also delay implementation of the prevention services provision for the same time period. *(See Part IV below for more details)*

*National Center for State Courts
Government Relations Office
111 2nd Street, NE, Washington, DC 20002*

Court-Related Provisions in the FFPSA

Court Improvement Program (CIP) Grants - Importantly, all three Court Improvement Program (CIP) grants (basic, data, and training) were extended for FY 2017 through FY 2021. Passage of the FFPSA provides stability and full funding for all three grant programs through FY 2021 (*See Section 50761 below*)

Improving Foster Care Interstate Placements - States are required to use an electronic interstate case-processing system for exchanging data and documents to help expedite the interstate placement of children in foster care, adoption or guardianship no later than October 1, 2027. Federal funding is available to help states implement electronic interstate case-processing systems. (*See Section 50722 below*)

Regional Grant Partnership (RGP) Grant - The Regional Grant Partnership (RGP) grant eligibility requirements were amended to specify that certain partners must be part of the collaborative agreement. The mandatory partners include the state child welfare agency, the state agency responsible for administering the substance abuse prevention and treatment block grant, and the court(s) that works with the families. (*See Section 50723 below*)

Development of Statewide a Plan to Prevent Child Abuse and Neglect Fatalities - Effective October 1, 2018, states are required to document in their Title IV-B state plan the steps the state is taking to track and prevent child maltreatment fatalities. The documentation is to address how the state agency has engaged public and private agency partners, including those in public health, law enforcement, and the courts in the development of the state's plan. (*See Section 50732*)

Judicial Training on New QRTP Requirements - Judges are critical to the effective implementation of the provision to focus on placement of foster children in family homes and to reduce the use of congregate care/group homes. The eligibility criteria for receiving CIP grant funds was amended to include a requirement to provide training for judges, attorneys, and other legal personnel on child welfare cases in federal child welfare policies and payment limitations with respect to children in foster care who are placed in settings that are not foster family homes. (*See Section 50741 below*)

Court Review of Congregate Care/Group Home Placements - Within 60 days of the placement of a foster child in a QRTP, a court with competent jurisdiction or an administrative body appointed or approved by the court must independently review the QRTP placement and approve or disapprove of the placement. For children that remain in a QRTP, the state child welfare agency must submit evidence at every status review and permanency hearing that justifies the child's continued placement in that placement. (*See Section 50742 below*)

Highlights of Other Key Provisions

Other provisions of FFPSA include the following.

- Effective October 1, 2018, Title IV-E reimbursement will be available for a child in foster care who is placed with his/her parent in a licensed residential family-based substance abuse treatment facility for up to 12 months. *(See Section 50712 below)*
- Beginning October 1, 2018, Title IV-E reimbursement will be available for evidence-based kinship navigator programs. *(See Section 50713 below)*
- To improve licensing standards for relative foster family homes, the U.S. Department of Health and Human Services (HHS) is required to publish model foster parent licensing standards. *(See Section 50731 below)*
- States are required to develop a statewide plan to prevent child abuse and neglect fatalities. *(See Section 50732 below)*
- Amendments were made to the Chafee Foster Care Independence Program to support youth who age out of foster care by encouraging transition services and expanding supports. *(See Section 50753 below)*

Summary of the Family First Prevention Services Act (Subtitle A of the Bipartisan Budget Package/Continuing Resolution)

Part 1 – Prevention Activities Under Title IV-E

Section 50711. Foster Care Prevention Services and Programs

Beginning October 1, 2019, states have the option to use Title IV-E funds for prevention services for eligible children at risk of foster care placement and for their families.

Persons Eligible for Prevention and Family Services and Programs

- Children who are “candidates” for foster care;
 - A candidate is a child who has been identified by the child welfare agency in a prevention plan as at imminent risk of entering foster care, but who can remain safely at home or in a kinship placement if provided services that would prevent entry into foster care.
 - This includes children whose adoptions or guardianship arrangements are at risk of disruption or dissolution, which would result in the child entering foster care;
- Children in foster care who are pregnant or parenting; and
- Parents or kin caregivers of candidates for foster care for services needed to prevent the child’s entry into foster care or directly relate to the child’s safety, permanence or well-being.

Duration of Prevention and Family Services and Programs

- Title IV-E funds can be used to provide services for up to 12 months beginning on the date the child is identified in a prevention plan as a candidate for foster care or a pregnant and parenting foster youth in need of services.
- Children and families can receive prevention services more than once if they are identified again at a later time as a candidate for foster care.

No Income Eligibility Requirement for Prevention and Family Services and Programs

- Eligible children, parents and kin caregivers are eligible for prevention services and programs regardless of whether they meet the Aid to Families with Dependent Children (AFDC) income-eligibility requirements required for Title IV-E reimbursement.

Types of Prevention and Family Services and Programs

- The services and programs eligible for Title IV-E reimbursement are:
 - Mental health and substance abuse prevention and treatment services provided by a qualified clinician; and
 - In-home parent skill-based programs, which include parenting skills training, parent education, and individual and family counseling.
- The services and programs must be trauma-informed.
- The services and programs must meet certain evidence-based requirements that follow promising, supported, or well-supported practices as defined in the FFPSA.
- The Secretary of the HHS is required to release guidance no later than October 1, 2018 on the practice criteria required for these prevention services or programs and to publish a “pre-approved” list of services and programs that meet these requirements.

Prevention Plan Requirements

- To receive the prevention services and programs, each candidate for foster care and pregnant or parenting youth must have a written prevention plan that specifies the needed services for or on behalf of the child. The services or programs identified in the prevention plan are required to be trauma-informed.
- The prevention plan for candidates for foster care must identify the strategy for the child to remain safely at home and out of foster care and list of services or programs needed for the child or the child’s parent or relative caregiver.
- The prevention plan for pregnant or parenting youth in foster care must include the youth’s case plan, a list of services or programs needed to ensure that the youth is prepared or able to be a parent, and a foster care prevention strategy for any child born to that youth.

State Plan Requirement

- A state that takes the option to use Title IV-E funds for prevention services must document in its state plan the details on how the state will monitor and oversee the safety of children who receive the prevention services or programs; the services and programs the state intends to provide and whether they are promising, supported, or well-supported; the outcomes the state intends to

achieve; how the state will evaluate the prevention services or programs offered; and how child welfare agency staff will be trained and supported to effectively implement the Title IV-E prevention services and programs.

- The state plan documentation on the prevention services and programs plan must be updated every five-years.

Federal Reimbursement for Prevention Services and Programs

- Federal financial participation (FFP) for the prevention services and programs will be phased in.
- Beginning October 1, 2019 and before October 1, 2026, the FFP available to states will be 50 percent for the prevention services and programs that are promising, supported, and well-supported practices.
- Beginning October 1, 2026, the FFP will be the state's Federal Medical Assistance Percentage (FMAP) rate for the prevention services and programs that are promising, supported, and well-supported practices.
- At least 50 percent of the expenditures reimbursed by federal funds must be for prevention services and programs that meet the requirements for well-supported practices.
- To receive FFP for a promising, supported, or well-supported practice, the state's state plan must include an evaluation strategy for the practice. HHS, however, can waive this requirement for any well-supported practice if the evidence of its effectiveness is compelling and the state meets continuous quality improvement requirements.
- States are permitted to use Title IV-E funds for training and the administrative costs associated with developing the necessary processes and procedures necessary to implement the prevention services and programs.

Maintenance of Effort for Foster Care Prevention Expenditures

- There is a maintenance of effort (MOE) requirement on "foster care prevention expenditures" to avoid states substituting their current state/local prevention dollars with the new Title IV-E funds.
- States cannot spend less than they did on state foster care prevention expenditures in FY 2014 (or FY 2015 or FY 2016 at the option of a state in which the child population in 2014 was less than 200,000).

Performance Measures and Data Collection on Prevention Services and Programs:

- States are required to collect and report the following data to HHS for each child or adult receiving prevention services and programs during the 12-month period beginning on the date when the child is identified in a prevention plan:
 - The specific services or programs provided and the total expenditure for each service or program.
 - The duration of the services or programs that were provided.
 - In the case of a candidate for foster care, the child's placement status at the beginning and end of the 12-month period, and whether the child entered foster care within two years of being determined a candidate.

- Beginning in 2021, and annually thereafter, HHS will establish national prevention services measures on the following indicators based on the data reported by the states:
 - Percentage of candidates for foster care who do not enter foster care during the 12-month period when the prevention services or programs are provided and through the end of the succeeding 12-month period.
 - Total amount of expenditures for the prevention services or programs per child.
- HHS is required to establish and annually update the prevention services measures based on the median state values for the 3 most recent years, and will consider differences in state prices using the Bureau of Economic Analysis of the U.S. Department of Commerce or other appropriate data.
- HHS will make each state's performance measures available to the public.

Eligibility for Indian Tribes and Tribal Organizations

- Tribes with an approved Title IV-E plan have the option to use Title IV-E funds for prevention services and programs. HHS will specify the requirements applicable to tribes, which will be consistent with state requirements, to the extent possible, but allow for cultural adaptation that best fits the context of the tribal community.
- For each tribe, organization, or consortium that takes the option for prevention services and programs, HHS will establish specific performance measures on the prevention services and programs, which will be consistent with the state performance measures, to the extent possible, but also take into consideration the factors unique to the tribe, organization or consortia.

Technical Assistance and Best Practices

- HHS is required to provide technical assistance and best practices to states, tribes, and tribal organizations on the prevention services and programs, including how to plan and implement an evaluation of promising, supported, or well-supported practices.
- HHS is required to evaluate research on promising, supported, and well-supported practices and establish a clearinghouse of these practices and their outcomes. HHS may also collect data and conduct evaluations on the prevention services and programs to assess how these services are reducing the likelihood of foster care placement, increasing the use of kinship care placements, or improving child well-being.
- HHS is required to submit periodic reports on the prevention services and programs to the Senate Finance Committee and the House Ways and Means Committee. These reports will also be made available to the public.
- These requirements on HHS were effective upon enactment of the law.

Other Provisions

- A child who is with a kin caregiver for more than six months and meets the Title IV-E eligibility requirements will continue to be eligible for Title IV-E foster care payments at the end of the 12 months of the prevention services and programs.
- Prevention services and programs provided a child or adult will not be counted against that individual as receipt of aid or assistance with regards to their eligibility for other programs.
- The U.S. territories are eligible for the Title IV-E prevention funding.

Section 30712. Foster Care Maintenance Payments for Children with Parents in a Licensed Residential Family-Based Treatment Facility for Substance Abuse

Effective October 1, 2018, states are eligible to receive Title IV-E reimbursement for up to 12 months for a child who is placed with a parent in a licensed residential family-based treatment facility for substance abuse, regardless of whether the child meets the AFDC income-eligibility requirement for Title IV-E.

The eligibility requirements for reimbursement include:

- The child’s case plan recommends placing the child with the parent at the treatment facility;
- The substance abuse treatment facility provides parenting skills training, parent education, and individual and family counseling; and
- The treatment and related services are trauma-informed.

Section 50713. Title IV-E Payments for Kinship Navigator Programs

Effective October 1, 2018, states can receive Title IV-E reimbursement for up to 50 percent of the state’s expenditures on kinship navigator programs that meet the evidence-based requirements of promising, supported, or well-supported practices.

Part II – Enhanced Support Under Title IV-B

Section 50721. Elimination of the Time Limit for Family Reunification Services While in Foster Care and Permitting Time-Limited Family Reunification Services When a Child Returns Home from Foster Care

Effective October 1, 2018, the current 15-month time-limit on the use of Title IV-B funds for family reunification services for children in foster care is eliminated.

The name of the program was changed from “Time-Limited Family Reunification Services” to “Family Reunification Services.”

Section 50722. Reducing Bureaucracy and Unnecessary Delays when Placing Children in Home Across State Lines

No later than October 1, 2027, states will be required to use an electronic interstate case-processing system for exchanging data and documents to help expedite the interstate placement of children in foster care, adoption or guardianship. The U.S. territories, Indian tribes, tribal organizations, and tribal consortiums are exempt from this requirement.

Funding (\$5 million for FY 2018 through FY 2022) is provided to help states implement electronic interstate case-processing systems.

States are required to submit an application to HHS that details how the grant will support the state in connecting with the electronic system. In awarding the grant funds, HHS shall give priority to states that have not yet connected with the electronic interstate case-processing system.

Not later than one year after the final grant year, HHS is required to report to Congress on how the system has changed the time it takes to complete interstates placements, how many cases were processed inside and outside the electronic system, state implementation progress, how the system affected other metrics related to child safety and well-being, and how the system affected administrative costs and caseworker time spent on interstate placements. The report will also be made available to the public.

HHS is required to work with the Secretariat for the Interstate Compact on the Placement of Children (the American Public Human Services Association) and the states to assess how this system can be used to better serve and protect children that come to the attention of the child welfare system by connecting the system to other data systems.

Section 50723. Enhancements to Grants to Improve Well-Being of Families Affected by Substance Abuse

The Regional Grant Partnership (RGP) was amended to specify the partners that must be a part of the collaborative agreement (interstate, state, or intrastate):

- The mandatory partners include the state child welfare agency, the state agency responsible for administering the substance abuse prevention and treatment block grant, and the courts that work with the families.
- The optional partners include Indian tribes, tribal consortium, nonprofit and for-profit child welfare service providers, community health and mental health providers, law enforcement, school personnel, tribal child welfare agencies and any others related to provision of services under the partnership.

Tribes receiving a RGP grant may include the state child welfare agency as a partner. If the tribe is working in a partnership grant that serves children in out-of-home care they may include a tribal court in lieu of other judicial partners.

FFPSA reauthorizes the RGP for an additional five years (FY 2017 – FY 2021). The amount per grant per fiscal year can be no less than \$250,000 and no more than \$1,000,000.

RPG grants will be awarded in two phases: (1) a planning grant (not to exceed two years and not to exceed \$250,000 or the total anticipated funding for the implementation phase) and (2) an implementation grant.

The RPG application requirements were amended to:

- Add goals to improve substance abuse treatment outcomes for parents, children, and families and focus on safe, permanent caregiving relationships for the children, to increase the reunification rate, and to facilitate the implementation and effectiveness of the new prevention services and programs in Title IV-E;
- Require a description of the sustainability plan for when the RPG grant ends; and

- Require information about how the proposed activities are consistent with current research or evaluations on effective practices.

The performance indicators were amended to reflect child safety and parent well-being, and to make the indicators consistent with the outcomes measures for the new Title IV-E prevention services and programs.

The reporting requirements were amended to include semi-annual reports to HHS on the services provided, progress made in achieving the goals, and the number of children and families receiving services.

The changes to the RPG are effective on October 1, 2018.

Part III – Miscellaneous

Section 50731. Improving Licensing Standards for Relative Foster Family Homes

HHS is required to identify model licensing standards for relative foster family homes not later than October 1, 2018. No later than April 1, 2019, states are required to submit the following to HHS:

- Whether their licensing standards are in accord with HHS’ model standards, and if not, why they deviate and a description of why that model standard is not appropriate for the state;
- Whether they waive certain licensing standards for relative foster family homes, and if so, a description of the standards they most commonly waive. If the state does not waive standards for relatives, they must describe the reason for not doing so;
- If the state waives licensing standards for relatives, a description of how caseworkers are trained on the waiver and whether the state has developed a process or tools to help caseworkers in waiving the non-safety standards to help place children with relatives more quickly; and
- A description of how the state is improving caseworker training or the process on licensing standards.

Section 50732. Development of Statewide a Plan to Prevent Child Abuse and Neglect Fatalities

Effective October 1, 2018, states are required to document in their state plan for the Title IV-B Child Welfare Services program the steps they are taking to track and prevent child maltreatment fatalities, including:

- How the state is compiling complete and accurate information on these fatalities, including information on deaths from relevant organizations (i.e. state vital statistics agency, child death review teams, law enforcement agencies, offices of medical examiners or coroners); and
- How the state is developing and implementing a comprehensive, statewide plan to prevent child maltreatment fatalities that engages public and private agency partners, including those in public health, law enforcement, and the courts.

Section 50733. Modernizing the Title and Purpose of Title IV-E

Effective upon enactment, the name of the Title IV-E program was changed from “Part E—Federal Payments for Foster Care and Adoption Assistance” to “Part E—Federal Payments for Foster Care Prevention, and Permanency.” The purpose of Title IV-E was also amended to reflect the new use of federal funds for prevention services and programs.

PART IV. ENSURING THE NECESSITY OF A PLACEMENT THAT IS NOT IN A FOSTER FAMILY HOME

Beginning October 1, 2019, states are to take steps to safely reduce the inappropriate use of congregate care/group homes for children in the foster care system. States have the option to delay the effective date for up to two years. Any state, however, that delays implementation of this provision must also postpone seeking Title IV-E funding for prevention services and programs for the same period of time.

Section 50741. Limitation of Federal Financial Participation for Placements that Are Not in Family Foster Homes

Restrictions on Federal Reimbursement for Placements Other than Foster Family Homes

- Beginning with the third week of a child entering foster care, states will only be eligible for Title IV-E foster care payments on behalf of a child in the following settings:
 - A foster family home of an individual or family that is licensed or approved by the state, and is capable of adhering to the reasonable and prudent parent standard, provides 24 hour care for children placed in the home, and provides care to six or fewer children in foster care (Exceptions to this limit can be made to accommodate parenting youth in foster care to remain with their child, keep siblings together, keep children with meaningful relationships with the family, and care for children with severe disabilities).
 - A child-care institution, defined as a licensed private or public child-care facility with no more than 25 children, that is one of the following settings:
 - A Qualified Residential Treatment Program (QRTP);
 - A setting specializing in providing prenatal, post-partum, or parenting supports for youth;
 - A supervised setting for youth ages 18 and older who are living independently; or
 - A setting providing high-quality residential care and supportive services to children and youth who have been found to be, or are at risk of becoming, sex trafficking victims.
 - A licensed residential family-based substance abuse treatment facility for up to 12 months if a child is placed with a parent in that facility.
- Child-care institutions do not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children determined to be delinquent.
- This restriction on Title IV-E payments does not prohibit payments for administrative expenditures incurred on behalf of the child in a child care institution.

Qualified Residential Treatment Programs (QRTP)

- A QRTP, is defined as a program that:
 - Has a trauma-informed treatment model designed to address the needs, including the clinical needs, of children with serious emotional or behavioral disorders or disturbances, and can implement the necessary treatment identified in the child’s assessment;
 - Has registered or licensed nursing staff and other licensed clinical staff who can provide care, who are on-site consistent with the treatment model, and available 24 hours and 7 days a week. The QRTP does not need to have a direct employee/employer relationship with required nursing and behavioral staff;
 - Facilitates family participation in the child’s treatment program, if family participation is in child’s best interest;
 - Facilitates family outreach, documents how this outreach is made, and maintains contact information for any known biological family and fictive kin of the child;
 - Documents how the child’s family is integrated into the child’s treatment, including post-discharge, and how sibling connections are maintained;
 - Provides discharge planning and family-based aftercare supports for at least 6 months post-discharge; and
 - Is licensed and nationally accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), the Council on Accreditation, or others approved by HHS.

Training for State Judges, Attorneys, and Other Legal Personnel in Child Welfare Cases

- The eligibility criteria for receiving CIP grant funds is amended to include a requirement to provide training for judges, attorneys, and other legal personnel in child welfare cases in federal child welfare policies and payment limitations with respect to children in foster care who are placed in settings that are not foster family home.

Assuring Changes in Federal Reimbursement Do Not Impact the Juvenile Justice System

- Effective on October 1, 2019, states are required to include a certification in their state plans providing assurance that the state will not enact or advance policies or practices that will result in a significant increase in number of youth in the juvenile justice system because of the new restrictions on federal reimbursement for children not placed in a foster family home.
- The GAO is directed to conduct a study evaluating the impact on the juvenile justice system because of the new restrictions on federal reimbursement for children not placed in a foster family home. Specifically, the GAO is to evaluate the extent to which children in foster care who are in the juvenile justice system and placed in a juvenile justice facility are there because of the lack of available congregate care placements. GAO must submit the report to Congress no later than December 1, 2025.

Section 50742. Assessment and Documentation of the Need for Placement in a Qualified Residential Treatment Program

Assessment to Determine Appropriateness of Placement in a QRTP:

- Within 30 days of a child being placed in a QRTP setting, a qualified individual must assess the child's strengths and needs using an age-appropriate, evidence-based, validated, functional assessment tool to determine if the child's needs can be met with family members or in a foster family home, or in one of the other approved settings (i.e. facilities for pregnant or parenting youth or independent living facilities) consistent with the short- and long-term goals of the child and the child's permanency plan. HHS is required to publish guidance on valid assessment tools. The qualified individual conducting the assessment must also document child-specific short- and long-term mental and behavioral health goals.
 - The assessment must be done by a "qualified individual", who must be a trained professional or licensed clinician who is not a state employee or affiliated with any placement setting in the state. This requirement, however, may be waived by HHS upon request of a state certifying that a trained professional or licensed clinician can maintain objectivity in the assessment process.
 - If the assessment is not completed in the first 30 days of the child's placement in a QRTP, the state will not be eligible to receive federal reimbursement for foster care maintenance payments for that child while they remain in that QRTP placement.
- The qualified individual must conduct the assessment in conjunction with the child's family and permanency team
- The child's family and permanency team shall include all appropriate biological family members, relatives and fictive kin and, as appropriate, professionals (teachers, medical and mental health providers, or clergy), who are a resource to the family. If the child is age 14 or older, the two members of the child's permanency planning team selected by the child shall also be included on the family and permanency team.
- The state shall document in the child's case plan its efforts to identify and include a family and permanency team for the child, contact information for the team (including other family and fictive kin who aren't in the team), evidence that meetings were held at a time convenient for the family and permanency team, evidence that the child's parent provided input if reunification is the permanency goal, evidence that the assessment was made in conjunction with the team, the placement preference of the team that acknowledges the importance of keeping siblings together, and if the team's placement preference is different than that of the qualified individual the reason why the recommendations are different.

Steps Taken After a Determination is Made that a Child Should Not be Placed in a QRTP

- If it is determined by an assessment that a QRTP placement is not appropriate for a child, then the state has an additional 30 days from the time that determination is made to transition the child to a placement that can better address the child's needs. States will receive FFP during this 30-day period. If the child remains in the QRTP beyond those 30 days, the FFP will cease.

Steps Taken After a Determination is Made that a Child Should Not be Placed in a Foster Family Home:

- If it is determined that a QRTP placement is appropriate for a child, the qualified individual must document in writing why the child's needs cannot be met by his/her family or in a foster family (a shortage of foster family homes is not an acceptable reason), why a QRTP will provide the most effective and appropriate level of care in the least restrictive environment, and how it is consistent with the short- and long-term goals of the child.
- Within 60 days of a placement in QRTP, a court with competent jurisdiction or an administrative body appointed or approved by the court must independently review the QRTP placement.
 - The court shall consider the assessment, determination, and documentation made by the qualified individual that conducted the assessment.
 - The court shall determine whether the needs of the child can be met in a foster family home, or if not, whether placement in a QRTP provides the child the most effective and appropriate level of care in the least restrictive environment and is consistent with the short- and long-term goals of the child.
 - The court shall approve or disapprove of the placement
- For a child who remains in a QRTP, the state agency must submit evidence at every status review and permanency hearing that:
 - Demonstrates that ongoing assessment of the strengths and needs of the child continue to support the determination that the child's needs cannot be met in a foster family home and that the QRTP provides the child the most effective and appropriate level of care in the least restrictive environment and is consistent with the short- and long-term goals of the child, as specified in the child's permanency plan;
 - Documents the specific treatment or service needs that will be met for the child in the QRTP placement and the length of time the child is expected to need the treatment or services; and
 - Documents the efforts made by the state agency to prepare the child to return home or be placed with a relative, legal guardian, or adoptive parent, or in a foster family home.
- For children in a QRTP for 12 consecutive or 18 nonconsecutive months (or for more than 6 consecutive months for children under age 13) the state agency is required to submit to HHS the most recent evidence and documentation supporting the QRTP placement with a signed approval by the head of the state agency.

Section 50743. Protocols to Prevent Inappropriate Diagnoses

Effective upon enactment, states must establish, as part of their health care services oversight and coordination plan, procedures and protocols to ensure children in foster care are not being inappropriately diagnosed with mental illnesses, disorders or disabilities that may result in the child not being placed with a foster family home.

HHS is required to evaluate these procedures and protocols and the extent to which states comply and enforce them, identify best practices, and submit a report on the evaluations to Congress no later than January 1, 2020.

Section 50744. Additional Data and Reports Regarding Children Placed in Settings that is Not a Foster Family Homes

States are required to collect data and report on the following data items for children in child-care institutions or other settings that are not foster family homes:

- The type of placement setting (i.e. shelter care, group home, residential treatment facility, hospital or institution, setting for pregnant or parenting youth, etc.)
- The number of children in the setting, and the age, race/ethnicity, and gender of each child in the setting.
- For each child, the length of stay in that setting, whether it was the child's first placement, and if not, the number of previous placements, and the child's special needs.
- The extent of specialized education, treatment, counseling, or other services provided in that setting.

States are also required to report on the number and ages of children in these placements that have a permanency goal of Another Planned Permanent Living Arrangement (APPLA).

These reporting requirements were effective as if enacted on January 1, 2018.

Section 50745. Criminal Records Checks and Checks of Child Abuse and Neglect Registries for Adults Working in Child-Care Institutions and Other Group Care Settings

Effective on October 1, 2018, states are required to have procedures in place for background checks on any adult working in group care settings where foster care children are placed.

Section 50746. Effective Dates; Application to Waivers

States that have an active Title IV-E Demonstration Waiver when the changes in Title IV-E related to congregate care/group homes go into effect will not be held to the changes if they are inconsistent with the terms of their waiver until the waiver expires.

PART V. CONTINUING SUPPORT FOR CHILD AND FAMILY SERVICES

Section 50761. Supporting and Retaining Foster Families for Children:

The definition of "Family Support Services" under Promoting Safe and Stable Families in Title IV-B, Subpart 2, is amended to include community-based services that are designed to support and retain foster families. The prior definition focused primarily on services for the child's family, and this change will allow for additional support for foster families.

Under Title IV-B, Subpart 2, competitive grants (\$8 million in FY 2018 through FY 2022) were created to assist states and tribes in the recruitment and retention of high-quality foster families to help place more

children in foster family homes. The grants will be focused on states and tribes that have the highest percentage of children in non-family settings.

Section 50752. Extending Child and Family Services Programs Under Title IV-B

The following programs were extended for five years (FY 2017 through FY 2021) the following programs:

- Stephanie Tubbs Jones Child Welfare Services Program (Title IV-B, Subpart 1).
- Promoting Safe and Stable Families Program (Title IV-B, Subpart 2)
 - This program was extended at the prior mandatory level of \$345 million a year.
 - Discretionary funding under Promoting Safe and Stable Families was also extended for five years.
 - Additionally, funding reservations for supporting monthly caseworker visits, Regional Partnership Grants, and the three Court Improvement Program grants (basic, data, and training) were extended for five years.

Section 50753. Improvements to the John H. Chafee Foster Care Independence Program and Related Provisions

The financial, housing, counseling, employment, education, and other appropriate supports and services to former foster care youth under the John H. Chafee Foster Care Independence Program (Chafee) were extended to age 23. The supports and services under Chafee were previously only available to youth between ages 18 and 21.

The extension of Chafee services to age 23 only applies to states that have taken the option to extend foster care to youth to age 21 or states that HHS determines are using state or other funds to provide services and assistance to youth who have aged out that are comparable to those youth would receive if the state had taken the option to extend care.

If a state has unspent Chafee funds remaining (i.e. at the end of the two-year period that funds are available to them), HHS can make those available to redistribute to other states that apply for additional funds, if HHS determines that those states will use the funds for the purposes stated. The amount redistributed to the states will be based on the “state foster care ratio” (i.e. the number of children in foster care in one state compared to the overall number of children in foster care nationally). Tribes can also participate.

The eligibility for Education and Training Vouchers under Chafee was extended to age 26. Previously the funding was only available to youth up to age 23. The FFPSA also clarified that higher education vouchers are available to youth who are at least 14-years old. Youth cannot participate in the voucher program for more than 5 years (whether or not the years are consecutive).

The name of the program was changed from the “John H. Chafee Foster Care Independence Program” to the “John H. Chafee Foster Care Program for Successful Transition to Adulthood.” Also, the FFPSA makes several language changes throughout Chafee, including clarifying that these services can start for youth at age 14.

Not later than October 1, 2019, HHS is required to submit a report to the House Ways and Means Committee and Senate Finance Committee on the National Youth in Transition Database (NYTD) and other relevant databases that track outcomes of youth who aged out of foster care or who exited foster care to adoption or kinship guardianship. The report is to include:

- Comparisons of the reasons for entering foster care and the foster care experience for 17-year-olds (i.e. length of stay, number of placements, case goal, discharge reason) to children who left care before turning 17;
- Characteristics of youth ages 19 and 21 who report poor outcomes to NYTD;
- Benchmarks for determining poor outcomes for youth who remain in care or exit care, and plans the Executive branch will take to use those benchmarks in evaluating child welfare agency performance in providing services to youth transitioning from care;
- Analysis of association between placement type, number of placements, time in care, and other factors related to outcomes at ages 19 and 21; and
- Analysis of outcomes for youth ages 19 and 21 who were formerly in care compared to 19 and 21-year-olds still in care.

PART VI. CONTINUING INCENTIVES TO STATES TO PROMOTE ADOPTION AND LEGAL GUARDIANSHIP

Section 50761. Reauthorizing the Adoption and Legal Guardianship Incentive Program

The Adoption and Legal Guardianship Incentive Payment program was reauthorized for an additional five years (FY 2017 through FY 2021). The incentive program allows states to receive incentive payments based on improvements the state has made in increasing exits from foster care to adoption or guardianship. This provision took effect as if enacted on October 1, 2017.

PART VII. TECHNICAL CORRECTIONS

Section 50771. Technical Corrections to Data Exchange Standards to Improve Program Coordination

HHS, in consultation with an interagency workgroup, is required to designate data exchange standards around the information shared between different state agencies, including federal reporting and data exchange requirements.

To the extent practicable, the data exchange standard requirements shall incorporate the following:

- A widely-accepted, non-proprietary, searchable, computer-readable format, such as Extensible Mark-up Language;
- Contain interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model;
- Be consistent with and implement applicable accounting principles;
- Be implemented in a manner that is cost-effective and improve program efficiency and effectiveness; and
- Be capable of being continually upgraded; as necessary.

Two years after enactment HHS is required to issue a proposed rule that identifies federally required data exchanges; includes specification and timing of exchanges; addresses factors used to determine whether and when to standardize data exchanges; and specifies state implementation options and future milestones.

Section 50772. Technical Corrections to State Requirement to Address the Developmental Needs of Young Children

The state plan requirement under Title IV-B, Subpart 1 was amended to describe activities to reduce the length of time to permanency for all vulnerable children under the age of 5 and the activities the state undertakes to address the developmental needs of all vulnerable children under age 5 who receive services until Title IV-B or Title IV-E.

PART VIII. ENSURING STATES REINVEST SAVINGS RESULTING FROM INCREASES IN ADOPTION ASSISTANCE

Section 50781. Delay of Adoption Assistance Phase-In

Effective January 1, 2018, the increased federal reimbursement under Title IV-E Adoption Assistance for certain children adopted under age two was suspended for the period of January 1, 2018 to June 30, 2024. All children with special needs will be eligible for Title IV-E Adoption Assistance on July 1, 2024.

In the interim, children with special needs under 2 years of age will continue to be eligible for Title IV-E Adoption Assistance if they meet the existing Title IV-E eligibility requirements or are eligible for state-funded Adoption Assistance payments.

Section 50782. GAO Study on Savings Resulting from the Increase in Adoption Assistance

The Government Accountability Office (GAO) is required to review states' compliance with the requirements of the Adoption Assistance federal reimbursement phase-in, specifically the:

- Requirement that state savings generated from the phase-in are being used to provide services to adopted children and their families and.
- Requirement that the state will spend no less than 30 percent of the savings generated by the phase-in on post-adoption services, post-guardianship services, and services to support and sustain positive permanent outcomes, and that at least two-thirds of that 30 percent requirement be spent on post-adoption and post-guardianship services.

The GAO is required to submit the findings of this study in a report to the Senate Finance Committee, House Ways and Means Committee, and HHS.

If you have questions or need additional information, please contact kay Farley at kfarley@ncsc.org or (202) 684-2622.

Restyling

Style Conventions

Juvenile Rules: Restyling Principles and Examples

Table of Contents: Current Juvenile Rules

**Terms, Phrases & Words of Choice
and Other Style Conventions**
(Revised 11/30/15)

1. **General Rule:** Use the style conventions used in the Federal Rules of Civil Procedure, unless there is a good reason for not doing so. The Federal Rules provide easily identified, and readily accessible, “default” conventions.
2. **Terms/Words of Choice**
 - (a) **Shall:** Consider changing references to “shall” to “must,” “should,” “may,” “will” or “is/are,” as the context dictates. *See* Bryan Garner, *Guidelines for Drafting and Editing Court Rules* (the “*Guidelines*”) at 29. Note that the word “should” is generally considered the preferred word of choice if a rule’s command is “directory” but not “mandatory.”
 - (b) **Clerk:** Currently, the Arizona rules refer to “clerk of court,” “court clerk,” or “clerk.” The federal rules use “clerk”—*see, e.g.*, Fed. R. Civ. P. 79(a)(1). Unless the context of the rule calls for a more specific reference (*i.e.*, if distinguishing a superior court clerk from an appellate court clerk or a justice court clerk), use “clerk.”
 - (c) **Days:** The current rules sometimes use words (*e.g.*, “ten”), sometimes use numbers instead of words (*e.g.*, “10” instead of “ten”) and sometimes does both (*e.g.*, “ten (10)”). The convention used in the federal rules is to use numbers only if the number is above two. *See, e.g.*, Fed. Rs. Civ. P. 6(d) & 12(a), 18(b) (“two”). Follow the federal convention.
 - (d) **Service:** When cross-referencing Rule 4 service of process use the phrase “in the same manner that a summons and pleading are served under Rules 4, 4.1, or 4.2, as applicable.” Note that Rule 4, 4.1 and 4.2 refer *only* to the service of a summons and pleading. Thus, for service of other items (such as a subpoena or a Rule 27 petition), it makes no sense to say that it should be served “under Rules 4.0, 4.1 or 4.2, as applicable.”
 - (e) **Avoid redundancies.** Thus: “*may*” and not “*may, in its discretion.*”
 - (f) **“Upon” v. “on”:** Unless there is a temporal element (*i.e.*, something has to happen when an act occurs), use “on,” *e.g.*, “serve on”, not “serve upon.”
 - (g) **Where/When vs. If:** The word “where” is not to be used as a synonym for “if” (*e.g.*, “If there are multiple parties on a side,” not “Where there are multiple parties on a side”). “When” is appropriate in some limited circumstances, but, in most cases, “if” should be preferred to “when.” *See Guidelines* at 5.

- (h) Use **“if”** instead of **“in the event that”** or **“on the condition that.”**
- (i) Use **“later”** rather than **“subsequently.”** Similarly, use **“after”** rather than **“subsequent.”**
- (j) Use **“before”** rather than **“prior to.”**
- (k) Use **“under,” “by,” “prescribed by” or “provided in”** rather than **“pursuant to” or “provided by.”**
- (l) **Hereof, herein, thereof, therein:** Avoid use of these words. Either restructure the sentence or use a demonstrative pronoun such as **“that,” “this,” “these,” or “those.”**
- (m) Use **“on its own,”** not **“on its own initiative.”** See, e.g., Fed. Rs. Civ. P. 39(a)(2), 56(f)(3) & 60(a).
- (n) Use **“after a pleading is filed”** rather than **“after filing of the pleading”**; similarly, use **“after a pleading is served”** rather than **“after service of the pleading.”** If giving direction to the same person/party who just filed/served, **“after filing/serving a pleading.”**
- (o) Use **“a party who”** rather than **“a party that.”** See, e.g., Fed. R. Civ. P. 35(b)(1) & 65(b)(3).
- (p) Use **“attorney’s fees”** not **“attorneys’ fees.”** See, e.g., Fed. R. Civ. P. 37(d)(3).
- (q) Use **“attorney,”** not **“lawyer.”** See, e.g., Fed. R. Civ. P. 5(b)(1).
- (r) Use **“local rule”** rather than **“Local Rules of Practice.”** See Ariz. R. Civ. P. 83.
- (s) Use **“the State of Arizona”** when referring to the governmental entity; use **“Arizona”** when referring to activity or persons within or outside state boundaries.
- (t) When referring to a specific number of days or a specific number of items, use **“fewer than”** rather than **“less than.”** But note, if you are talking about a period of time, the proper phrase is **“less than.”** (E.g., “Not many of these buildings are less than thirty years old.”)
- (u) Use **“no later than”** rather than **“not later than.”** (Synonymous, but “no later than” is considered less formal.)
- (u) **Other Words:** See *Guidelines* at 33-34.

3. Other Style Conventions

(a) **Cross-references:** References to other rules or other subdivisions should refer to the rule (i.e., “Rule 15(a)(2)”) and *not* use the words “subpart,” “subdivision” or similar words (i.e., “Rule 15(a)(2)” and not “subpart (a)(2)”). If it does not cause confusion and is on the same level, refer simply to the subdivision (e.g., “if allowed in (b)”, not “if allowed in subpart (b)”). See *Guidelines* at 35. When referring to “this rule” or “these rules,” the first letter of “rule(s)” should not be capitalized.

(b) **Heading & Subheading Titles:**

(i) If the heading or subheading of a federal rule counterpart differs from the state rule’s heading or subheading, adopt the federal rule’s heading or subheading, unless you have a good reason for not doing so.

(ii) **Capitalization:** Note that the Arizona rules are inconsistent in capitalizing the first letter in each major word in a rule’s heading.

A. If there is a federal rule counterpart, follow the capitalization used in the headings and subheadings for the federal rule.

B. Capitalize the first letter of the first word in a heading or subheading, even the rules below indicate that you should not capitalize the first letter of the word.

C. If there is no federal rule counterpart, capitalize the first letter in major words in the rule’s title or subheading, consistent with the federal rules’ current format.

D. Capitalize the first letter in the words “Not,” “Are,” “Is,” and “Be.”

E. Do not capitalize the first letter of a conjunction: “but,” “and,” “or.”

E. Unless the word begins the heading or subheading, the first letter in the words “to,” “and,” “or,” “but,” and “as” should not be capitalized.

F. **Prepositions:** Generally, the first letter of preposition should be capitalized only if it is 5 letters or more. This appears to be the convention in the federal rules. Thus, the following should be capitalized: “After,” “Against,” “Before,” “Between,” “Outside,” “Through,” “Within,” and “Without.” The

following should not be capitalized: “with,” “for,” “if,” “by,” “on,” “in,” “at.”

(iii) ***Bolding & Italics:***

- (A) The heading to each rule should be in **bold**.
- (B) Each first-level lettered subdivision (*e.g.*, (a)) should have a subheading, which should appear in **bold**.
- (C) Each second-level numbered subdivision (*e.g.*, (a)(1)) also should have a subheading, which should appear in ***bolded italics***.
- (D) Each third-level letter subdivision (*e.g.*, (a)(1)(A)) should have a subheading, which should appear in *unbolded italics*.
- (E) In contrast to the subheadings, all alpha-numeric subdivision designations (*e.g.*, (a), (1), (A) & (iv)) should be in **bold** and not be in italics or bolded-italics. (For an illustration, *see* Fed. R. Civ. P. 45(a)(1)(A)(iv).)

(iv) ***Use of Parenthesis:*** Subheading alpha-numeric designations should appear in parenthesis (*i.e.*, “(a)(1)(A)(ii),” not “a.1.A.ii.”).

(v) ***Use of Periods:***

- (A) In the title of a rule, the rule number should be followed by a period, but a period should not follow the title of the rule (*e.g.*, “Rule 4. Summons”).
- (B) In all the subdivisions of a rule, the subheading should be followed by a period, but not the alpha-numeric designation (*i.e.*, “(b) Issuance.”, not “b. Issuance”).

(c) ***Indentation:*** Use the federal format for indentation:

- (i) The heading of each rule (*e.g.*, “Rule 1.”) should be flush with the left margin. The rest of the heading should start at least three spaces to the right. If the heading goes on to a second line, the text should start at least three spaces after the start of the text on the second line. (*See, e.g.*, Fed. R. Civ. P. 37.)
- (ii) The first-level subdivision heading (*e.g.*, (a)) should be flush with the left margin, with the subheading generally starting one space after the

letter designation. The left margin for the second line should be the same as where the heading for the subdivision begins.

- (iii) Generally, add one space for each additional subdivision heading (*e.g.*, (a)(1), (b)(2)(A), (c)(3)(B)), and follow the convention set forth in (i).
 - (iv) For a good general illustration of (ii)-(iii), look at Fed. R. Civ. P. 45.
- (d) ***Bullets:*** Contrary to the recommendation in the *Guidelines*, do not use “bullets” to separate subdivisions.
- (e) ***Comments:***
- (i) ***Placement of Comments:*** Currently, some comments appear in the middle of a rule following the subdivision to which the comment pertains (*e.g.*, Rule 13(a)), and sometimes comments appear right after the heading for a rule (*e.g.*, Rule 39). In all cases, move such comments so they appear after the end of the rule (and not just the subdivision).
 - (i) ***Note:*** Moving a comment to the end may require the title of the comment (or the comment itself) to be modified to identify the subdivision to which the comment pertains. For example, if a comment refers only to subdivision of a rule but that is not clear from the comment’s text, consider inserting the subdivisions alpha-numeric designation into the title of the comment. For example, in moving the first comment to Rule 11(a) to the end of the rule, consider modifying the comment to say “1984 Amendment to Rule 11(a).” (Addition underscored.)
 - (ii) ***Comment Titles:*** Currently, comments to the Arizona rules have various titles, depending on who wrote them—State Bar Committee Notes, Committee Comment, Comment, Court Comment, Supplemental Note. For now, if you decide to keep a comment, retain its existing title. The title should be centered over the comment, and, generally, only the first letter in each major word in the comment title should be capitalized.
- (f) ***Abrogated Subdivisions:*** The current rules are littered with subdivisions that are totally “abrogated” (*e.g.*, Rule 5(e)), “deleted” (*e.g.*, Rule 26(h)), “renumbered” (*e.g.*, Rule 42(d)), or “repealed” (*e.g.*, Rule 53(g)). Unless it would cause confusion or there is some other reason for not doing so, all the

references to these subdivisions should be deleted and the remaining subdivisions renumbered.

- (g) ***Font, Spacing and Margins:*** Consistent with the Arizona Supreme Court’s preferred font style and size for rule amendments, use Times New Roman, 13 point font, except, at the beginning of each rule, the words “Rule X.” should be in 14 point font. Each subdivision should be single spaced, with each subdivision separated by a 6 point space (including the title of the rule and the first subdivision). Each rule should be separated from the next rule by a 24 point space. The margins should be standardized, and be right-justified.
- (h) ***Commas:*** In an enumerated series, use the serial comma before the conjunction. Thus: “books, documents, or tangible things” and not “books, documents or tangible things.”

Rule Restyling Key Principles and Examples

Objectives: Improve the rules' organization, clarity, and consistency, and adopt plainer, more easily understood language.

Key Resource: Bryan Garner, *Guidelines for Drafting and Editing Court Rules* (1996).

Key Principles:

1. **Formatting:** To make it easier to find what you are looking for, make generous use of subparts and subheadings, and make lists if a rule calls for multiple items or factors to follow a general rule. Also use left-side indents so that a rule's hierarchy is displayed graphically.

➤ **An example - Rule 40.2(G) currently (Rule 40.2 is "Duties and Responsibilities of Appointed Counsel for Parent Representation"):**

G. Attorneys must be familiar with the child and public welfare systems, and community-based organizations serving parents and how services are accessed. Examples of such services are behavioral health, substance abuse treatment, domestic violence services, developmental disability, health care, education, financial assistance, counseling support, family preservation, reunification and permanency services.

Attorneys must be familiar with the substantive juvenile law. Attorneys must stay abreast of changes and developments in relevant federal and state law and regulations, Rules of Procedure for the Juvenile Court and case law. Attorneys must complete an introductory six (6) hours of court approved training prior to their first appointment unless otherwise determined by the presiding judge of the juvenile court for good cause shown and an additional two (2) hours within the first year of practice in juvenile court. All attorneys must complete at least eight (8) hours each year of education and training specifically on juvenile law and related topics such as child welfare policy and procedures, substance abuse and addiction, mental illness and treatment options, psychological evaluations (how to read), domestic violence, the effects of trauma, cultural awareness, social issues surrounding families involved in the dependency process, motivational interviewing, child and adolescent development (including infant/toddler mental health), the effects of parental incarceration, the Indian Child Welfare Act, parent and child immigration issues, the need for timely permanency, and other training concerning abuse and/or neglect of children. Some or all of this training and continuing education may qualify as mandatory Continuing Legal Education under State Bar of Arizona requirements.

Attorneys must provide the presiding judge of the juvenile court with an affidavit of completion of the six (6) hour court approved training requirement prior to or upon their first appointment as attorney or guardian ad litem for a parent after the adoption of these

standards unless a waiver of this requirement has been obtained from the presiding judge of the juvenile court in which the appointment is to be made. The affidavit of completion must include a list of courses including the name of the training, the date of the training, the training provider and the number of hours for each course.

All attorneys must file annually an affidavit with the presiding judge of the juvenile court certifying their compliance with this section. Such affidavit must be filed concurrently with the affidavit of compliance with State Bar MCLE and must include a list of courses including the name of the training, the date of the training, the training provider and the number of hours for each course.

Rule 40.2(G) in the initial draft restyling:

G. Possess General Knowledge. An attorney must be familiar with the child and public welfare systems, community-based organizations serving parents, and how to obtain services. Examples of such services are behavioral health, substance abuse treatment, domestic violence services, developmental disability, health care, education, financial assistance, counseling support, family preservation, reunification, and permanency services.

H. Obtain Continuing Education.

(1) **Generally.** An attorney must be familiar with substantive juvenile law and stay abreast of changes and developments in relevant federal and state statutes, regulations, rules, and case law.

(2) **Initial Training.** An attorney must complete an introductory 6 hours of court- approved training before the first appointment, unless the presiding judge of the juvenile court determines otherwise for good cause.

(3) **Later Training.**

(A) **First Year.** An attorney must complete an additional 2 hours of court- approved training within the first year of practice in juvenile court.

(B) **Subsequent Years.** Each year thereafter, an attorney must complete at least 8 hours of education and training specifically on juvenile law and related topics, such as child welfare policy and procedures, substance abuse and addiction, mental illness and treatment options, psychological evaluations and how to read them, domestic violence, the effects of trauma, cultural awareness, social issues surrounding families involved in the dependency process, motivational interviewing, child and adolescent development (including the mental health of infants and toddlers), the effects of parental incarceration, the Indian Child

Welfare Act, parent and child immigration issues, the need for timely permanency, and other training concerning abused or neglected children.

(C) *Mandatory Continuing Legal Education Credit.* If this training qualifies under Supreme Court Rule 45, it may count towards the mandatory continuing legal education requirements of that rule.

(4) *Affidavit of Completion.* An attorney must provide the court with an affidavit of completion of the 6-hour court-approved training requirement before appointment as the attorney or guardian ad litem for a parent, unless the presiding judge of the juvenile court in which the appointment is made waives this requirement. Thereafter, and concurrently with the annual affidavit of compliance required by Supreme Court Rule 45, an attorney must file an affidavit of completion with the presiding judge of the later training required by this rule. An initial and a later affidavit of completion must include a list of courses, including the dates and number of hours for each course and the name of the training provider.

➤ **Another example - Rule 66(C) currently (Rule 66 is the Termination Adjudication Hearing):**

C. Burden of Proof. The moving party or petitioner has the burden of proving the grounds for termination alleged in the motion or petition by clear and convincing evidence and that the termination would serve the child's best interests by a preponderance of the evidence. In addition, if the child is an Indian child, the moving party or petitioner must prove, beyond a reasonable doubt, including testimony from a qualified expert witness, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. The moving party or petitioner must also satisfy the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that those efforts have proven unsuccessful.

Rule 66(c) in the initial draft restyling:

C. Burden of Proof. The moving party or petitioner has the burden of proving

(1) by clear and convincing evidence, the facts that establish the alleged grounds for termination,

(2) by a preponderance of the evidence, that the termination would serve the child's best interests,

(3) beyond a reasonable doubt, including testimony from a qualified expert witness, that continued custody of an Indian child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. The moving party or petitioner must

also satisfy the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of an Indian family and that those efforts have proven unsuccessful.

2. Run-On Sentences: Break-up or simplify overlong sentences.

➤ **An example - Current Rule 19.1(4)**, with 91 words in one sentence:

(4) Periodic Judicial Reviews. After the disposition hearing, the court shall conduct periodic reviews no less frequently than once every six months in order to determine the safety of the juvenile, the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating out of home placement, and to project a likely date by which the juvenile may be returned to and safely maintained in the home or placed for adoption or legal guardianship.

Rule 19.1(4) as revised:

(4) Periodic Judicial Reviews. The court must review the case at least every 6 months after the disposition hearing. At each review, the court must determine

(A) whether the juvenile is in a safe placement,

(B) whether the placement is appropriate, and whether it is still necessary,

(C) the extent of compliance with the case plan, and

(D) the extent of progress that has been made toward alleviating or mitigating the causes necessitating the out of home placement.

The court also should project a likely date by which the juvenile may be returned to and safely maintained in the home or be placed for adoption or legal guardianship.

3. Ambiguous Terms: Avoid using ambiguous terms.

Do not use “shall,” which has lost all meaning over the years. Instead, use “must,” “may,” “should,” “will,” or “is/are,” depending on the context. Note that the word “should” is generally considered the preferred word of choice if a rule’s command is “directory” but not mandatory. And sometimes it is better to use the present tense of the operative verb if the rule does not involve an act or duty of a court or party (*e.g.*, Civil Rule 24(a): “A party begins the following actions by filing a verified petition with the superior court clerk...” rather than “A party *shall* commence the following actions by filing a verified petition with the clerk of the superior court...”).

Use “enter” or “file” instead of “issues.” Some people understand the term “issue” to mean the date when a judge signs an order rather than the date when the order is filed.

Use “order” instead of “direct” when describing court actions. Courts enter orders, not directions.

4. Redundant Terms: Avoid saying the same thing twice, and especially avoid “redundant intensifiers.”

Use “may” instead of “may, in its discretion.”

- **An example – current Rule 77(A) says,** “If the court is unable to certify the applicant as acceptable to adopt a child due to lack of information as required by law, the court shall dismiss the application for certification. If the applicant submits a subsequent request to be certified the court may, in its discretion, consider information contained in the original request for certification.”

Same for “may, if appropriate.”

Use “must show” rather than “must show affirmatively.”

Use “unless the court orders” rather than “unless the court expressly orders.”

Use “on its own, a court may” not “on its own initiative, a court may.”

- **Another example – current Rule 2(C) says,** “When a notice or an affidavit for change of judge is timely filed, the judge named in the notice or affidavit shall proceed no further in the action except to make such temporary orders as may be absolutely necessary to prevent harm to the child before the action can be transferred to another judge.” (Is there a difference between “necessary” and “absolutely necessary?”)

5. Archaic Terms: Avoid archaic, outdated “legalistic” terms such as “hereto,” “therein,” “thereto,” “hereinafter,” “thereafter,” “therewith,” “wherein.” Either restructure the sentence or use a demonstrative pronoun such as “that,” “this,” “these,” or “those.”

- **An example – the first sentence of Rule 34(E)(1),** which says, “At the time of the filing of the motion for transfer or subsequent thereto, the court, upon its own motion or at the request of any party may order that the juvenile submit to physical, psychological and/or psychiatric evaluations.”

- 6. Simpler Words and Proper Word Choice:** Prefer simpler words over the more complex and choose words that have the meaning you intend (not a near-miss). For example:

Use “if” instead of “where,” “when” (unless there is a temporal element), “in the event that” or “on the condition that.”

Use “later” rather than “subsequently.” Similarly, please use “after” rather than “subsequent.”

Use “before” rather than “prior to.”

Use “under,” “by,” or “provided in” rather than “pursuant to” or “provided by.”

Use “unless” rather than “provided that.”

Unless there is a temporal element (i.e., something has to happen when an act occurs), use “on” instead of “upon” (e.g., “serve on”, not “serve upon”).

The word “where” is not to be used as a synonym for “if” (e.g., “If there are multiple parties on a side,” not “Where there are multiple parties on a side”). “When” is appropriate in some limited circumstances, but, in most cases, “if” should be preferred to “when.”

Use “a party who” rather than “a party that.”

Use “affected” rather than “impacted.”

Avoid use of the words “paragraph,” “section,” “subsection,” “subpart,” and the like when describing portions of a rule. Their use inevitably leads to inconsistency. Refer instead to “this rule,” “Rule 16(b),” or, if the same rule, “(b)” (i.e., the relevant subpart).

- 7. “Of” Phrases:** Minimize the use of “of” phrases. Use possessives if needed.

Use “Supreme Court clerk” rather than “clerk of the Supreme Court.”

Use “superior court clerk” or “clerk” rather than “clerk of the superior court.”

Say “Commencing Proceedings” rather than “Commencement of Proceedings.”

Say “after counsel’s appointment” rather than “after appointment of counsel.”

Say “Supreme Court justices” rather than “justices of the Supreme Court.”

Say “opposing counsel’s response” rather than “the response of opposing counsel.”

Say “court’s order” rather than “the order of the court.”

8. **“By” Phrases:** Similarly, minimize the use of “by” by putting the subject in front of the verb. Thus, say “unless the court orders otherwise” rather than “unless otherwise ordered by the court”

9. **The Active Voice:** Use the active voice, i.e., the subject of the sentence is performing an action, which is reflected by the verb.

➤ **Example – Current Rule 2(B):** “Any party shall be entitled to request a change of judge as a matter of right.”

As revised (draft Rule 6(b)): “Every party has a right to request a change of judge.”

➤ **Example -- Current Rule 39(C):** “No attorney shall be permitted to withdraw, or be substituted, as attorney of record in any pending action except by formal written order of the court...”

As revised: “An attorney may withdraw or be substituted as attorney of record in a pending action only by written court order...”

➤ **Example -- Current Rule 78(C):** “The petition and notice of hearing shall be served by the person seeking custody in any manner reasonably designed to ensure the attendance of the parties at the hearing...”

As revised: “The person seeking custody must serve the petition and notice of hearing in any manner reasonably designed to ensure the parties’ attendance at the hearing...”

10. **Comments:**

(a) ***Deletion of No Longer Useful Comments:*** In reviewing a rule, consider whether any of the comments can be profitably deleted altogether. Some of the comments may no longer be accurate or are of historical use only.

(b) ***Insertion of a Comment into the Rule:*** If a comment sets forth a requirement not found in the rule and you decide that the requirement is worth retaining, consider adding the requirement to the rule’s text.

- (c) ***“Applicability” Notes:*** Delete notes entitled “Application,” which generally indicate that a rule is not applicable during certain time periods that have long ago expired.
- (d) ***Placement of Comments:*** In all cases, if a comment still has currency, it should appear after the end of the rule, not after a subpart.

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RULES OF PROCEDURE FOR THE JUVENILE COURT

Effective April 15, 1970

Revised Oct. 27, 2000, effective Jan. 1, 2001

Including Amendments Received Through November 1, 2018

See Arizona Revised Statutes Annotated, Volume 17B for comments and judicial constructions.

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Application

Rules 9 through 35 shall apply to cases in which the offense occurred on January 1, 2001; Rules 36 through 66 shall apply to cases filed on January 1, 2001; and, Rules 67 through 87 shall apply to actions commenced or after January 1, 2001.

PART I. GENERAL PROVISIONS

Rule 1. Applicability; Definitions; Required Format of Stipulations, Motions and Orders

A. These rules govern the procedure for all matters in the juvenile court, including delinquency, incorrigibility, diversion, dependency. Title 8 guardianship, termination of parental rights and adoption.

B. Reference made to a child, youth, minor or juvenile means a person under the age of eighteen (18) years. For purposes of this rule, "juvenile" also includes a person under the age of nineteen (19) years, if the juvenile was retained jurisdiction over the person pursuant to A.R. 202(H).