Juvenile Rules Task Force

Public Meeting, August 21, 2020
(Members and guests attending telephonically)

Meeting Minutes

Members attending: Hon. Rebecca Berch (Chair), Hon. Mark Armstrong, Professor Barbara Atwood, Beth Beckmann, Beth Beringhaus, Dale Cardy, Kathleen Coughlin, Maria Christina Fuentes by her proxy Steve Selover, John Gilmore, Magdalena Jorquez, Hon. Joseph Kreamer, Tina Mattison, Donna McQuality, Eric Meaux, William Owsley, Christina Phillis, Hon. Maurice Portley, Hon. Kathleen Quigley, Beth Rosenberg, Denise Smith, Denise Avila Taylor, Hon. Patricia Trebesch, Edward Truman, Kent Volkmer, Hon. Rick Williams, Hon. Anna Young (all members present)

Guests: Nina Preston, Carey Turner, Shari Andersen Head

AOC Staff: Caroline Lautt-Owens, Joe Kelroy, Mark Meltzer, Angela Pennington

1. Call to order; preliminary remarks; approval of meeting minutes. The Chair called the ninth Task Force meeting—its fourth consecutive virtual meeting—to order at 10:01 a.m. The Chair will monitor further health and safety developments and determine whether future Task Force meetings should be virtual. She noted that workgroups met 9 times after the July 17 Task Force meeting, averaging more than 8 attendees per meeting, and the Editorial Group met once.

The Chair reviewed materials for today's meeting. In addition to the draft July 17 meeting minutes and the rules on today's agenda, the materials included A.R.S. § 8-847, which is pertinent to the discussion of Rule 41.2, and a table prepared by staff that shows ICWA references in the current rules. Staff's August 19 email to members included links to two recent Division One decisions. The opinion in *Wilson v Higgins* addressed the issue of whether deleted text in a restyled rule was purposeful and suggestive of a substantive change. The case is still pending on a petition for review. The other link was to a memorandum decision, *Yvette L. v DCS*, which vacated a trial court termination order because it was not supported by specific factual findings based on the record. Staff attached to his August 19 email two law review articles provided by Mr. Owsley concerning his pending presentation on the appointment of counsel and GALs for children in dependency proceedings. Staff also attached a one-page progress summary, version 08.21.2020, which shows that as of the conclusion of the July 17 meeting, 60 rules and one form had been approved; however, a few previously approved rules re-appear on today's agenda.

Next, the Chair asked members to consider draft minutes of the July 17, 2020 Task Force meeting. There were no corrections to the draft.

Motion: A member moved to approve the July 17, 2020 meeting minutes. The motion received a second and it passed unanimously. **JRTF 009**

The Chair then requested reports from the workgroups.

2. Report from Workgroup 1.

Rules 88-102 ("the emancipation rules"). Mr. Volkmer presented the emancipation rules, which comprise Part V of the current Juvenile Rules. Unlike most other juvenile proceedings, which are governed by Title 8 statutes, emancipation is governed by Title 12. Mr. Volkmer noted that some of the current rules are as short as a single sentence. Although the substance of the 15 current rules is generally correct, he described these rules as unnecessarily segmented and choppy. Mr. Volkmer and the workgroup therefore consolidated and reorganized these 15 rules, and as a result there are 5 proposed rules (Rules 88-92). The reorganization improves the flow of the rules. Mr. Volkmer added that two provisions in the current rules were omitted in the reorganization: Rule 90(A), a single sentence rule concerning venue, because it's also covered in current Rule 94(A), now Rule 89(a); and Rule 91(A) that says "the parties may participate in the court proceedings on the parties [sic] own behalf or be represented by counsel chosen independently by the individual party," because this is so basic it doesn't require a rule.

Mr. Volkmer noted that draft Rule 88 ("emancipation generally"), section (c), gives the court discretion to report an allegation of abuse or neglect to DCS. The corresponding provision in current Rule 96 uses the word "shall" but members supported using the word "may" in the draft provision. Section (d) gives the court discretion to appoint a guardian ad litem for the petitioner. A member proposed changing this to "attorney or guardian ad litem." A judge member, after first noting there were fewer than two dozen emancipation petitions in Maricopa County last year, opposed this because, unlike a dependency that requires the court to appoint counsel for children, a juvenile seeking emancipation asks to be treated as an adult, and petitioners validate the request for emancipation by appearing on their own behalf. Another judge member noted that although the statute permits appointment of a GAL, there is no statutory provision authorizing, or providing payment for, an attorney in an emancipation. On a straw vote, only one member supported adding the words "attorney or…." Mr. Volkmer noted that the draft of section (d) omitted a current sentence that says, "The guardian ad litem may be an attorney, volunteer special advocate, or other qualified person." Members then requested clarification that a GAL appointed under section (d) must be an attorney, but the definition of guardian ad litem in draft Rule 2 already does that. Members also discussed whether to retain draft Rule 88(f) ("fee reduction or waiver"). On the one hand, if the petitioner cannot afford the filing fee, the petitioner might not be financially self-sufficient, and emancipation would be inappropriate. On the other hand, a fee reduction or waiver provision is included in

A.R.S. § 12-2451(F); and there might be special situations warranting a fee waiver or reduction. Accordingly, members retained this provision.

Finally, members discussed draft Rule 91 ("proceedings after service of the petition"), section (e), subpart 2 ("parent or guardian"). Members clarified the provision, which requires a parent who filed an objection to a petition to attend the hearing; otherwise, the parent's attendance is optional.

Members approved the draft emancipation rules with these modifications. Judge Kreamer observed that the approved rules provide readers with improved, common sense guidance on emancipation proceedings, and he commended Mr. Volkmer for his work on these rules.

3. <u>Report from Workgroup 2.</u> Workgroup 2 presented its rules next.

Rule 29 ("adjudication hearing"). Ms. Phillis presented Rule 29. She characterized the workgroup's revisions to this rule as a restyling, albeit with some reorganization but without substantive changes. She then reviewed each section of the draft. She noted that in section (d) ("procedure") the workgroup deleted provisions requiring that "the adjudication hearing be as informal as the requirements of due process and fairness permit" and that the adjudication proceed in a manner similar to the trial of an action without a jury, because those principles are now contained in restyled Rule 3(b) ("informality"). Regarding section (d), subpart (1) ("amendments to conform to evidence"), Ms. Phillis explained that amendments are permitted "to correct mistakes of fact or to remedy formal or technical defects," such as an incorrect address or a misspelled name, but the rule would not permit substantive amendments to the allegations. Section (f) ("disposition") requires the court to set a disposition hearing after a finding of delinquency. Rule 29 does not specify the time limit for the disposition hearing; instead, that will be addressed in Rule 30 on dispositions. However, Rule 29(a) ("time limits") specifies the time limit after the advisory hearing when the court "must hold" an adjudication hearing. A member noted that this draft does not allow the court to exceed those limits, even when the juvenile waives time. According, members added to subparts (b)(1) ("detained juvenile") and (b)(2) ("juvenile not detained") the words "unless the juvenile waives time." Members approved Rule 29 with these modifications.

Rule 33 ("disposition of non-felony offenses") and Rule 22 ("referral; diversion"), section (c) ("citation"). Mr. Cardy presented these two rules. Notwithstanding its inapt title, the subject matter of current Rule 33 is citations, more specifically, initiating a case by an Arizona Traffic Ticket and Complaint ("ATTC"). Because the subject of Rule 33 concerns case initiation, the workgroup proposed deleting Rule 33 and relocating its substance to Rule 22, within a new section (c) titled "citation." Rule 22(d), which concerns diversion, provides that diversion is a way of resolving a referral without filing a petition. However, the workgroup wanted to assure that a case could be diverted even after the filing of a citation. Accordingly, the workgroup added a sentence to section (c) that says, "Notwithstanding the filing of a citation, a juvenile who is cited may be diverted by the

prosecutor pursuant to section (d)." During the ensuing discussion, a member noted that draft Rule 26(a) requires the parent or guardian to be notified of the filing of a petition, but current Rule 33 and draft Rule 22(c) require only that the juvenile be served with the citation. Members acknowledged this anomaly, but they made no changes to Rule 22(c) to address it. They approved the deletion of Rule 33 and the inclusion of new Rule 22(c) as presented.

4. Workgroup 3. Workgroup 3 revisited Rules 41.2 and 42. It also made its initial presentations of Rules 43.1, 48, 48X, and 48.1.

Rule 41.2 ("participant's rights"). Judge Quigley's previous presentation of this rule raised issues concerning the application of A.R.S. § 8-847. In response to those issues, the workgroup thereafter added to section (a) ("right to notice") a new subpart (3) that requires DCS, if it is a party, to give notice "for any periodic review hearings under A.R.S. § 8-847, [to] any placements where the child has resided for more than 10 days during the past 6 months." Members observed that this provision appears to overlap with current Rule 58(B) ("review hearing/notice") and whatever the corresponding provision might be in the draft rules. Members also discussed the potential conflict between Rule 41.2, which requires DCS to provide notice, and the statute, which imposes that duty on the court. Although draft subpart 41.2(a)(3) is consistent with current Rule 40(I) ("attendance at hearings/notice in cases with regard to children in foster care"), a minority of members believed a rule that requires the DCS to give notice necessitates a statutory change. Another member contended that (a)(3) does not supplement the statute but rather supplants it. Judge Quigley noted that whereas Rule 41.2 and current Rule 40(I) concern a DCS duty to provide notice, Rule 58 concerns the court's duty to do so, and both provisions in tandem promote the judiciary's interest in providing actual notice of these proceedings to interested participants. Other members observed that DCS would have better knowledge than the court about the names and addresses of potential adoptive placements, which supports a rule that imposes this duty on DCS.

After further discussion, members agreed to the following changes. In subpart (a)(2), the words "any relative" were moved to follow rather than precede pre-adoptive placement (i.e., "pre-adoptive placement or any relative"). In section (e) ("review hearings"), the word "supplement" was replaced by the words "does not limit" ("this rule does not limit ~~supplements~~ the notice requirements of A.R.S. § 8-847(B) regarding periodic review hearings.") The Chair added that the Task Force's rule petition should note the issue of who has a duty to provide notice, and the potential need for a legislative amendment if the Court adopts this draft rule.

At a later point in the meeting, a member asked whether Rule 41.2 should include a reference to ICWA, because periodic reviews might trigger ICWA notice provisions. The Chair directed Workgroup 3 to address this question and to propose the addition of an ICWA reference if the workgroup believes one is appropriate.

Rule 42 (currently, "telephonic testimony, video conferencing," and as now proposed, "telephonic testimony, videoconferencing, declared emergencies"). Judge Quigley began her presentation of this draft rule by noting that it significantly expands the current rule on this subject, which is only two sentences. She also noted that today's draft rule was produced by an informal workgroup led by Maricopa Superior Court Judge Sara Agne; JRTF member Chris Phillis participated in the workgroup. At the start of Judge Quigley's presentation, a member proposed substituting the word "virtual" in the title of the rule and throughout its provisions. The member explained that technology changes occurring in the next few years might render the term "telephonic" archaic, and "virtual" is a more inclusive and farsighted term. Members agreed with the member's proposal, and with another suggestion to add the word "digital" to the definition in section (b), because digital more accurately describes a connection to online proceedings. Judge Quigley said that although draft Rule 42 was initially modeled on Family Law Rule 8, the changes noted above as well as the addition of section (f) ("evidentiary proceedings during declared emergencies") make draft Rule 42 significantly different from FLR 8.

Judge Quigley then reviewed each section of draft Rule 42. She emphasized the importance of due process determinations, a subject that first appears in section (a) and continues in other sections of the rule. Section (d) (now, "request to testify by a virtual appearance; evidentiary proceedings") includes a presumption in subpart (1) that "evidentiary hearings will be conducted in-person" unless section (f) applies. Subpart (d)(2) contains specified time limits in advance of a hearing for making a request for virtual testimony. In section (e) ("introducing documents during virtual testimony"), members added the words "previously disclosed" before the word "exhibits" to clarify that a party who wants to introduce documents during virtual testimony must not only provide those documents before the hearing to opposing parties, but also must have previously disclosed the documents under the disclosure rule.

Section (f) addresses evidentiary proceedings during emergencies declared by the governor. The section includes a detailed process in subpart (f)(2) for making case-specific due process determinations. Among other things, that subpart requires the court to find that "each person will be audible and visible to every other person participating in the proceeding." Members posed questions during the ensuing discussion, such as the following. How can each person be visible if one or more persons appear by telephone only (such as an appearance by a prison inmate, who might only have telephonic access)? Does the judge need to recess the proceeding if the video function is lost during the hearing, even if the audio function is still operable? What if only one person loses the video connection, but is still able to hear and be heard? Members generally believed the hearing judge should address these issues on a case-by-case basis, and they made no changes to the draft. However, one member suggested adding a requirement that the court make a finding that the circumstances of the virtual proceeding "will not substantially prejudice any party." The Chair asked the workgroup to consider this suggestion and to give the issue further consideration. Finally, in subpart (f)(2)(E), members agreed to remove the words "in open court" ("the court must admonish

witnesses and attendees ~~in open court~~ that the virtual evidentiary proceeding will proceed…") inasmuch as those words are unnecessary because there will be no witnesses or attendees in the courtroom during an emergency.

Rule 43.1 ("change of venue"). Judge Quigley presented Rule 43.1, which has no analog in the current rules. She explained that this new rule is beneficial because the current rules lack a procedure for transferring the venue of a case, and transfers are occasionally done now without prior notice to the court in the receiving county, which is problematic. She then reviewed each section of the draft. In response to a question regarding section (b) ("factors"), Judge Quigley advised that "any other factor that promotes the interests of justice" could encompass an ICWA factor. Section (c) ("procedure in the sending county") requires the sending court to set a hearing on a change of venue, regardless of whether the motion is by a party, by the parties jointly, or by the court. Section (c) also requires the sending court to contact the receiving court before that hearing and obtain a conditional court date in the receiving county. The date is conditional on the sending court granting the motion to change venue. If the sending court grants the motion, it must advise parties at the hearing of the date and location of the first court proceeding in the receiving county. Section (d) ("procedure in the receiving county") requires that county, upon receipt of an order changing venue, to assign a new case number and, if necessary, appoint new counsel and endorse former counsel on its order or minute entry. Former counsel must share the client's file with new counsel and then withdraw from the case. Section (e) ("request pending hearing") provides the sending court options when a motion to transfer is made when an initial, adjudication, or publication hearing is pending.

Regarding section (c), a member from a rural county advised that the court will not set a court date on a transferred matter until it has assigned a new case number, and it won't assign a case number until it has received a transfer order. Given that procedure, the member questioned whether the process in section (c) is practical. Judge Quigley advised that a judicial assistant in the receiving county should simply reserve the date on the judge's calendar; the date would not need to be entered in that court's case management system until the receiving county is provided with the transfer order. Judge Young added that if the receiving county has multiple courthouse locations and judges, the sending county will know which judicial assistant in the receiving county to contact because juvenile judges statewide have collaborated on the preparation of a comprehensive contact list for transfer purposes. A transferred case might also be permanently reassigned after the first proceeding in the receiving county. Members made minor edits to the rule: in section (a), the words "Title 8" were added before the word "guardianship," in section (d), the words "14 days of receipt" were changed to "14 days after receipt," and in other sections, lists in the subparts were formatted with semicolons rather than periods after each item. Members approved Rule 43.1 with these changes.

Rule 48 ("petition, temporary orders and findings, notice of preliminary protective hearing, amended petition"). Judge Young, who presented this rule, noted at the outset that the workgroup removed the lengthy provisions on service in current Rule 48(E) and relocated those provisions to a new rule provisionally numbered 48X, discussed below. Draft Rule 48(a) ("form and content of a petition") uses the word "verification" rather than "oath" because A.R.S. § 8-841(C) refers to a verified petition. In section (b) ("temporary orders and findings"), the workgroup added the word "other" ("other findings required by law"). Section (c) ("setting a preliminary protective hearing") is new and derives from A.R.S. § 8-824(A). Members added to section (c) the second sentence of that statutory provision: "If clearly necessary to prevent abuse or neglect, to preserve the rights of a party or for other good cause shown, the court may grant one continuance that does not exceed 5 days."

Section (d) ("notice of the preliminary protective hearing") originated from current section (C) ("notice of hearing"). However, the opening clause of the section, which is currently "in addition to information required by law," now says, "in addition to information required by A.R.S. § 8-841(E), …." The draft also reorganizes the content of this section. Section (e) ("amended petition") is based on section (E) of the current rule, which permits the court to order an amendment "no less than thirty (30) days prior to trial unless good cause is shown." Members discussed a workgroup proposal about shortening this time to 20 days before trial. Members concluded that the shortened time would impair the other party's ability to adequately prepare for trial and could also adversely impact the time for submitting a pretrial statement. The time therefore continues to be 30 days. Members agreed to add a new sentence to this section that says, "leave to amend must be freely given when justice requires," a principle that is codified in Civil Rule 15(a). The last sentence of draft section (e) provides that "an amended petition must be served under Civil Rule 5(c)." This differs from the current rule, which requires service of amended petition under Civil Rule 5(c) only when a petition is "amended to add allegations against a parent not set forth in the original petition."

Members approved Rule 48 as modified.

Rule 48X ("service of the dependency petition, temporary orders, and notice of hearing"). Judge Quigley, who presented Rule 48X, reminded members that this draft rule is based on current Rule 48(E) ("service of the petition"), but it is significantly restyled and reorganized. Although service is required as provided by the Civil Rules, in section (a) ("service under Civil Rules 4(f), 4.1, and 4.2") members added a new subpart (3) with the provisional title "no responsive pleading to the petition is required." As the title of section (a) indicates, this section now includes a reference to Civil Rile 4(f) ("accepting or waiving service; voluntary appearance").

Members discussed several issues arising under this rule. First, and unlike the Civil Rules on service, current Rule 48(E) and draft Rule 48X provide a new category of "service within Arizona but outside the county." These rules provide that in the county, a petition must be personally served, but outside the county yet within the state, it may

be served by mailing or by a national courier service with a return receipt. Members discussed whether service anywhere in Arizona should be the same, regardless of the county of service, but they nevertheless agreed to leave this other method of service in the draft rule.

Members also had a lengthy discussion of section (b), which allows service of the case-initiating documents at a court proceeding. Anecdotally, service is frequently accomplished in that manner, and parents' counsel typically acquiesce in such service. Members revised the title of the section governing this method of service; it is now "completing service at a court proceeding." The provision provides that service is complete when the petition and temporary orders are provided to the parent, guardian, or Indian custodian at the preliminary protective conference or the preliminary protective hearing. If service is made outside the confines of a proceeding, for example, in the hallway outside the courtroom or in a building lobby, the parties will then confirm on the record during the proceeding that service was completed, or counsel can accept service. If there is an issue regarding service, a party can raise it at the proceeding.

Section (f) ("service on an incarcerated person") is a new section that is derived from Family Law Rule 41(g) ("serving an incarcerated person"). The draft provision has a belt-and-suspenders requirement of service on an institutional official plus mailing the documents to the inmate. A member objected to allowing service in this manner because even with these requirements, the inmate might not receive actual notice and could be at risk of losing parental rights. This member would prefer that service on the inmate be accomplished by a process server, who the member said routinely serve process at jails and prisons. Members from at least three counties observed that when it appears from the pleadings that a parent is incarcerated, the court typically and promptly appoints counsel, who can then assure that the incarcerated client has knowledge of the proceeding. Accordingly, members made no change to section (f).

In draft section (h) ("service under ICWA"), members removed several words (i.e., "an Indian child ~~as defined by ICWA~~") because the draft rules already define an "Indian child." Section (h) permits service by registered or certified mail. Professor Atwood again noted that registered mail is required under Arizona statutes, but certified mail is also permitted under the Regulations, and she suggested that the statutes be amended to conform to the Regulations. Members agreed to retain the comment to this rule, which will have the title "comment to 2022 amendments." They also agreed to remove the first few words ("the committee concluded that") because it will be a Court comment rather than a committee comment. With these changes, members approved Rule 48X.

Rule 48.1 ("in-home intervention"). Mr. Truman, who presented this rule, began by noting that although in-home interventions occur in some counties, they are relatively infrequent. He also said that the objectives of the workgroup's draft were to adhere to statutory provisions while also providing as much flexibility as possible for the court's application of those provisions.

In section (a) ("generally"), the workgroup added references to the criteria established in A.R.S. § 8-891 and subpart (b)(2) of this rule. Section (b) ("procedure") refers to Form 1A, but Mr. Truman acknowledged that the workgroup has not yet considered the content of that form. The current rule provides that if the parent does not agree to in-home intervention, the court may order "the appropriate party" to file an amended petition; the draft changed this to "the petitioner." The findings in subpart (b)(2) are required by statute. One member asked how the FFPSA will affect in-home intervention. This is a matter that will require the workgroup's further consideration and Ms. Jorquez will make additional inquiries. The workgroup modified the report requirement in subpart (b)(3) to accommodate filing the report sooner than the one-year deadline; a judge might request earlier reports. This subpart also provides a one-year period for completing in-home intervention, but the current rule does not specify when the year begins to run. The draft removes this ambiguity by providing that the period runs "from the date of the filing of the petition." Subpart (b)(4) ("non-compliance") of the current rule says that if removal is contested, the court "shall order" the filing of an amended petition; the draft rule provides that the court "may allow" the filing of an amended petition in that circumstance. This subpart also requires the court to set a dependency adjudication hearing; although neither the current provision nor this subpart specify a time for setting that hearing, members did not believe it was necessary to add a specified time. Approval of this rule will abide the follow-up described above.

5. **Workgroup 4.** Workgroup 4 presented three rules.

Rule 74 ("motions"). The adoptions rule on motions that Professor Atwood presented at the July 17 Task Force meeting simply cross-referenced the provisions of dependency Rule 46 on motions. It became apparent during the discussion of that version that the shortcut was inadequate, and today Professor Atwood presented a revised version of Rule 74 that is organized more like the current rule. She noted that this version, unlike Rule 46, does not include a provision on summary judgment motions, but neither does current Rule 74. On the other hand, the first five sections of draft Rule 74 ("form, filing, response, court ruling," and "motion to continue") include content that is similar to the corresponding provisions in Rule 46. She also observed that the time provisions (respectively, one year and 6 months) in draft Rule 74(f) ("motion to set aside judgment") concerning motions under Civil Rule 60 differ from the analogous time provisions in Rule 46 (6 months and 3 months). Section (f), unlike current section (E) ("motion to set aside judgment") includes references to federal ICWA statutes.

The members' discussion of draft section (f) included consideration of A.R.S. § 8-123. The statute provides, "After one year from the date the adoption decree is entered, any irregularity in the proceeding shall be deemed cured and the validity of the decree shall not thereafter be subject to attack on any such ground in any collateral or direct proceeding." Draft section (f) requires a party to file motions that raise specified grounds under Rule 60 "within one year of the final judgment." If such a motion is filed, for example, 50 weeks after entry of the judgment, can the court rule on it three weeks

later, or under the statute, would it be too late to grant the motion? Members did not conclude that the court would lose jurisdiction after one year, but they thought the application of the statute under this scenario was ambiguous, and it would be helpful if the legislature clarified the statute. To provide some further clarity, members added to section (f) a sentence that says, "the court may not extend these [Rule 60] time limits." Professor Atwood also noted additional time requirements under ICWA, and the members added another sentence to this section that says, "If the child is an Indian child, the provisions of ICWA §§ 1913 and 1914 apply." Members approved Rule 74 with these modifications.

Rule 76 ("service of process") and Rule 79.1 ("service of the petition to adopt and notice of hearing"). Judge Portley presented these rules. He noted that current Rule 76 precedes current Rule 79 ("petition to adopt"), but logically, these two rules should be adjacent. Accordingly, the workgroup proposed abrogating Rule 76 but relocating its content to a new Rule 79.1. Judge Portley also noted the workgroup's change to the title of the new rule, which more accurately describes the content of Rule 79.1. Members agreed with these workgroup proposals.

To be consistent with changes to Rule 48X(a), Rule 79.1(a) ("generally") includes two new subparts: (1) "no summons," and (2) "petitioner and respondent," which are useful for clarifying in adoption cases the application of the referenced Civil Rules on service. However, Rule 79.1(a) does not include a third subpart of Rule 48X(a) that instructs that no response to the dependency petition is required, because responses in the form of objections to adoption proceedings are common. On that point, members added to Rule 79.1 a new section (b) ("objections"), which says, "any person objecting to the petition must promptly file an objection before the hearing." Members agreed to use the words "any person" rather than "party" because the objecting individual might be, for example, a relative who has not filed a formal motion to intervene. Members declined to specify in section (b) a time within which an objection must be filed because objections are occasionally filed as the hearing date approaches. However, the word "promptly" was included to encourage the early filing of objections. In draft section (c) ("persons to serve"), members deleted an illogical requirement that the petitioner serve the petition and a notice of hearing on the petitioner him- or herself. Draft section (d) includes provisions for service when the child is an Indian child. Members approved the draft rule as modified.

ICWA. During the discussion of draft Rule 79.1(d), members asked about the appropriate form of citation to ICWA references. For the time being, they agreed that "CFR" should appear without periods after each letter. Workgroup 4 will consider a uniform system of citing provisions of ICWA and the Regulations throughout the draft rules. Staff also prepared a table that was distributed to the members and that displays references to ICWA and the Regulations in the current rules. The table might have benefit for cross-checking the restyled rules and assuring that all the current ICWA

references have been included in the drafts. The table might be modified later to include ICWA references in the draft rules.

6. **Roadmap; call to the public; adjourn.** Because of the lateness of the hour, Mr. Owsley's presentation on revisiting several rules concerning GALs and counsel for children will be reset on a future meeting agenda. The Chair confirmed the dates for future Task Force meetings: August 21, September 25, October 23, November 20, and December 18, 2020. Most members are available for a meeting on Friday, December 4, 2020 and the Chair asked members to continue to hold that date. December 4 will serve as the target date for finalizing the draft rules. The meeting on December 18 would be devoted to reviewing the draft rule petition and ancillary documents. However, such a schedule would not allow for pre-filing vetting of the draft rules. The Chair is considering the inclusion in the rule petition of a request for a bifurcated comment period, which would permit an initial round of comments, followed by an amended petition and then a second round of comments. Alternatively, the Task Force might file a motion asking the Court to extend the petition filing deadline beyond January 10, 2021. If the Court grants the motion, the Task Force would engage in pre-filing vetting during that additional time, and this would eliminate the need for a bifurcated comment period. Although the Task Force need not decide now which alternative would be preferable, the Chair asked members to give these alternatives thought and to consider which individuals, organizations, and stakeholders the Task Force should specifically ask to review, and comment on, the draft rules.

There was no response to a call to the public.

The meeting adjourned at 4:02 p.m.