

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-17-0025
RULES 8, 37, 48, 50, 52,)
53, 54, 55, 56, 57, 58, 59, 60,)
61, 62, 63, 63.2, 64, 65, 66, 68,)
69, 76, 78, 79, 84, and RULE 85)
and TO ADOPT NEW RULE 50.1 of)
ARIZONA RULES OF PROCEDURE FOR) **FILED 12/13/2017**
THE JUVENILE COURT)
)
)
)
_____)

**ORDER AMENDING RULE 64(D), ARIZONA RULES OF PROCEDURE FOR THE
JUVENILE COURT**

In an order filed August 10, 2017 in this rule matter, the Court amended various Rules of Procedure for the Juvenile Court, effective August 10, 2017. In that order, which was based on the petition filed in R-17-0025, the second paragraph of Rule 64(D) was inadvertently omitted. Therefore, upon consideration,

IT IS ORDERED that Rule 64(D), Arizona Rules of Procedure for the Juvenile Court, be amended in accordance with the attachment hereto, effective retroactively to August 10, 2017.

DATED this 13th day of December, 2017.

_____/s/_____
SCOTT BALES
Chief Justice

TO:
Rule 28 Distribution
David K Byers
David L Withey

ATTACHMENT¹

ARIZONA RULES OF PROCEDURE FOR THE JUVENILE COURT

Rule 64(D). Service. Under the Regulations, if the motion or petition alleges or the court has reason to believe know the child at issue is an Indian child as defined by ICWA the Indian Child Welfare Act, in addition to service of process as required by this rule, notification shall be given to the parent, Indian custodian and the child's tribe or tribes. Notice shall be provided by registered or certified mail with return receipt requested. If the identity or location of the parent or Indian custodian cannot be determined, notice shall be given to the Secretary of the Interior by registered or certified mail and the Secretary of the Interior shall have fifteen (15) days after receipt to provide the requisite notice to the parent or Indian custodian and the tribe.

The notice shall advise the parent or Indian custodian and the tribe of their right to intervene. No hearing shall be held until at least ten (10) days after receipt of notice by the parent or Indian custodian and the tribe or the Secretary. The court shall grant up to twenty (20) additional days to prepare for the hearing if a request in made by the parent or Indian custodian or the tribe.

1. Waiver. The parent, Indian custodian or the child's tribe may waive the ten (10) day notice requirement for purposes of proceeding with the initial termination hearing within the time limit provided by state law.
2. Motion. The motion for termination and notice of hearing shall be served by the moving party upon the parties and any other person as provided by law, pursuant to Rule 5(c), Ariz. R. Civ. P. at least ten days prior to the initial termination hearing.
3. Petition. The petition for termination of parental rights and notice of hearing shall be served by the petitioner upon the parties and any other person as provided by law, pursuant to A.R.S. 8-535, in the manner provided for in Rules 4.1 or 4.1, Ariz. R. Civ. P.

¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by strikeouts.