



**MINUTES**

*Arizona Supreme Court*  
Wednesday, December 12, 2018

En Banc

**R-18-0005**  
(1)

**RULE 123, RULES OF THE SUPREME COURT et al**

WOULD PROVIDE GUIDANCE TO THE CUSTODIAN OF RECORDS ON APPROPRIATE ACCESS TO JUVENILE CASE RECORDS BASED ON THE ROLE OF THE REQUESTER AS TO THE CHILD(REN)

ORDERED: Petition to Amend Rule 123, Rules of the Supreme Court of Arizona; Rules 19, 47, 75 & 86, Rules of Procedure for the Juvenile Court = ADOPTED AS MODIFIED, effective January 1, 2019.

**R-18-0026**  
(2)

**CRIMINAL RULES 24.3 & 26.12/TRAFFIC RULE 26.12**

WOULD AUTHORIZE COURTS TO MITIGATE CERTAIN MONETARY FINES, ASSESSMENTS, AND PENALTIES AFTER SENTENCING IN CRIMINAL AND CIVIL TRAFFIC CASES

ORDERED: Amended Petition = ADOPTED, effective January 1, 2019.

**R-18-0028**  
(3)

**RULES 26.11, 29, 30 and 41, CRIMINAL PROCEDURE**

WOULD AMEND CRIMINAL RULES 26.11, 29, 30, AND 41 TO CONFORM TO LEGISLATIVE CHANGES RE: PROCESS TO SET ASIDE A CONVICTION PROPOSED BY FAIR JUSTICE FOR ALL TASK FORCE

ORDERED: Petition to Amend Rules 26.11, 29, 30 and 41, Arizona Rules of Criminal Procedure = ADOPTED on a permanent basis.

# MINUTES

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**R-18-0029**  
(4)

## **RULES 1 and 31, RULES OF JUVENILE COURT**

WOULD MODIFY JUVENILE COURT RULES TO RETAIN JURISDICTION OVER A PERSON AGED AT LEAST 17 WHO HAS BEEN ADJUDICATED DELINQUENT UNTIL AGE 19 UNLESS THE COURT TERMINATES JURISDICTION EARLIER OR DEPARTMENT OF JUVENILE CORRECTIONS DISCHARGES HIM/HER EARLIER

ORDERED: Petition to Amend Rules 1 and 31, Rules of Procedure for the Juvenile Court = ADOPTED on a permanent basis.

**R-18-0030**  
(5)

## **RULE 47.3, RULES OF JUVENILE COURT**

WOULD MODIFY RULE 47.3 TO IMPLEMENT AMENDMENTS TO ARS § 8-821 ENACTED BY LAWS 2018, CH. 191, ALTERING THE STANDARD OF PROOF FROM "REASONABLE CAUSE" TO "PROBABLE CAUSE"

ORDERED: Petition to Amend Rule 47.3 of the Rules of Procedure for the Juvenile Court Concerning Child Removal = ADOPTED on a permanent basis.

**R-18-0031**  
(6)

## **RULES 4.2 and 7.2, RULES OF CRIMINAL PROCEDURE**

WOULD MODIFY CRIMINAL RULES 4.2 AND 7.2 TO CONFORM WITH RECENT CHANGES IN THE BAIL LAWS

ORDERED: Petition to Amend Rules 4.2 and 7.2, Arizona Rules of Criminal Procedure = ADOPTED on a permanent basis.

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R-18-0033  
(7)

## RULE 8.1, RULES OF CIVIL PROCEDURE

THIS PETITION REQUESTS PERMANENT ADOPTION OF, AND AMENDMENTS TO, RULE 8.1 OF THE ARIZONA RULES OF CIVIL PROCEDURE, "ASSIGNMENT AND MANAGEMENT OF COMMERCIAL CASES"

ORDERED: Expedited Consideration Requested = GRANTED.

FURTHER ORDERED: Petition to Permanently Adopt and Amend Rule 8.1, Arizona Rules of Civil Procedure = ADOPTED, effective January 1, 2019.

FURTHER ORDERED: the amendments to this rule shall apply to all cases commenced on or after January 1, 2019 and to all cases pending before that date, except the \$300,000 minimum in amended Rule 8.1(c) shall not apply to cases pending before January 1, 2019.

# MINUTES

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R-18-0039  
(8)

## RULE 28.2, RULES OF PROBATE PROCEDURE

WOULD PRESERVE THE DEFAULT OF NO JURY TRIAL UNLESS REQUESTED IN PROBATE GUARDIANSHIP AND CONSERVATORSHIP MATTERS, CONSONANT WITH TITLE 14, A.R.S.

ORDERED: Petition to Adopt Rule 28.2, Arizona Rules of Probate Procedure = ADOPTED, effective January 1, 2019.

FURTHER ORDERED: Opening for comment, with comments due by May 1, 2019, and any reply due by June 1, 2019, in accordance with Rule 28(B)(2), Arizona Rules of the Supreme Court.



The foregoing action was taken by the Arizona Supreme Court on  
Wednesday, December 12, 2018.

Scott Bales

Date: 12/12/2018

Scott Bales, Chief Justice