

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
AMENDING ARIZONA CODE OF) Administrative Order
JUDICIAL ADMINISTRATION § 7-203:) No. 2017 - 104
CONFIDENTIAL INTERMEDIARY) (Affecting Administrative
) Order No. 2007-102)
)
_____)

Pursuant to the Arizona Code of Judicial Administration § 1-201(E), the Chief Justice may adopt emergency administrative code proposals and technical changes in existing code sections by administrative order without prior distribution for comment and action by the Arizona Judicial Council.

A.R.S. § 8-134(A) has been amended modifying the individuals that may utilize the confidential intermediary program. The amendment to A.R.S. § 8-134(A) has created the need for a technical conforming amendment to ACJA § 7-203(F)(3)(a)(1) – (F)(3)(a)(2),

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution and A.R.S § 8-134(I),

IT IS ORDERED that Arizona Code of Judicial Administration § 7-203 is amended as indicated on the attached document. All other provisions of § 7-203, as originally adopted, remain unchanged and in effect.

Dated this 31st day of August, 2017.

SCOTT BALES
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 7: Administrative Office of the Courts
Chapter 2: Certification and Licensing Programs
Section 7-203: Confidential Intermediary

A. through E. [No changes]

F. Role and Responsibilities of Certificate Holders. In addition to the requirements of ACJA § 7-201(F), the following provisions apply to confidential intermediaries:

1. Standards of Conduct. Each confidential intermediary shall adhere to the standards of conduct in subsection (J), A.R.S. § 8-134(I) and A.R.S. § 8-543(C).
2. Identification. When accessing files related to a search, a confidential intermediary shall provide the valid photo identification issued by the confidential intermediary program.
3. Parties. A confidential intermediary shall provide services only to those parties who are eligible pursuant to A.R.S. § 8-134(A) or A.R.S. § 8-543(B).

a. Adoption Searches.

(1) A.R.S. § 8-134(A) provides:

A. Any of the following persons may use the services of a confidential intermediary who is listed with the court:

1. The adoptive parents of an adoptee who is at least eighteen years of age or, if the adoptive parents are deceased, the adoptee's guardian.
2. An adoptee if the adoptee is at least eighteen years of age.
3. If an adoptee is deceased, the adoptee's spouse if the spouse is the legal parent or guardian of any child of the adoptee.
4. If an adoptee is deceased, any progeny of the adoptee who is at least eighteen years of age.
5. Either of the birth parents of an adoptee.
6. ~~If the birth parent of an adoptee is deceased, the parent of the birth parent.~~ The biological grandparent of the adoptee or other members of the adoptee's extended biological family.
7. A biological sibling of the adoptee if the sibling is at least eighteen years of age.

(2) A.R.S. § 8-134 further provides:

- G. On receipt of a written statement from a physician or a registered nurse practitioner that explains in detail how a health condition may seriously affect the health of the adoptee or a direct descendant of the adoptee, the court shall order the confidential intermediary program to appoint a confidential intermediary. The confidential intermediary shall make a diligent effort to notify an adoptee who has attained eighteen years of age, an adoptive parent or guardian of an adoptee who has not attained eighteen years of age or a direct descendant of a deceased adoptee that the nonidentifying information is available and shall be provided on written request.

- H. On receipt of a written statement from a physician or a registered nurse practitioner that explains in detail why a serious health condition of the adoptee or a direct descendant of the adoptee should be communicated to the birth parent or biological sibling to enable the birth parent or biological sibling to make an informed medical decision, the court shall order the confidential intermediary program to appoint a confidential intermediary. The confidential intermediary shall make a diligent effort to notify those individuals that the nonidentifying information is available and shall be provided on written request.

F(3)(b) through M. [No changes]